



CANADA

House of Commons Debates

VOLUME 135 • NUMBER 172 • 1st SESSION • 36th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Tuesday, February 2, 1999

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, February 2, 1999

The House met at 10 a.m.

Prayers

• (1005)

[*English*]

LIBRARY OF PARLIAMENT

The Speaker: I have the honour to lay upon the table the report of the parliamentary librarian for the fiscal year ended March 31, 1998.

ROUTINE PROCEEDINGS

[*Translation*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to 20 petitions.

* * *

[*English*]

PETITIONS

PROPERTY RIGHTS

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, I have a number of petitions that I have the pleasure of presenting this morning.

The first is 41 pages of petitions with the signatures of 923 concerned Canadians from Quebec, Ontario, Alberta, B.C. and my home province of Saskatchewan. For those who are keeping track, that is a total of 12,841 signatures of people who are demanding better protection of property rights in federal law.

These concerned Canadians say that there are no provisions in the charter of rights and freedoms that prevent the government from taking their lawfully acquired and legally owned property

without compensation. The petitioners are most concerned that there is nothing in the charter which restricts the government in any way from passing laws which prohibit the ownership, use and enjoyment of their private property or reduces the value of their property.

The petitioners request parliament to support my private member's bill which would strengthen the protection of property rights in federal law by amending the Canadian Bill of Rights.

FAMILY

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, the second petition I am pleased to present contains the signatures of 289 concerned Canadians who are calling on parliament to retain section 43 of the Criminal Code which affirms the duty of parents to responsibly raise their children according to their own conscience and beliefs.

The petitioners express concern that parliament continues to fund research by people who advocate its removal. The petitioners also feel that removing section 43 would give more power to bureaucrats and weaken the role of parents. The petitioners want parents to retain the primary right of raising and disciplining their children.

HEALTH CARE

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, I am also pleased to present an important petition on behalf of 216 residents of Kamsack, Saskatchewan who are concerned that freedom of choice in health care is becoming increasingly curtailed and threatened by government legislation.

The petitioners are calling for access to safe, natural health care products free of government restriction and censure. The petitioners want the definition of food to include dietary supplements in foods used for special health uses and that dietary supplements include tablets, capsules, powders and liquids that contain any of these vitamins, minerals, amino acids, herbs or other botanicals, concentrates or extracts. Only foods that are proven to be unsafe or fraudulently promoted be restricted and the burden of proof be on the government.

The petitioners want their concerns expressed that health choices will be limited.

HUMAN RIGHTS

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, the last two petitions are on behalf of 1,458 Canadians from

Supply

coast to coast who are concerned about the rights of the unborn. They request that parliament support a binding national referendum to be held at the time of the next election to ask Canadians whether they are in favour of federal government funding for abortions on demand.

• (1010)

I have the privilege of presenting these names to be added to the many thousands who have expressed their concerns not only for the unborn but for the women who undergo medically unnecessary abortions and expose themselves to the health risks inherent in this procedure.

NUCLEAR WEAPONS

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I rise to present another petition from constituents concerned about nuclear weapons in the world. They are no doubt pleased at the modest progress this House has made in this regard.

The petitioners point out that the continued existence of over 30,000 nuclear weapons poses a threat to the very existence of civilization and all humanities combined, hopes for ourselves and our children. Canada although with the capacity to build nuclear weapons has rejected that option and in so doing recognizes the futility of nuclear weapons. They pray and petition that parliament support the goal of abolition of nuclear weapons on our earth by Canada advocating the immediate dealerting of all nuclear devices and that Canada join the nations of the new agenda coalition and advocate within NATO that nuclear weapons have no militarily useful role and that additional financial support be allocated to Russia to ensure the safe and secure disarmament of its nuclear arsenal.

TAXATION

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, I am pleased to present a petition signed by a number of my constituents. They basically say their taxes are too high and pray that parliament reduce taxation, specially abolishing the GST, no more taxes on taxes, and reduce all taxes by 20%.

DIVORCE ACT

Mr. Mac Harb (Ottawa Centre, Lib.): Mr. Speaker, I present a petition signed by many grandparents across the country asking parliament to ask the government to amend the Divorce Act to include the provision as supported in Bill C-340 regarding the right of grandparent access to or custody of their grandchildren.

* * *

[Translation]

QUESTIONS ON THE ORDER PAPER

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

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[English]

SUPPLY

ALLOTTED DAY—CHILD PORNOGRAPHY

Mr. Randy White (Langley—Abbotsford, Ref.) moved:

That the government should take legislative measures to reinstate the law that was struck down by a recent decision of the Court of British Columbia regarding the possession of child pornography, even if that entails invoking Section 33 of the Constitution Act, 1982 (the Notwithstanding Clause); and

That, notwithstanding any Standing Order or usual practices of this House, and with the consent of the House Leaders, when a Minister of the Crown in proposing a motion for first reading of a Bill, states that the Bill is in response to this resolution, the second reading stage and subsequent stages of the Bill may be considered in the same sitting, including Committee of the Whole.

Mr. Chuck Strahl: Mr. Speaker, I wish to inform the House that members of the Reform Party will be dividing their time throughout today's debate.

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, this motion today strikes I believe at the very moral fibre of this nation. I think we are trying to correct and at least get politicians in the House of Commons to acknowledge their responsibilities to uphold that moral fibre. That is what we will be talking about all day.

Some of my colleagues will be talking about the legalistic terms involved in this issue. Some of us will be bringing the issue closer to home.

• (1015)

I would ask that the government listen to the speeches that are made on this issue today and act. That is what we are looking.

This motion is asking for immediate legislative measures; not next year, not in six months, not action in courts, but immediate legislative measures. We ask that we reinstate a law which already existed that made it illegal to possess child pornography. We are not recreating a law, we are really establishing that moral fibre which already exists, even if that entails invoking the notwithstanding aspect of our charter of rights and freedoms and our whole Constitution.

One might ask why it is necessary that the Reform Party take a day in the House of Commons to try to get a government which has a full majority mandate in the country to do what is right in the first

Supply

place, what was already illegal in the country and to correct what has been made wrong by the eyes of one court session, one judge in the country. Why is it that the judiciary and the legal industry are rewriting and seem to be even creating the laws of our country within the courtrooms, and it is not done here in the House of Commons?

I do not believe that parents or anybody in this country understand what is going on. Have we completely in the House of Commons vacated our responsibility as those who make laws? Have we passed it over to the courtrooms? Is that what this all about?

Most people in this country today feel that the laws are not made in the House, but that they are made by people out there. They are made by those who are getting paid to take sides on issues, and that is incorrect. We have to re-establish tonight at a vote in the House of Commons at 5:30 p.m. the authority of the House of Commons. It is time for all of us to stand in the House tonight to say that the possession of child pornography is illegal.

One might think that this is the first time this has come up in the country, but it is not. I have been speaking on this issue for several years.

In February 1996 a Port Hardy, B.C. provincial court judge, Brian Sanderson, gave 57 year old Vernon Logan an absolute discharge. I spoke about that in the House some time ago. Even though Logan pleaded guilty to possessing child pornography, the judge said "The law banning child pornography violates the charter of rights because it is an infringement of one's freedom of thought, belief or opinion as unfettered access to reading materials necessary to exercise those freedoms".

I do not understand how we have gone from this court case to yet another court case and now, subsequent to the latest issue in a courtroom in British Columbia, we have other courts saying that the possession of child pornography looks like it is okay. "It is legal today, so we will let that go".

We have established an unprecedented criteria for the possession and production of child pornography. A person cannot possess child pornography unless it is produced. We must understand the consequences of those decisions.

This is not a time for politicians to walk away from their responsibility and once again ask the lawyers and judges of our country to do the job that we do not have the courage to do. It is time tonight to make that decision.

I think and I know that parents think this because our phones have been ringing off the hook: People are concerned that we condone something that is immoral. It is against all family values of all types, all sorts. It is something that cannot occur in this country.

• (1020)

If people can believe this, after that decision was made several pedophiles in the United States were communicating back and forth on the Internet. One of the comments on the Internet was "I would rather live in Canada than the United States and love children". That comment was between two pedophiles who were talking to each other on the Internet. Is that what we want Canada to be known as, a place where pedophiles can come and love children and read pornography because it is legal? Is that what the Liberal government wants for our country? I do not think so.

If it were only the Reform Party the government might say "There they go again. We should liberalize our social fibre. The Reform Party does not like it". However, I happen to know that the opposition parties are going to support the vote tonight. I happen to have 63 names from the other side who have asked the Prime Minister to petition to change the legislation re-establishing that child pornography is illegal. One of those members is the hon. member for Port Moody—Coquitlam—Port Coquitlam, who won a by-election and who also voted against his constituency on the hepatitis C issue.

We will see tonight where individuals like that stand. Do they stand for sending a letter quietly to the Prime Minister, saying that he has to change the laws, but when they stand to be counted on national television in front of everybody they will do what they are told to do? This is not about whipping the machinery of a political party into place, this is about standing up for the moral fibre of our country.

Let me tell the House what some other people think. Here are some quotes: "It is frustrating when you try to work in a system that does not support what you are doing. It sends a message to the kids that society thinks child pornography is okay". That came from Shana Chetner, youth counsellor at the Greater Vancouver Mental Health Services. She is not a politician, but somebody who works with people who have suffered as a result activities that are supported by child pornography.

Detective Bob Matthews, head of the child porn unit of the Ontario Provincial Police said "The law criminalizing possession is crucial when it comes to finding child pornographers. Removing that part of the law would be devastating to police. That is what we use to get most search warrants, and the only way we can search for evidence of selling and distributing".

Matthews also said "I cannot get my mind around how someone can say there is nothing wrong with the possession of child pornography. It always looks different when it is somebody else's child, but let a member of your family have that happen, let it be your child who has been violated to the extreme, knowing that some pedophile has been masturbating to a picture of your son or daughter being violated to such an extent. Tell me there is no harm in that".

Supply

I speak as a son, a father and on behalf of all the citizens of Langley—Abbotsford, British Columbia. I want to vote tonight on this issue. Tomorrow I want legislation in the House expressly forbidding the possession of child pornography. Why does this government and all members not stand tonight to be accounted for?

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, I know the member for Langley—Abbotsford has been an outspoken critic of the judiciary when it seems to take leave of its senses and bypasses what the expressed intent of parliament has been all along, which was to pass a judgment on the rightness or wrongness of the possession of child pornography. In other words, parliament has stepped up to the batter's box and said that it is wrong to possess child pornography. It is not just the fact that a filthy magazine is in their hands, it is the fact that children's lives have been ruined. People have been devastated to the extreme in order to create the trash that the pedophile is using. It is not just a matter of the magazine in their hands, it is the people who have been abused in order to get those sick photographs and information into those people's hands.

• (1025)

Parliament has wisely said that that will not be tolerated in this country. Somebody has to step up to protect the kids. The law of the land has to do it. That gives parents the backing they need to say they are not going to take it and they are not going to accept it because it is not in their frame of reference.

The member for Langley—Abbotsford has been critical in times past about the judiciary. In a sense the judiciary uses its own notwithstanding clause. It says that notwithstanding what parliament has done it will interpret this as just an expression of thought and will permit this stuff to be distributed. Once it is distributed, once there is a market for it, and once it can be disseminated to those sick people, then there is a market to abuse children. It is an absolute licence to say "You get the photos. I have the magazine to print them in and I can find sickos, not just in Canada but around the world, who are eager to snap this stuff up".

I would like the member for Langley—Abbotsford to expand on the role of the judiciary and, in a sense, the abuse that some of the judiciary, not all, have taken up with this activist role.

This does not only apply to the judiciary, it also applies to human rights commissioners, people who are unelected, unaccountable, who are on a salary and who take a position brought forward by an advocacy group and say "I will champion this cause on your behalf". It is not just the judges. The commissioners and the tribunals in this country have said "Parliament be damned. We will set the laws around here".

I would like the member for Langley—Abbotsford to comment on his experience in dealing with tribunals, commissions, judges

and other rulings that I think have mocked parliament and have lowered the esteem of parliament. Increasingly Canadians are asking "What is the point? That place is irrelevant because the judges will do as they darn well please". I would like the hon. member to comment on his experience because I know he has done a lot of work in that area.

Mr. Randy White: Mr. Speaker, indeed I have spent a lot of time in that area. I have spent a good deal of my political time in courtrooms and in prisons attending parole board hearings. Just last week I spent a whole day with a victim of child sexual abuse. An individual got two years, if we can believe it, for sexually abusing a young girl from the age of 10 through 18. I was in the room talking to her. This guy was trying to get out early.

What I do not want to hear today or tonight is the justice minister saying "Oh, we are going to look after it. We are going to bring in a bunch of lawyers from the federal government to intervene on an appeal court case which could last a year or more". Meanwhile, we still have the same problem out there and we could still end up with the very same decision that was made in British Columbia. That is the problem.

There should be no more legal industry involved in this. We in this House have a responsibility and an obligation to the voters, to everybody in Canada, to stand and say that child pornography is illegal and that no other court case will overturn that decision. That is the bottom line.

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Mr. Speaker, the Reform Party today has presented parliament with an opportunity. The motion we introduced today is a compelling one. It is a call for the reinstatement of the morals and values that we hold dear. The motion is a clarion call for common sense, and we emphasize the urgency of the situation.

• (1030)

The B.C. supreme court decision that made possession of child pornography no longer illegal was an affront to our sensitivities and values. It was, as some characterized it, condoning child abuse and manipulation of the innocent.

Even the Liberal Party talking points acknowledged that children are the most vulnerable members of society. The notes go on to say that the Liberal position is clear, and never more so than against the exploitation inherent in the possession, production and distribution of child pornography.

With this statement I know the Reform Party can count on our Liberal colleagues to support our motion to reinstate the law that was debased by Justice Shaw's decision, even if it entails invoking section 33 of the Constitution Act, 1982, which is better known as the notwithstanding clause.

Supply

If the government truly believes what it put in its speaking notes it will not wait for the B.C. court of appeal to rule, let alone wait for the supreme court to rule. We all know that could take a year. It is just too urgent to let this immoral decision stand for even another day. The consequences are just too stark and too frightening.

In fact one British Columbia judge has just thrown out one child pornography possession case because of Judge Shaw's ill founded, intemperate decision. Another 40 child pornography possession cases are on the books of British Columbia. Across Canada there could be hundreds which are in jeopardy, but even the fact this one case was thrown out because of this case is the reason we in parliament are debating the issue today.

Surely the government knowing this would not want to give licence to individuals to deal in this very sick behaviour. The government must know what this type of material incites. Does it want to give licence to pedophiles? I do not think so.

Section 163(1), clause 4, of the Criminal Code is clear. Every person who possesses any child pornography is guilty of an indictable offence. Judge Shaw's ruling that freedom of expression would be violated because of personal possession is an expression of that person's essential self and subsequently his invocation of the charter is offensive, negligent, deficient, abusive of children and begs for overriding by the notwithstanding clause.

Anyone in a sensible frame of mind with a scintilla of decency and values knows child pornography is harmful. Clinical study by medical experts conclude that child pornography is harmful. In fact some pedophiles show it to children to make the conduct appear normal. It is known to excite some child molesters to commit offences, and the bottom line is that children are abused in making this kind of material. It is an affront to our dignity and to all our human rights. Surely this mockery of the charter by this judge is enough to shake the government out of its lethargy.

Justice Shaw based his judgment on two articles on the issue of child pornography, one dated 1987 and the other 1988. In effect, Justice Shaw assimilated this complex medical psychological issue by reading two articles, listening to two witnesses, and he became an expert. Come on. We all know he is certainly not an expert on this issue.

Justice Shaw's distinction of highly erotic and mildly erotic was based on one paragraph from data done in 1974 and 1977. It is downright incomprehensible to think a judge could exhibit such a lack of attention to detail and studies. It is even more incomprehensible, in fact reprehensible, that this judge is not accountable for such irresponsible behaviour. Has no one every told him the community standards theory? Many judges over the years have used the community standards theory to override the charter.

Judge Shaw invokes the charter which ostensibly gave more rights to a person who likes child porn than to the child it debases. That is the crux of the motion today and the reason it is so urgent. I will say that again. He gave more rights to the person who likes child porn than he gave to the child who is abused in making it. Everyone in the House has to agree that is very sick and something we should not stand for in Canada.

What our motion does is give parliament a chance to tell this judge that we do not like his decision, that we have community standards and we do not like child porn. Parliament has the power. Let us use it today. Using the charter as the judge did is weak and inexcusable. Even in the Zundel case the court acknowledged that not all expression is equally worth protection. Did Judge Shaw that into account? Does Judge Shaw really think child porn is worthy of protection? Certainly he does in his decision.

• (1035)

Judge Shaw, in his weighing process, decided that the deleterious effects outweighed the salutary effects so the limitation on freedom of expression was not saved. In sum, he dismissed salutary effects like abuse of children and making pornography, incitement of some pedophiles to commit offences, and advocacy of the commission of sexual offences. Is that not in and of itself to limit the freedom of expression?

Judge Shaw's decision has made it open season for pedophiles to play on children and for the proliferation of child pornography. It jeopardizes hundreds of child pornography cases before the courts. As I mentioned earlier, one case has already been thrown out. A person walked free because of this decision.

It behoves us to immediately invoke the notwithstanding clause and thereby assure Canadians that possession of this type of material is still a crime in Canada. We must send a message to the type of people who use this material and to pedophiles that we find them despicable parasites which we will not tolerate.

People like Mr. Sharpe are probably watching this debate today. I saw him on TV after he was let go by Judge Shaw flouting it in our faces saying it was his right to do this, that it is his right to like young little boys. He is a despicable person and anybody like him is despicable, and we should not have any laws in the the country that allow him to get away with that.

I will talk about a petition I received signed by 70 Liberals on the other side. There are a lot of names we know well on this petition including my friend from Port Moody—Coquitlam. They signed a petition asking the Prime Minister to immediately solve the problem. Immediate does not mean next month or the month after. Immediate means today or yesterday if we could have done it.

Supply

We followed the rules of the House. Our party brought the motion today at the first possible time we could. I would have hoped the government would have done it sooner. I heard the minister say that the questions yesterday were silly. It was very offensive to me and I think offensive to most Canadians that the Minister of Justice would talk about this as being something silly. Mr. Sharpe is not somebody silly.

I had another case in British Columbia that was dismissed because of this case. That is not silly. We have to solve this problem today.

The government has the power to set our morale standards back on track. I urge the government to support the motion. It is what all Canadians want. I urge those Canadians who are watching the debate today to go to the blue pages, phone their members of parliament right now and tell their offices that they want them to vote for the motion today.

This is an important decision we will make today. It is time parliament took back control of the courts. Let us make the laws so the judges do not have any decisions in these matters. It is in the books that this is an offence. Let us make it an offence and send them to jail for five, ten, fifteen or twenty years. Let us demand it for this ugly miserable offence. I move:

That the motion be amended by inserting after the word "take" the word "immediate".

The Deputy Speaker: The debate is therefore on the amendment.

Mr. Gary Lunn (Saanich—Gulf Islands, Ref.): Mr. Speaker, I commend the member for West Vancouver—Sunshine Coast on his speech and the points he brought forward. I want him to comment on what I believe is a fundamental right. I would like his views.

• (1040)

Justice Shaw could have used section 1 of the charter to limit the rights of freedom of expression. He could have ruled that the rights of children not to be exploited sexually are far more important than the rights of pedophiles to view disgusting, disgraceful and obscene material. However he chose not to. That was his tool. Our only tool is section 33, the notwithstanding clause. I believe silence is consent. If we do not invoke section 33 we will be reinforcing his decision. It is the only tool we have to actively voice our objection to this ruling.

I would like the member's comments about the use of section 33. If we do not, we will be abrogating our responsibility by not acting or by silence. Silence is consent; we would be in fact approving it. I would like the member's comments with respect to that.

Mr. John Reynolds: Mr. Speaker, Judge Shaw's ruling that freedom of expression would be violated because of personal

possession is unbelievable. As the member just stated, section 1 of the charter allows a judge in a case like I mentioned earlier with the Zundel case to invoke that section and sentence the individual, no matter what right the offender has. This is a heinous crime against society and children.

Let me tell Canadians what the sentence for possession of child pornography is under the Criminal Code. It states that every person who possesses any child pornography is guilty of an indictable offence and is liable to imprisonment for a term not exceeding five years or an offence punishable on summary conviction. Sentences are much greater in areas such as the making of child pornography.

Justice Shaw has chosen not to use section 1 of the charter. He has chosen not to say that the crime is so heinous the other side of it for possession is not good enough. He did not do that. Yet he should have and other judges have done it in the past.

We are telling parliament to fix this law. Let us use the notwithstanding clause, section 33, which was included in the charter to give parliament that power. Section 33 gives every member of the House the right to take on the charter and say it is not good enough for Canada and it is not good enough for Canadians. That is what every member of the House has to do.

I am not a lawyer. We are very lucky in the House to have non-lawyers and lawyers. However we have read it and we have talked to some of the top lawyers in Canada. They have told us that we can insert the notwithstanding clause under this crime by a simple vote in the House today. As I said yesterday—and I will say it many times again—when the House wants to do something it gets it done. When we wanted a pay raise it took 15 minutes, all stages of the bill; everything went through.

This is a terrible issue. My colleague from Port Moody—Coquitlam signed a petition asking the Prime Minister to get something done immediately on this issue as 69 other Liberals did. Let us do it immediately. Let us pass the motion today. Let us do it right now. If I were to move that we vote right now to pass the motion we would save a lot of debate. Let us get it done now. Canadians want it done. We want people like Mr. Shaw to know that Canadians do not respect him, that parliament does not respect him, nor should they.

Ms. Eleni Bakopanos (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, on January 15 a ruling was released by a trial level judge of the Supreme Court of British Columbia striking down the prohibition in the Criminal Code against the possession of child pornography. It sparked an intense national debate. Since that day, a day has not gone by when most of us have not been confronted with someone's deep felt emotion on the matter, be it in print, in the media, in our offices here and at home, in the House, on the streets or elsewhere.

Supply

The decision has provoked strong reactions. It is difficult to understand why someone would decide that it should not be a crime to possess materials which represent the sexual abuse and exploitation of children. On the other hand, the type of rhetoric from the Reform Party is the fearmongering that has taken place in the House over and over again, saying that pedophiles are running amok in the country, that they are running loose so we should shut our children away. This is not the type of debate that should take place in the House.

• (1045)

When the minister made the comment about silly, it was on those remarks alone and not on the issues that were being debated in this House.

The type of mob mentality that is being fueled by the Reform Party in B.C. is not the type of judicial system we want in this country. Respect for the judiciary is one of the fundamental frameworks of what our democracy is all about.

[*Translation*]

While that decision had a major impact in terms of the reaction among Canadians, a large number of people do not realize that, at this point in time, the legal repercussions are limited.

Except for British Columbia, where that decision is only binding on provincial court judges, the act prohibiting the simple possession of child pornography still remains in force. In all other parts of Canada, and contrary to what hon. members have said in this House, it is illegal to have this kind of material in one's possession.

Most people find the idea that possession of child pornography could be legal in any part of the country for even a short period of time unacceptable. We share the distressing feeling that this material not only represents child sexual abuse and exploitation, but is also used in an attempt to convince the most vulnerable that it is all right to engage in sexual activities with adults.

Those who abuse and exploit children often make use of visual material such as child pornography to desensitize young people and to encourage them to perform certain acts by making them believe that their peers have taken part in similar acts.

[*English*]

It was to dissuade and prevent such abuse and exploitation that prohibitions specifically aimed at child pornography were proclaimed into force a number of years ago. While the Criminal Code definition of obscenity in section 163 was interpreted in the 1992 decision of the Supreme Court of Canada in the Butler case to include pornography that involves the use of children, determined action was nevertheless taken by parliament to target the market for these materials.

In 1993, offences were introduced which were subject to greater penalties than those existing at the time. The new offence of simple possession was included in recognition of the underground

nature of the market and the need to attack the problem at its base level: the individual who creates or trades in child pornography for his personal use.

These amendments to the laws on child pornography were unanimously supported by this House. The ruling which sparked this debate is now the subject of an appeal by the Attorney General of British Columbia to the court of appeal in that province. He has requested that this matter be dealt with expeditiously.

At the federal level, the Minister of Justice has announced that in her role as Attorney General of Canada she is seeking leave to intervene in the matter which is clearly an issue of national importance. We did act immediately. The government has stressed that it supports this legislation, that it believes it is constitutionally sound, and that it will fight to ensure that it is upheld.

[*Translation*]

Obviously, we want this matter to be solved as quickly as possible. We must, however, acknowledge that the court appeal process is the appropriate approach to take. The purpose of this system is to allow decisions to be reviewed when questions of law or of fact are in dispute.

I understand why other approaches have been suggested, particularly the taking of immediate steps to reinstate the legislation banning the possession of child pornography, which was struck down by this decision, but only in British Columbia. I do not, however, believe we should take that route.

If we believe our current legislation is valid, no steps ought to be taken which could harm that position.

[*English*]

The necessary steps have been taken to see that it is remedied as quickly as possible. Other than in British Columbia—and I did say this at the beginning of my speech but I will repeat it—where this decision is binding upon the provincial court judges, the law prohibiting the simple possession of child pornography remains in force. It is illegal everywhere in Canada to possess these materials.

• (1050)

None of the cases across Canada outside of B.C. is in jeopardy at this time. The ruling is only binding on provincial court judges in B.C. Elsewhere cases continue to be investigated and will proceed before the courts.

Even in B.C. law enforcement continues to work on these cases. In other jurisdictions the law prohibiting possession continues to be in force as in the past. As I said, fearmongering is not going to solve this problem.

In the interim, we in this House can declare our support for the current laws against child pornography found in section 163.1 of the Criminal Code as well as our support for those at the front lines,

Supply

at our borders, in our communities and in our courtrooms who work unflinchingly to see that these laws are enforced and continue to remain in force.

Mr. Gary Lunn (Saanich—Gulf Islands, Ref.): Mr. Speaker, the member stated that it is mere rhetoric coming from the Reform Party and that we have no respect for our justice system.

I want to tell the parliamentary secretary that I am an officer of the court and I have the highest respect for our justice system. My father was a judge in this country for 25 years and I have learned to respect our justice system.

That does not mean it is infallible. That does not mean it is perfect. We cannot abrogate our responsibility. There is nothing stopping us today from acting. We have a duty to protect citizens right across the country.

The parliamentary secretary has insulted every Canadian by referring to this issue as mere rhetoric. It is a disgrace. We are here speaking for every Canadian on this issue.

Why does the parliamentary secretary believe that she cannot do anything in this House, she cannot stand up, that does not preclude this process from going through the appeal? We in the Reform Party absolutely believe that this decision has to be appealed. Yes, there is a man who walked out of court free. We believe that should be appealed. He should be brought back before the courts. The courts should overturn that decision and hold him accountable and send him to jail. His actions are not acceptable.

That does not stop us from acting now. Canadians should not be forced to wait six months, a year, or a year and a half for some type of action while this issue sits, while we wait for interveners. Will all the provinces come on board?

We do not have to wait. We have a tool that was made available for us to use. Why is the Government of Canada afraid to use that tool? It is so painfully simple. I am going to read section 33 of the Constitution:

Parliament or the legislature of a province may expressly declare in an act of parliament or the legislature as the case may be, that the act or a provision thereof shall operate notwithstanding a provision included in section 2 or section 7 to 15 of this charter.

That is exactly what we are dealing with here. We have an opportunity to put the rights of the innocent, the most vulnerable in our society, the defenceless, our children, ahead of those of the sick-minded pedophiles who use and want to possess this child pornography.

How is that rhetoric? That is straight fact. It does not preclude us from the appeal process. We support the appeal process. We must do that. It does not hamper it in any way. We reinforce it by putting our point on the record.

Why is the member not prepared to support the appeal process as opposed to sitting back and being silent?

• (1055)

Ms. Eleni Bakopanos: Mr. Speaker, I think the member for Saanich—Gulf Islands proved my point about the rhetoric once more.

As far as acting, I do not think there is any monopoly in this House on the other side in what is morally right. There is no monopoly whatsoever on who will protect the most defenceless in our society.

There is a law. We have intervened in a decision that was made in a B.C. provincial court. I will repeat what I said because I want all Canadians to understand this. The law does stand. The law will be respected everywhere in this country, once the decision is rendered in terms of the appeal process in B.C., on which we will continue to intervene. We did act. Elsewhere in this country law enforcement officers will continue to arrest anyone who possesses child pornography.

Section 163.1 of the Criminal Code will be respected in this country despite the rhetoric on the other side.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, like the members who spoke before me, when I read the decision by Mr. Justice Shaw of British Columbia regarding child pornography, I was very surprised.

What surprised me was that a well-educated judge living in a society that tolerates some things but not others, an adult member of that society, could interpret a piece of legislation as he did. I was very surprised by the judge's interpretation of the legislation and by his intellectual contortion of certain provisions of the Criminal Code and of the Canadian Charter of Rights and Freedoms.

This is no small matter. It is a very serious one. I can understand that parliamentarians would wish to sit down and look at what is not working in this legislation.

I do not wish to go over all the ground again, because I think the House has been well informed. I merely wish to recall, as other members have done before me, the provisions of sections 163.1(3) and 163.1(4) which we are examining, specifically the mere possession of child pornography, which is an offence under these sections.

The individual was charged and the police officers conducted a search. What they found in his apartment was serious: 14 boxes of child pornography. There was enough to wonder if he was intending to sell it, which was probably why he was charged under section 163.1(3).

What did he rely on in his defence? He relied on section 2 of the Canadian Charter of Rights and Freedoms, which talks about the

fundamental freedoms of conscience, religion, thought, belief, opinion, expression and so on. He even relied on the equality provisions in section 15 of the Charter.

That was his right. The Charter gives him that right. We live in a free and democratic society, with rights and obligations, and he had the right to use the Canadian Charter of Rights and Freedoms as a defence. It was, in fact, the only defence open to him, given the material found in his apartment.

I think that the crown did what it had to do. It tried to demonstrate that, even if the freedom of expression as guaranteed by the charter had been violated, such violation was justified in a free and democratic society. That is what section 1 states; the section 1 test, for those who have some knowledge of these inner workings, is what they tried to demonstrate before the judge.

What is important to note in order to understand what happened next is the case made by the crown in this matter. The crown called in experts.

• (1100)

One of the witnesses, a female detective with the Vancouver police—which also explains why the section was adopted in 1993 or 1994—testified that the Internet led to a surge in the availability of child pornography. She said that indictments for simple possession enable the police to obtain search warrants, which help identify pedophiles.

Why did the lawmaker provide for that? Simply because the lawmaker knew about it. Evidence has been heard from various people, including psychiatrists. These professionals were invited by the crown to testify in this matter. According to an expert in this field, every study done on the behaviour of these deviant men and women—primarily men in the case of pedophilia—shows that child pornography is a danger to children. He gave very compelling evidence to that effect.

The point was made that child pornography may encourage pedophiles to commit sexual abuse. I think that this borders dangerously on the test under section 1 of the Canadian Charter of Rights and Freedoms.

However, one of the judges who heard the evidence came to a different conclusion. Justice Shaw ruled that it had not been clearly demonstrated that child pornography caused direct injury. I do not know on what planet this judge lives, but this was his ruling.

However, I think his interpretation of the legislation in his decision was fairly twisted. He did note the following “Explicit pornography involving children entails a certain risk to the children because of the use pedophiles might make of it”. This is no mean observation. But it did not prevent him from reaching a different conclusion.

He also said “Children are abused in the production of pornographic films”. That is obvious. In a video of acts adults commit

Supply

with children, the child is being abused. The proof is clear. In addition there are people behind the cameras and in the room doing the filming and then there are maniacs who buy these films and watch them. Clearly the child has been abused.

The judge stated that there was no proof there would be less production of pornographic films if simple possession of this type of material were criminalized. I think the judge made a mistake with the evidence I saw in the decision. I think this finding was proven wrong.

The judge mentioned that “freedom of expression plays an important role in this matter. An individual’s personal effects assume the person’s particular character, their personality. A ban on simple possession acts on a very intimate part and interferes with an individual’s right to privacy”. According to his point of view, this is hugely important.

I think this is where the judge himself went awry. There is one route he should not have taken—and that is when he weighed the pros and cons of all this. I think the judge really erred in law in his assessment.

The judge added that “—an important aspect of every person’s right to privacy is the ability to enjoy that freedom in one’s own home”. I fully agree with that view. In this case, the police went to Mr. Sharpe’s home to seize his collection of material, which was presumed to be of a pornographic nature. Indeed, 14 boxes of pornographic material were seized.

To violate a person’s freedom of expression and right to privacy is a serious matter. The prohibition of possession applies to any person, including those who use pornographic material in a dangerous manner, and they may be collectors of such material, regardless of their interests. However, these people are not necessarily dangerous. And, given the evidence heard by the court, it is not obvious that he is right.

In balancing these views, the judge concluded that the first test of the charter of rights was not met and that the individual had to be acquitted.

I think that decision is totally wrong and that we in this House must do something.

• (1105)

The first step is to support the official opposition’s motion, as it is worded in the Order Paper. I agree with the wording used by the Reform Party. However, I do not agree with the amendment it moved and the inclusion of the word “immediately”. I cannot agree with the inclusion of that word. Therefore, I will vote against the amendment to the motion, but I will support the main motion, since we are part of a process. I agree with the Parliamentary Secretary to the Minister of Justice regarding the section of the act that was invalidated by the judge. It is true that the act is currently not in effect in British Columbia.

Supply

But this does not prevent the police from doing their job. This does not prevent the crown prosecutors from continuing to examine cases, prepare them and so forth. Let us wait and see how the Court of Appeal judges rule. Let us wait for their reaction to what they have just heard, for they are members of society too. They are aware that the lawmakers in the House of Commons find this trial level decision unacceptable.

I am convinced that right-thinking judges, judges with solid legal training, Appeal Court judges who know how to listen to what is going on, will overturn this trial level decision. We will probably not have the opportunity or the need to go as far as invoking the notwithstanding clause in section 33 of the Charter.

However, and I will close with this, should the Court of Appeal uphold the trial level decision, that will be the time for lawmakers, for members of Parliament, to unite and invoke the notwithstanding clause. I think that it is premature to do so today.

[English]

Mr. John Bryden (Wentworth—Burlington, Lib.): Mr. Speaker, I congratulate the member on his excellent speech and the background he gave us on the situation.

If I understand correctly, he is saying that we are having this debate prematurely. What really ought to be occurring is that we should wait until the appeal courts hear this case. As the member suggests, in all probability they will throw it out and we will not have to invoke the notwithstanding clause.

Perhaps what the Reform Party ought to do is reconsider the motives for bringing this debate forward to the House at this time and that it ought to have been postponed until we saw due process in the courts. At this time I expect that every member in the House would support invoking the notwithstanding clause if by the rarest of chance the appeal court upheld this abominable decision. However, I do not think it is going to happen. I suggest the member is really supporting what the parliamentary secretary said in her speech.

[Translation]

Mr. Michel Bellehumeur: Mr. Speaker, the member has understood what I was driving at, except for one point. I believe the Reform Party has acted properly in calling for this debate in the House. It is not premature to consider the matter. This is in fact the right time to do so in order to send a very clear message to all those listening: that the House of Commons shares the view of Canadians and Quebecers that child pornography is reprehensible.

This was the time to act in order to send this message. But I am unable to agree to the immediate use of the notwithstanding clause, because an appeal is under way. Furthermore, the federal govern-

ment has applied for intervenor status in this case, a move I fully support. I am convinced that the Canadian consensus will be heard, that the motion, as written, will be adopted by the House of Commons. I believe that the message will be clear enough. It will not be necessary to invoke the notwithstanding clause. There is still time to take that route, should it become necessary to do so.

[English]

Mr. Gary Lunn (Saanich—Gulf Islands, Ref.): Mr. Speaker, I too commend the member for his speech and the detailed analysis of this decision. He said it was premature at this time.

• (1110)

Until the court of appeal rules on this decision there is no protection in British Columbia. We have already seen a provincial court decision where it has followed Justice Shaw who said we are bound to. It is absolutely true that they are. The provincial courts in British Columbia are bound to follow this decision.

There is a five year limitation. Under the notwithstanding section in the charter we could put our own limitation period on it.

I would like to ask the member if he believes that as an interim measure, until the court of appeal has ruled, we could offer protection for British Columbians today by putting in a one year or a two year limitation period or whatever we think will be necessary until this has gone through the court of appeal. As we have seen the past, the court of appeal can drag on for months and into years depending on how many interveners and how many delays there are.

Does the member not support using the notwithstanding clause now as an interim measure to give British Columbia the protection it needs until we see where the court of appeal is and then we can readdress it at that time if we need to?

[Translation]

Mr. Michel Bellehumeur: Mr. Speaker, I think children in B.C., like all children across Canada, are still protected by this legislation. It has been declared invalid by a court at the trial level, therefore it is inoperative, but it still exists.

When I was a law student, I remember that certain provisions were constitutional, in terms of the distributions of powers or whatever, even if they had been declared inoperative by courts at lower levels. So long as the final court of appeal did not make the decision, the law continued to be applied as if nothing had changed. It concerned the distribution of powers that Quebec was calling for. Therefore, an inoperative provision is still applicable.

I think that, in B.C., unless I am mistaken, and that can be checked, crown prosecutors and politicians, especially, will still be able to work to protect children, to build cases or whatever. If the

Supply

crown has everything it needs to take legal proceedings, it can still do so, subject to the final decision in appeal.

Here again, given the importance of this issue, I am sure the appeal court judges will do everything in their power to expedite the matter and hear the case quickly and especially to reach a decision as soon as they can.

[*English*]

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, I am pleased to speak to the motion today and indicate the support of the NDP caucus for the motion moved by our Reform Party colleagues.

I think we should acknowledge that yesterday the House did speak with one voice on a motion that was supported by all parties which expressed the continuing confidence of the House in that section of the Criminal Code which was found to be unconstitutional in the case we are discussing. So it is not as if the House of Commons has not already spoken on this.

However, what we have before us today, thanks to the Reform Party, is an opportunity to actually speak to this issue and to express our views. Yesterday there was only a vote with no debate. Today we have a chance to express the collective outrage of members of parliament and of Canadians in general at this judgment. It is not just outrage, it is bewilderment. In this case as in some others, I think Canadians are increasingly bewildered by some of the judgments they see coming out of the courts and this is certainly one of those cases.

What we all want to make clear here today, each in our own way, the NDP by supporting the motion, is that in this country the rights of children not to be sexually exploited or sexually abused will always trump the rights of individuals to any form of freedom of expression which involves the use of child pornography which has been produced through the use of children.

In every case we want this right of children to trump whatever rights may be seen to be enshrined in the charter or understood by some to be enshrined in the charter. I can tell the House as one who was here, and there are fewer and fewer of us all the time who voted for the charter at that time, that when we voted for the charter of rights and freedoms, we did not vote for the right of people to possess child pornography. That was not the intent of parliament at that time. It has never been the intent of parliament, either when it voted for the charter of rights and freedoms or particularly when it voted for that section of the criminal code.

• (1115)

I think it is important for parliament to reassert its intention both with respect to the charter and with respect to that section of the criminal code.

I want to say for the record that on January 27, my leader, the member for Halifax, wrote to the Minister of Justice. I will read part of the letter: "In ruling that the criminal code prohibition on

the possession of child pornography is unconstitutional, the court has exposed children to appalling dangers of sexual abuse and exploitation in the production of child pornography. Canadians are rightly horrified that a court could interpret the charter of rights in such a way as to deny the rights of children to be protected from sexual exploitation". The letter goes on to give a commitment on behalf of the NDP that we would support whatever legislative action is necessary to ensure children are protected from sexual exploitation by child pornography.

I have to be honest with my Reform colleagues and say we have some misgivings about the amendment which could be interpreted as calling for the immediate implementation of section 33 or the notwithstanding clause. We liked in the original motion the timing of whatever it is, because again the motion is unclear. It just talks about legislative measures and then says even if it requires section 33, so it does not require the use of section 33. Given that the motion itself is unclear, what is to happen immediately? Is it some other legislative measure or is it the invocation of section 33? We felt that there was wisdom in the original motion which would have permitted a united front at least here in the opposition, even if the government did not see the wisdom of voting for the motion.

But we now see that at least one opposition party has expressed concerns about the amendment. We have some ourselves and we will have to decide how we are actually going to treat the amendment when it comes to a vote. I just want to be perfectly honest about this and say we have some concerns about the amendment because it may well be that with the expedited appeal, et cetera, we might have an early judgment in this case. I am sure members would agree with me that it would be better if it could happen quickly for the law to be found constitutional.

The problem with invoking section 33 immediately, if that is what this motion came to be interpreted as, because as I say the motion is not clear about that, is in some respects it gives far too much respect to the judgment of Justice Shaw in finding that section of the criminal code to be unconstitutional. Why would we want to, or at least we should ask ourselves this question, act in such a way as to say that yes, the finding of that section of the criminal code as unconstitutional is in some ways definitive and therefore we have to use the notwithstanding clause, because the notwithstanding clause is there for when things are found in the final analysis to be unconstitutional and parliament says that in spite of that, notwithstanding that, we want this to happen in any event. So there are some concerns there about the motion or at least about the amendment.

What needs to happen here today, and I think the government has failed so far to make this clear, is not when specifically parliament is going to act and in what way it is going to act, whether it is through the invocation of section 33 or by some other legislative measure undefined in the motion, but what needs to be made clear today is that parliament will act. The government has yet to make a statement. One of the backbenchers seemed to allude to it. The parliamentary secretary did not say, unless I missed it, that the

Supply

government is committed to bringing in the notwithstanding clause or acting in some other decisive legislative way should this decision of Justice Shaw be upheld in the courts. If the government were willing to say that, it seems to me it could save itself a lot of time instead of appearing to want to hang on to the legal process to the exclusion of the political process. If the government were willing to say "We have this respect for the legal process and we feel that it should unfold in the following way, but we want to make clear that should the legal process not produce an outcome which protects children and which upholds that section of the Criminal Code which has been struck down by Judge Shaw that parliament will act and it will act under the leadership of the government".

• (1120)

The government has not made it clear that it intends to provide that leadership. Until it does it stands open to criticism. I invite the government to speak to that. That is really what I think Canadians want to know. They want to know from their politicians that we are not just willing to sit back and say this is a matter for the courts and that it will always be a matter for the courts and that we do not really want to get involved.

Canadians want us to be involved and they want to know that their politicians and their parliamentarians are in a position to and willing to assert their values over the values of the courts when those values being asserted by the courts are found to be so out of whack with ordinary everyday common moral sense, which holds that child pornography is wrong, that the possession of it is wrong and that people who are in possession of it should be open to prosecution on the basis of this particular section of the Criminal Code which has been found wrongly to be unconstitutional by this judge.

There is really no need to say a lot more about where we stand on this. We stand with the entire Canadian population it seems to me in wanting parliament to say something and to commit to doing something should this judgment not be eliminated in the course of the days to come. Canadians also want a commitment I think from the government that if the legal process turns out to be a long drawn out one that the government would have the freedom to act and not have to wait until the final legal act. That is where the whole question of timing comes in.

I do not think it would be good to bind us that we would have to wait until the end or bind us that we have to act tomorrow, but give ourselves some flexibility.

I could go on and say something more generally about the emerging problem of judicial activism versus parliamentary intent and parliamentary supremacy but my time has run out.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am sure that all hon. members of the House would not disagree with

the sentiments expressed by the member with regard to the so-called trump or the right of children, and the rights of children will always be placed ahead of the rights of others to possess child pornography or indeed to have a freedom of expression.

My question for the member has to do with the proposition he raised about the government declaring at this moment that it is committed to using the notwithstanding clause at any moment. The member has been here some time. I wonder if he might want to reconsider the sentiment in terms of the optics to the courts with regard to a virtual threat to undermine the court process if it does not follow a particular course. It does smack a bit of coercion on behalf of the government if that were the case.

Mr. Bill Blaikie: Mr. Speaker, I would not say it smacks of coercion. I would say it smacks of parliamentary supremacy which is what the notwithstanding clause is all about and one of the reasons why I voted for the charter at that time.

• (1125)

Others were very concerned about the notwithstanding clause. There was division between political parties and within political parties about the value or the rightfulness of the notwithstanding clause. Certainly at the time I thought the notwithstanding clause was a good thing.

I would not want to see it be used frivolously or often. It should not be regarded as the legal or political equivalent of the nuclear deterrent, never used. It should be used and certainly it seems to me that the government should make clear in this case that this is something it is prepared to use should it feel necessary.

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, the primary purpose of government is to maintain law and order, to protect those people who cannot protect themselves, to protect the citizens of Canada and to provide for our peace and safety.

We have people walking free who are committing criminal, despicable acts offensive to most Canadians. We need to punish criminal behaviour. Our children cannot protect themselves. Our citizens, men and women and children, are at risk because of this judge's decision.

We have given more rights to those who want to use child pornography than to children who will be—

The Acting Speaker (Mr. McClelland): If the hon. member has a question, would he put it right now, please.

Mr. Garry Breitkreuz: Mr. Speaker, my primary concern is that pornography is having a very negative effect. We are the highest court in the land and as that highest court in the land, do we not have an obligation to send a signal to the lower courts that something needs—

Supply

The Acting Speaker (Mr. McClelland): The hon. member for Winnipeg Transcona.

Mr. Bill Blaikie: Mr. Speaker, I think I have already made my sentiments clear on what the hon. member is raising.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I commend the hon. member for his remarks. The analogy of nuclear deterrent is a very good one.

Would there be support in his party, and I do not want to characterize this as a halfway measure, for the initiative by this government to send this question directly to the Supreme Court of Canada where it is not taken immediately out of the hands of the court system? We should encourage faith in our system and give Supreme Court of Canada judges an opportunity to rule again on this issue. I say again because there already has been direction from the supreme court on this issue. Would the hon. member and his party support that initiative which was asked of the Minister of Justice yesterday?

Mr. Bill Blaikie: Mr. Speaker, we have not taken a position on whether the suggestion made by the hon. member yesterday in the House would be the preferable course of action.

I take his point that this is another way in which the government, if it wanted to, could show it was committed to having this dealt with as fast as possible so that there was not the possibility of apparently already manifesting itself.

Enforcement and police action carries on. There is the possibility we might for a period of some months or perhaps even longer be in a situation where people are getting off in some places because of this judgment, particularly in B.C.

This would be another way the government could expedite matters, not just by asking for an expedited appeal but by coming to the conclusion that this thing will probably end up in the supreme court anyway. I do not know if that is the right conclusion. I do not know enough about the system to know whether this is destined for the supreme court or not. I do not claim to have that kind of expertise.

If the government feels this is something that will end up in the supreme court in any event, and it is in a better position to know that than I am, then it certainly should consider what the hon. member is suggesting.

[*Translation*]

Ms. Diane St-Jacques (Shefford, PC): Mr. Speaker, I am pleased to take part today in the debate on the motion by the Reform Party's leader in the House concerning the recent Supreme

Court of British Columbia decision which struck down the section of the Criminal Code forbidding the simple possession of child pornography.

I must express my thanks to the hon. member for Langley—Abbotsford for this opportunity to voice our opinion on this matter of great national concern. In my opinion, our children, the most vulnerable members of our society, represent this country's finest resource. They are the incarnation of our hopes, our values and our collective future.

I therefore believe we must do everything in our collective power to allow them to grow and develop within a safe environment, free of any form of exploitation with the potential of jeopardizing their healthy development.

Now, if there is one form of exploitation which is known to irrevocably scar a child's soul and spirit, it is sexual exploitation.

• (1130)

We are all aware that the recent decision which unites us today has totally ignored that fact, which I would remind the House is based on the findings of the huge majority of specialists who have seriously addressed the question of child pornography and report the incalculable damage caused to children in producing such material.

The great outcry triggered by this astonishing decision shows the general disapproval of such a reductive interpretation of the law. I would even go so far as to say that the currently prevailing social consensus in Canada reaffirms, if such reaffirmation is necessary, the appropriateness of this recently contested legislative provision.

People from all sectors, particularly advocates of children's rights and of the victims of crime, even numerous civil libertarians, have expressed outrage that a member of our judiciary could place a citizen's right to possess child pornography ahead of society's right to protect its children by restricting the use of this pernicious and highly objectionable material.

Incidentally, let us recall that there are urgent reasons to criminalize simple possession of child pornography. By making possession of this material an offence, the legislator is in fact attacking the producers and distributors, by punishing their accomplices, or in other words the consumers of child pornography.

The government was asked to introduce such a measure by many people, including members of law enforcement agencies, who believe that by not making the simple possession of child pornography illegal, the government is indirectly promoting the sale of such products.

Supply

This prompted the Progressive Conservative government of the day to introduce Bill C-128, an act to amend the Criminal Code and the Customs Tariff, in the House of Commons on May 13, 1993. Approved by all parties, the bill was quickly passed both in the Commons and the Senate.

While recognizing the need to fight child pornography, various groups in the arts and culture community as well as civil libertarians raised serious concerns about the wording of the bill, which nevertheless received royal assent on June 23, 1993, and came into force on August 1, 1993.

Still today, there are people who contend that the causal connection between pornography and any real physical violence has yet to be demonstrated and that other potential effects of pornography are too minor and inconsequential to justify adversely affecting the freedom of expression guaranteed under the Constitution.

Obviously, I do not share this opinion. By its very nature, child pornography makes victims out of the children who unwillingly participate in this activity. A special committee established in 1991 by the health and justice ministers concluded, as the Committee on Sexual Offences Against Children and Youths, better known as the Badgley Committee, did in 1984, that the production of child pornography almost inevitably resulted in sexual assault on the children involved.

Furthermore, even back then, the report predicted that new communications technologies such as the Internet would lead to a rapid and inevitable growth in child pornography. It is now therefore reasonable to conclude that the growth in child pornography resulting from the explosion of the Internet has led to a considerable increase in the number of victims in recent years. In fact, the proliferation in pornographic material, particularly that involving children, on the Internet is now a major source of concern for lawmakers in all industrialized countries.

According to one expert, the Internet has approximately 250,000 adult sites. This raises serious questions of access and responsibility for regulating such material, particularly when it crosses national borders.

Police forces are now directing a large part of their efforts at the Internet. Although there have been convictions, the very nature of computer technology often impedes investigations. Various avenues are now being explored in order to put a stop to this worldwide phenomenon.

In July 1996, iStar, one of the largest Internet providers, blocked its clients' access to child pornography. While few people approve of this material being circulated, some have still expressed reservations about the method used by the company and the precedent thus set.

• (1135)

Alternatives have been suggested, such as software that deletes the offensive material. The nature and quantity of pornographic material circulating on the Internet continues to give rise to animated debates, which are quite likely to drag on for some time before a way is found to regulate circulation.

The more this material spreads, the more it contravenes traditional public legislation. The challenges are complex and are not limited to access to ordinary pornography and its circulation. Furthermore, various governments have already tackled this problem, which will undoubtedly become more widespread in the years to come.

So I ask: Is it not ironic that, in this country, we are once again discussing the precedence of personal rights over collective ones, while trading in child pornography is thriving all over the world and while international organizations such as UNESCO and the International Labour Office are joining forces to combat this deplorable world phenomenon?

It is not ironic, it is pathetic. We must make a contribution to help the children of the world, who are the first victims of this ideological and legal battle.

Moreover, since I firmly believe that, ultimately, it is Canadian society as a whole that will suffer from this lack of coherence and collective vision, I want to stress again that the use of criminal law to reduce the demand for child pornography is a very appropriate measure, to the extent that it puts a reasonable restriction on an individual's freedom of expression.

This is why I am asking the government to immediately begin considering appropriate legislation to ensure our children's protection and well-being.

Let me conclude by saying that it is both as a mother and a lawmaker that I intend to pursue this issue, which is of particular interest to me. I will not rest until the rights of children take precedence over those of individuals who have no qualms about violating a child's most fundamental rights to satisfy their despicable sexual urges.

[English]

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I commend my colleague the member for Shefford not only for her remarks but also for her earlier intervention. Yesterday she put before the House of Commons a motion which received unanimous consent and which basically affirmed and reassured Canadians that section 163 of the Criminal Code is something this House of Commons respects.

She put very bluntly before the House the question that needs to be asked and that is, when is the government going to take a

Supply

proactive approach to this? This is not something we should be waiting for. We should not be sitting on our heels waiting for the B.C. Court of Appeal to rule again, perhaps incorrectly. That matter will be decided.

This is something where the Minister of Justice and the government must intervene quickly. Pornography, particularly child pornography, has to be seen as a rot or a rust on the morals of this country.

Does the hon. member not feel that the quickness and the need for intervention for the protection of our most vulnerable citizens, children, is not something that would warrant the government to move on quickly, either through a supreme court reference or through the motion that is presently before the House?

[*Translation*]

Ms. Diane St-Jacques: Mr. Speaker, I would like to thank my colleague from Pictou—Antigonish—Guysborough for his comments.

I agree with him that we cannot delay an appeal, because delays are involved and criminals are obtaining pornographic material in the meantime, and it is the children that are paying the price. Therefore, I agree we should go right to the Supreme Court and do everything in our power to help these children.

[*English*]

Mr. Roy Bailey (Souris—Moose Mountain, Ref.): Mr. Speaker, I too would like to commend the speaker from the Progressive Conservative Party for a fine job.

I have heard in this debate, and certainly not from this member, what I consider to be a very dangerous phrase, which is that simple possession is not dangerous. I would like to hear the member's viewpoint on this. Some 41 years ago I was involved in cases where they ignored a very serious situation and I can show the House the results today. Nobody can persuade me that simple possession is not dangerous.

I would like to hear the member's comment on that.

• (1140)

[*Translation*]

Ms. Diane St-Jacques: Mr. Speaker, I would simply like to reassure my colleague. Although I said that, I did not necessarily want to, because I think simple possession is dangerous.

If there are child porn consumers, there will always be people to produce it. We must charge consumers so as to discourage people from producing child pornography. If there were no consumers, there would be no producers.

[*English*]

Ms. Louise Hardy (Yukon, NDP): Mr. Speaker, I would like the member's opinion on the fact that the government has in effect taken very extraordinary measures to make intervention to the B.C. court. That is extraordinary in terms of legal steps. What I would like to see is something extraordinary along the lines of political action because that is what our job is here in this House.

If it were any other issue rather than the vulnerability of our children being exposed to pornography, I would be satisfied with the steps the government has taken, but we are talking about the most vulnerable in our society. As a social worker, I have dealt with many children who have been abused. The abuse is bad enough but photographing it, dispensing it and selling it is truly horrifying. Many pedophiles use these pictures to get themselves all worked up; they use them as a warm up for the real event.

The government absolutely must take extraordinary action in the political realm so that there is never a question that we support in any sense photographs that are taken of children who are abused.

[*Translation*]

Ms. Diane St-Jacques: Mr. Speaker, I did not quite get my colleague's intervention. I missed the beginning, but I agree with the end of it. Indeed, political measures must be taken to prevent people from producing child pornography and arrest producers.

As I said earlier, if there were no consumers of pornographic material, it would mean the end of those producing it.

[*English*]

Mr. Chuck Cadman (Surrey North, Ref.): Mr. Speaker, I am pleased to have the opportunity to speak on the issue of child pornography.

A recent case decision in my home province of British Columbia has attracted considerable attention. It has also produced predictable outrage from Canadians from every part of the country.

For the record, I wrote to the Minister of Justice on January 21, mere days after the ruling, suggesting that she not wait for the appellate court but to get amending legislation before parliament as quickly as possible.

Some speakers to today's official opposition supply day motion may not have had time to review the specific case which has caused such a concern. I will take a couple of moments to briefly outline the situation.

The case is still before the courts. The accused was facing four charges relating to child pornography: two charges of being in possession for the purpose of distribution or sale and two charges for being in simple possession.

The Supreme Court of British Columbia only dismissed the two charges of simple possession. As such that is essentially the only

Supply

issue under appeal. The accused still faces his remaining charges and they are scheduled for this month. On the issue of the two charges of simple possession, I will briefly highlight the essential elements of this debate.

As has often been stated, tough cases make tough law. Others might state that bad cases make bad law. In the case at issue the crown conceded that section 163.1(4), possession of child pornography, violated the guarantee of freedom of expression set out in section 2(b) of the Canadian Charter of Rights and Freedoms.

The only real argument before the Supreme Court of British Columbia was whether the violation of section 2(b) was saved by section 1 of the charter, that is, that the infringement is a reasonable limit prescribed by law which is demonstrably justified in a free and democratic society.

Of course the reason for all the hullabaloo over this case and the cause of why today we are debating this issue is that the justice of the B.C. supreme court decided that the possession of child pornography law was not a reasonable violation of the right to freedom of expression in that instance.

With the greatest of respect to the particular justice of the B.C. supreme court, I would have to disagree with his position, but that is beside the point. The problem has been presented and we have to address it.

The Minister of Justice has taken the position that she will just join the province in the appeal. That is not good enough. The Minister of Justice has a second title. She is the Minister of Justice and the Attorney General of Canada. She has already made public statements indicating her preparedness to act within her role as Attorney General of Canada. She plans to join the attempt to uphold the constitutionality of section 163.1(4) and this is as it should be.

As the attorney general she is responsible for safeguarding the interests of the crown within existing laws. Part of that duty is the protection of our laws. In all fairness the minister is doing that.

• (1145)

Her other role is to consider and address the legality of government legislation, and I would suggest that in that area she is abdicating her responsibility.

I have great difficulty with the decision of the Supreme Court of British Columbia justice, but it really does not matter how anyone interprets or views that case. The issue is that now we are confronted with a serious problem. What can be done to ensure that the laws against the possession of child pornography are able to withstand a charter challenge based on the rights to privacy and freedom of expression?

With respect, I believe the basic definition of child pornography within the Criminal Code is too broad. A number of comments from the legal profession have also raised this interpretation.

An example of this is the definition which appears at section 163.1(1)(b) of the Criminal Code, which states:

Any written material or visual representation that advocates or counsels sexual activity with a person under the age of 18 years that would be an offence under this act. . .

There are a number of questions concerning that part of the definition. Why does it say any written material? What advocates or counsels? Why a person under the age of 18? Does the inclusion of 17 year olds detract from our attempts to protect children? How does the written material have to correlate with the sexual activity of a child?

By allowing a child to read *Lady Chatterley's Lover* by D. H. Lawrence, does that meet this definition if that child is encouraged by the writing to end up having sexual activity with an adult who provided the writing?

These are all difficulties to be reviewed and analyzed in interpreting our present law.

With respect, even if we are able to overturn the B.C. supreme court case at some court of appeal level, these problems can still resurface to once again shake the system.

That is why on January 21 I wrote to the minister to encourage her to immediately bring amending legislation for the sake of the safety of our children. We must protect our next generation from these predators; from the degradation, the pain and suffering they endure from being objectified and used to provide adult sexual gratification or fantasy.

I understand that on January 26 approximately 70 members of the Liberal backbench also urged her to introduce strong child pornography legislation and I appreciate the Liberal support for my proposal. I understand that the member for Port Moody—Coquitlam—Port Coquitlam was among them. I am sure the folks back home will be watching at 5.30 this evening.

Obviously, so far the minister appears to only pay attention to the cabinet or the Prime Minister. When this case first gained attention the minister stated that she would wait until the case was appealed to the Supreme Court of Canada before she would become involved. It was only when the public outrage spread to her ministerial colleagues that she was forced to change her mind and join in the appeal before the B.C. court of appeal.

Perhaps after today she can be persuaded to change her mind again and decide to introduce the necessary legislation. I would hope so.

Another reason for the minister to show leadership in this matter is the state of flux within our justice system until the matter is resolved in months or, more realistically, in years by our courts. The minister is well aware that there are approximately 40 possession cases before the courts of British Columbia that are in limbo. She is also aware that the courts are already dismissing

charges as a result of the present ruling. I cited one such case from my own constituency in my letter to her. She is likely aware that other provinces will have a number of similar situations.

Pedophile websites on the Internet are alive with suggestions that their clientele target British Columbia.

I also note the comments from various police agencies and customs offices. They have admitted to confusion. They are looking for help, but there has been no guidance from the minister. I can just imagine the hesitation of our enforcement personnel to investigate or proceed with charges due to the almost certain likelihood that they will eventually be thrown out of court. I can also imagine our crown prosecutors being most hesitant to proceed with possession charges.

I just read this morning that the crown is seeking to postpone one case in Delta, B.C. I am sure that as we speak many defence lawyers are boning up on their Askov arguments, should these cases ever eventually proceed through our courts. For those unfamiliar with Askov, it is the supreme court ruling that deals with the length of time to trial. We already have a child molester who walked free in British Columbia because it took 17 months to get him to court.

Unfortunately we do not see a lot of leadership here. The government merely chooses to react. The Liberal mantra of "Don't worry; be happy" resonates through this Chamber again.

To summarize, we have a court case stating that an individual's right to personal privacy and enjoyment of freedom to personally express private interest in the possession of child pornography must be protected. The judge stated at paragraph 50 of his decision:

In my opinion, the detrimental effects substantially outweigh the salutary effects. The intrusion into freedom of expression and the right to privacy is so profound that it is not outweighed by the limited beneficial effects of the prohibition.

• (1150)

Privacy is one thing, but reasonable intrusions or exceptions to absolute privacy is another.

I will refer to some comments made by law professor Kathleen Mahoney who is an expert in child pornography cases. She refers to the psychological and physical trauma to the victims as being profound. She states:

The nature of a good portion of child pornography requires the rape of a child, ranging from six months of age to 15 or 16 years of age. These children are shown drugged, in pain often, and there have been babies submitted to sexual acts with adults. The damage does not end when the filming stops. Every time (the pornography) is shown, that child is injured in its dignity, its reputation, its identity. The harm is multiplied several times. The child is offended against time and time again.

Supply

It is our duty as parliamentarians to help and protect these victims, the most vulnerable members of our society. As parents, grandparents, aunts and uncles, this is not a time for politics. It is a time for doing what is right for Canada's children.

Mr. Roy Bailey (Souris—Moose Mountain, Ref.): Mr. Speaker, I thank my colleague very much for his excellent speech.

This topic was discussed last Sunday afternoon on CBC Radio's *Cross Canada Check-Up*. Two callers suggested that we should lower the age of consent in the relevant clause. They said that there was nothing wrong with the possession of such material and that exploiting or involving children was actually good for them. There are people like that out there.

What would my hon. colleague say in response to a comment like that if he were on the other end of the telephone line?

Mr. Chuck Cadman: Mr. Speaker, if I were at the other end of that telephone line my response would be very unparliamentary.

There is really no argument here. These children are put through such degradation in order to provide this kind of material to people who have such a fetish. For them to argue that we should reduce the age of consent is a whole other issue. Many people, especially those in my part of the country, have been arguing that we should raise the age of consent to deal with child prostitution.

Again, the only comment I could make would probably be unparliamentary, so I will not make it in response to that question.

Mr. Scott Brison (Kings—Hants, PC): Mr. Speaker, I thank the hon. member for his intervention. This issue is clearly not a partisan issue. It unites not only members of this House, but all Canadians against something that is clearly offensive. It is offensive to the sense of values of Canadians. If a society cannot protect the innocence of childhood, it is not a very sound society. We have to be very careful and vigilant in this House to uphold the law.

Section 163.1(4) was introduced in 1993 by the Progressive Conservative justice minister Pierre Blais. I believe that every member of this House remains committed to the principles of that law. This is clearly an area in which we need to put aside partisanship and do what is right to protect the children of our country.

The member is an expert on victims' rights and the challenges they face. Could he give me his perspective on how difficult it is for children who come forward after having been sexually abused, sometimes decades before? How difficult is it within the current system for them to have their rights recognized and supported?

Pedophilia or sexual child abuse is closely related to child pornography. I would completely differ with anyone who would argue otherwise. I would like to hear his feedback because he has a

Supply

significant understanding of victims' rights, which is a very important issue as well.

• (1155)

Mr. Chuck Cadman: Mr. Speaker, from the perspective of victims' rights, we are dealing here primarily with young children. They need to have somebody to speak for them because normally they cannot speak for themselves. As the member mentioned, it takes years for some of these children to talk about it. Some never do. Certainly the healing has to start as soon as possible with young children. For some, unfortunately, the trauma lasts a lifetime.

As I said in my speech, this transcends politics. We have to approach this issue from the perspective of all of us being parents, all of us being grandparents and all of us having children in our lives. These young people who are involved and who are victimized by this require and need our protection. They are not able to speak for themselves. It is up to us to do it for them.

Mr. Gary Lunn (Saanich—Gulf Islands, Ref.): Mr. Speaker, we have to answer one very simple question: Why are we here today? We have to decide if possession of child pornography—materials that sexually exploit children, the weakest, the most vulnerable and defenceless in our society—is a crime in Canada. That is the only question that we have to answer today.

I have no doubt in my mind that every member of this House was as appalled by Justice Shaw's ruling as I was. They were appalled that he did not invoke section 1 of the charter. When one reads section 163 of the Criminal Code it is painfully simple. I do not think it could be written any clearer.

Justice Shaw had a choice. He did not have to rule that it was not illegal to possess child pornographic material in Canada, pictures of naked, sexually exploited children; he could have invoked section 1 of the charter. What does that do?

Section 1 is an option that the courts can use in charter arguments where there is an infringement on one's rights, where the protection or the rights of the children are paramount to that of the individual. The rights of innocent children, society's rights, are more important than those of the pedophile who chooses to look at kiddie porn, that disgusting and despicable material. Everybody here would agree with that.

Justice Shaw chose not to use section 1. We as parliamentarians cannot use section 1. We do not have that option. Section 1 is only an option for the courts. There is a parallel option that we have use for, which is section 33, the notwithstanding clause. If one looks at both sections they virtually do the same thing, except the courts cannot use section 33. Only the legislatures and the parliaments can. That is our only tool to voice our objection. If we feel that the

infringement on the rights of the individual is so great, we can limit the rights under the charter of the individual or the criminal.

In this case all we are asking parliament to do is to act today in a non-partisan way. I am not trying to fill this up with rhetoric. The notwithstanding clause is very clear. I know the parliamentary secretary is as proud as I am at this decision. She loves children as much as I do and defends them just as everybody else does in this parliament. I do not have a doubt in my mind that we have a duty, an obligation to act right now.

That does not preclude the courts from acting or stopping the appeal process. It does not show any disrespect to the courts. It demonstrates the tools that we have, that we will use them and that we will take a stand. We find this to be so appalling that we are going to act immediately.

The notwithstanding clause has a limitation period. When we invoke this section we could even put in it for a year until the courts decide and we could revisit it if we need to. This does not preclude the B.C. court of appeal or the Supreme Court of Canada.

• (1200)

I would like to comment at this time on the Progressive Conservative suggestion to move it right to the Supreme Court of Canada. I agree. We should expedite it in every way we can, but we must invoke the notwithstanding clause today, immediately, to protect the children of British Columbia.

It will be said that they are protected as the law stands. However in case No. 2 a man walked out the back door of the courtroom. It was not out the door with the sheriff to the cells but out the back door as a free man who uses kiddie porn. The people of British Columbia deserve to be protected right now.

We know that this could go on for six, twelve or eighteen months. I know they have requested immediate action, for it to be expedited, but as we have seen in recent decisions interveners come in, other provinces come in, advocacy groups come in, there are delays, and it goes on and on. Every Canadian has heard or knows of personal stories of delays in our justice system.

We absolutely have to put partisan politics aside. This is not about the Reform Party. This is not about the Liberal Party or the Progressive Conservative Party. It is about the protection of children. That is what our interests are.

I beg all members of the House to support the motion. I stand here to state on record that it shows no disrespect for our justice system. I am the biggest defender of it as an officer of the court. My father was a judge in British Columbia for 25 years. He has just recently retired. I will stand to say that I have the utmost and the highest respect for the justice system in the country. That does not

Supply

mean there is not a hole in it, that there is something in there on which we have to intervene. This is our only tool.

I will not complicate the matter with all the issues of the decision because we all know it is a problem, a disgrace, et cetera. However I will leave hon. members with one thought which I would like them to seriously consider.

Members have all said in private discussions that it is an absolute disgrace, appalling, shameful and everything else that Justice Shaw did not use section 1 in his decision to rule that it is a crime in Canada to possess child pornography. We will be cast in that same light because the only tool we have is section 33. If we do not act, we are put in the same light that we did not have the guts to stand in the House and use that clause to protect children.

The notwithstanding clause has been used before. It has been used in Saskatchewan. It is in the appeal process. At the end of the day the Supreme Court of Canada in fact ruled the law was valid. In that case it was back to work legislation, but the law was saved by the notwithstanding clause. We can do the same thing. We absolutely have to do it.

I ask every member of the House tonight to leave partisan politics aside, to elevate above Justice Shaw's decision and to use the only tool that we can. The only tool we have is section 33. Some will argue other legislation or to enact a new law. If we read section 163 it is painfully clear. Other members have read it. We could not make it any clearer.

The Minister of Justice says to wait and see what the courts decide. That appeal could run its course. We all agree it should be appealed. We all agree that this man should be brought back before the courts. He should be convicted. He should be sent to jail, but that does not preclude us from doing something today, right now.

I will leave hon. members with one thought. Section 33 is the tool we have. Section 1 is the tool Justice Shaw had and he chose not to use it. If we choose not to use section 33 we are no different from what he is. Our consent will be reinforcing that possession of child pornography is not a crime in Canada. We must act.

• (1205)

Mr. John Nunziata (York South—Weston, Ind.): Mr. Speaker, I would like to read the motion because I am having some difficulty reconciling the motion that is before the House and the petition signed by about 75 members of the Liberal caucus. The motion reads:

That the government should take legislative measures to reinstate the law that was struck down by a recent decision of the Court of British Columbia regarding the possession of child pornography, even if that entails invoking section 33 of the Constitution Act, 1982 (the notwithstanding clause).

This was signed by 75 members of the Liberal caucus. We ask that the government not wait for the appeal of the B.C. decision to be heard but immediately act in the defence of Canada's children. The undersigned Liberal members of parliament recommend that strong new child pornography legislation be introduced as soon as the House resumes. We ask also that we consider the use of the notwithstanding clause or other equivalent effective measures to send a clear message that the charter of rights will never again be used to defend the sexual abuse of Canada's children.

It would appear that the resolution today and the letter signed by 75 members of the Liberal caucus are asking for the same thing.

The Minister of Justice is about to speak; I understand she is the next speaker. She will speak against the motion. In effect she will speak against the wishes of 75 members of her own caucus.

How does the previous speaker view this? Does he view it as hypocrisy? Does he view this as members of parliament—

The Acting Speaker (Mr. McClelland): Let us not be throwing around hypocrisy even if it used obliquely.

Mr. Gary Lunn: Mr. Speaker, I believe in my heart this is the right thing to do. We have to act and it does not show any disrespect for the courts.

There are 80 members who signed this petition because in their hearts and their guts they feel it is the right thing to do. They also know they have to act. There are probably many more who never saw the petition.

I pray that in the House we can leave the partisanship outside the doors, that we can come in and do what we feel is the absolute right thing. If the Minister of Justice believes that and I do not, that is up to her, but she should not preclude every member of the House or hold a club over their heads so that they cannot do the right thing.

We have to leave partisanship behind. I will not try to pit one person against another or one party against another. I do not believe the hon. member was doing that in his question. We just have to look after the interests of the children of Canada first.

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Mr. Speaker, the parliamentary secretary and the minister have said publicly to let this thing go along, that everything is fine, that the law is still in place, et cetera.

My colleague who just spoke is a lawyer. If the minister is saying that, could he explain why there was a case in Surrey right after the case with Justice Shaw which was dismissed based on Justice Shaw's decision? How can it be the same? How can every child be safe? How can children be safe from pornography if there has been one case already? There is one person out on the street because of that ruling and there are 40 more waiting just in British Columbia.

Supply

Would my colleague explain to the parliamentary secretary so we could perhaps change her mind a little on this issue?

Mr. Gary Lunn: Mr. Speaker, it is quite simple. When there is a decision of a higher court—and this is the B.C. supreme court—all lower courts in that province are compelled to follow it. The provincial court judge in the second case had absolutely no choice. He had to follow the higher court's decision unless it could be distinguished some other way. In this case it could not be. It was a very recent decision.

In the rest of Canada this case can be used as persuasive. I agree it is not compelled but lawyers use them as persuasive evidence. Under section 163 a person can be prosecuted either in provincial court on a summary conviction or on an indictable offence and can go to the supreme court. Even indictable offences are prosecuted in provincial court. The person who is charged has an election when he is charged. Under this criminal offence he can decide that he wants to elect a provincial court judge, a supreme court judge or a supreme court judge and jury. The accused can make that election.

• (1210)

Every one who is accused will elect a provincial court judge. Why? It is because they are compelled to follow the B.C. supreme court decision. It can be used persuasively in the rest of the courts and it can still run its process. We are not arguing that. It should be appealed but that is why she is wrong.

British Columbian children are not protected at all until this decision is looked after.

Hon. Ethel Blondin-Andrew (Secretary of State (Children and Youth), Lib.): Mr. Speaker, I will be sharing my time with one of my colleagues.

My colleague, the Minister of Justice, has acted quickly to support the decision of the attorney general of the province of British Columbia to appeal this ruling as quickly as possible in order to protect children. I applaud the quick action of my colleague and that of the Government of British Columbia.

This government will not rest until this issue has been properly addressed and has received the benefit of legal opinion of the appeal courts. Children in our society are vulnerable and must be protected from exploitation. With an appeal court ruling on this important issue we will all be better placed to craft better laws to protect our children.

There are some issues of sheer common sense at stake here. For example, can there be any question that the possession of child pornography is exploitation? I do not think that there can be. I do not think that there can be in the minds of the vast majority of Canadians who in my experience care deeply about children as do members of the House.

We as legislators have a duty to be as smart and as skilful as we can in crafting laws to protect our children. We must use every resource available to us to protect the human rights of children. One of those resources, a very valuable resource, is the appeal court. We have come a long way in the country to ensure that our children have every opportunity to have a good start in life. We work hard to create an environment that ensures their security and their happiness.

Nevertheless, child pornography risks the security and happiness of Canada's children and youth. That is why the Government of Canada has in statute very clear laws defining both child pornography and stating in a concise manner how the possession of child pornography will be dealt with.

The Reform Party is clearly not respectful of these laws or respectful of the Canadian jurisprudence. However I have faith and respect in the Canadian court system. For that reason I cannot support the motion before the House.

This does not mean that I do not stand in solidarity with my colleagues opposite as well as every other member in the House on the issue of the negative and very dehumanizing and demoralizing impact of child pornography. I believe in the court process and I believe in the wisdom and ability of the House to enact laws in this area that can withstand legal challenges.

I believe that our laws are clear. The arguments of my hon. colleagues that the notwithstanding clause in our Constitution should be used in this situation are not persuasive. They think that using it is good politics but it is not the most effective means of protecting our children. The notwithstanding clause was only intended to be applied when all legal avenues were exhausted in sections 2 and 7 to 15 of the charter of rights and freedoms.

I do not believe that the charter as negotiated by our Prime Minister when he was minister of justice would allow in any way child pornography. If we took the advice of the Reform Party the issue would come back to haunt Her Majesty's Loyal Opposition.

What members of the Reform Party may not understand about the notwithstanding clause is that it may only be applied for five years at a time. While they may think they are sweeping the whole situation underneath the carpet by imposing section 33 of the charter, this issue would rear its ugly head again and again with periodic reviews required for the use of section 33.

• (1215)

I appeal to my colleagues to understand that this is not a resolution. This is a reaction. I believe the attorneys general for B.C. and Canada have chosen a more permanent solution by having faith in our laws enacted by the House, by having faith in the charter of rights and freedoms, by having faith in the international

convention on the rights of children and by having faith in our appeal courts.

The debate that this issue would stimulate every five years if the opposition would get its way is unnecessary when the courts can decide to put an end to it once and for all. The Reform Party would try to spin our refusal to support its motion and say that the Liberal government is not willing to stand up to child pornography. The opposite is true. The Reform tactic of trying to score political points by debating verbose and confusing motions can only do more harm than good for children in Canada.

No member on this side of the House or probably on any side of House believes that anyone who possesses, distributes or promotes child pornography has the constitution right to do so. On this side of the House we believe in respecting Canada's judicial process and making it work to our advantage. That is why the Minister of Justice is supporting her counterpart in B.C. That is why the Government of Canada is taking an active interest in protecting Canada's children. That is why I am addressing in the House of Commons this very important issue. As controversial and as sensitive as it might be, I was compelled to do so. We share a common concern. All members do as well as the general public.

This past summer I was fortunate to attend the first world ministers meeting of ministers responsible for youth. This meeting had particular relevance to this issue as one of the resolutions specifically dealt with the sexual exploitation of young women and men. This resolution which has now gone to the United Nations calls on member states to take active measures to prevent this exploitation.

This section of the Lisbon declaration is consistent with what has been previously negotiated on the world stage. The United Nations has specifically dealt with child pornography in its convention of the rights of the child. The convention reads:

State Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes State Parties shall in particular take all appropriate national bilateral and multilateral measures to prevent: c) the exploitive use of children in pornographic performances and materials.

As a member state of the United Nations, Canada is part of this convention and fully supports this initiative in preventing child pornography. Pornography in all its forms is unacceptable in any society. All efforts must be taken to stop exploitation of the vulnerable. Members in the House should respect the courts. All of us should respect the processes that have served our country so well.

I leave the House with a quote from one of the world's greatest leaders, Nelson Mandela, who said about children:

It is my deepest conviction that children should be seen and heard as our most treasured assets. They are not ours to be used and abused, but to be loved and nurtured and encouraged to engage life to the full extent of their being, free from fear.

Supply

Mr. John Herron (Fundy—Royal, PC): Mr. Speaker, I am pleased to support the motion tabled by the Reform Party. This motion is addressing an issue that is not about partisanship. It is about doing the right thing.

The hon. minister spoke about respecting the courts. I respect the courts. I respect the judicial process. What we are looking at is doing the right thing. Here is a clear example where Canadians want us to ensure that we respect the rights of the community versus the right of the individual in this case.

● (1220)

We have to point out that for child pornography to exist, it means a child has been exploited. What I want to emphasize is that we need to send a very clear signal to all Canadians, to all parents that parliament will defend the rights of children.

Hon. Ethel Blondin-Andrew: Mr. Speaker, clearly as I stated in my speech we believe that supporting the appeal court system is the way of doing the right thing. We share concern as does every other member of parliament.

Without prejudice to any other members, I am sure vigilantism was based on the feeling that people were doing the right thing. We all know the results of that.

We have to be very careful and measured. As legislators we have an obligation to conduct ourselves in a manner that respects the rule of law. This is the highest court in the land and the laws that we make here are not done in a cavalier manner or in a manner that would suggest that when we feel like it, those laws are applied.

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Ref.): Mr. Speaker, the issue today is the social gap between the workings of the superior courts and the societal norms of what communities expect.

What happens here is not only the technical merits of what is being decided but who is doing the deciding especially when it relates to the Supreme Court of Canada. It applies to the superior courts across the country that are a federal appointment.

When we get to the fine points of splitting a hair, it comes to the social values of who that judge is. The country has nearly no say about who gets there. There is very little accountability for removing someone who is not representative of Canada.

It has to go through a very long process and then come back to this Chamber to remove a judge. We have some problems in this country about the judiciary and appointment.

What will the government do not only to look at this decision but, as this is an example of the problem of the appointment of judges, what will the government do to improve the accountability

Supply

of who is on the bench and doing the deciding as well as what is being decided?

Hon. Ethel Blondin-Andrew: Mr. Speaker, it may not be known to the member opposite but there is a process by which our justices are appointed across this country. There is the process by which we engage in applying the rule of law.

That is something that has been subject to review time and time again. I am sure the Minister of Justice and Attorney General of Canada has taken his remarks under consideration. I am sure he will be able to get better information from the Department of Justice on this. We share common concerns on this issue.

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, I will be brief. The hon. secretary of state just referred to the process of appointing judges.

I suggest to her that the Canadian people view the process as failing them. The process is not working. During her remarks the hon. secretary of state, and I do not know who wrote that speech for her but it was appalling, mentioned believing in the court system: "I believe in respecting Canada's judicial system and invoking the notwithstanding clause is not the most effective means". It is a means whereby we can deal with this today, not in weeks or months or whenever the appeal court gets around to it.

She said this is not a resolution. In other words, invoking the notwithstanding clause today would not be a resolution. It is a reaction. It is. I would say courts are not the solution, courts are the problem.

Hon. Ethel Blondin-Andrew: Mr. Speaker, there have been many decisions rendered by the supreme court at the federal level. I am assuming from what my hon. colleague is saying that he is condemning all those good decisions that were made, some of the decisions that advanced the rights of children, of women, advanced the rights of some of the most vulnerable people in our society.

Is he saying that the whole system has failed because of this one isolated incident in which we are dealing with a very unfortunate set of circumstances? I do not agree with that.

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, all members of this House share with Canadians a common position in this debate, an abhorrence of child pornography.

• (1225)

These materials represent evidence of the sexual abuse and sexual exploitation of children, the most vulnerable members of our society.

It was this common position that led all parties in 1993 to vote unanimously in favour of the legislation that today we are now

unanimously compelled to defend. The reasons are simple. Our children are the most vulnerable members of society and we must do all we can to protect children from the harm that flows from the creation and possession of child pornography.

Not only does child pornography serve as a permanent record of the sexual abuse of children, it perpetuates the message that children are appropriate objects of sexual interest. They are not.

That is why this government and I as Minister of Justice believe that the court ruling that limits the state's ability to fight child pornography must be appealed vigorously.

Let me be clear. This government will defend the constitutionality of the legislation with every ounce of energy we possess. That is why we have taken the unusual step to intervene in the appeal launched by the British Columbia attorney general. We are acting immediately. We will not wait for this case to reach the Supreme Court of Canada.

We are mindful of the importance of protecting the rights that have been guaranteed to us under the Canadian Charter of Rights and Freedoms. We respect the need to balance the powers of the state with the rights and liberties of individuals. We also know there are circumstances that demand that some of these freedoms be limited where such limits are reasonably justified in a free and democratic society. Clearly this issue before us is one such circumstance.

Limitations are justified in curtailing the availability of child pornography. This ruling must be challenged. Our government will provide all the necessary assistance we can to the Government of British Columbia in defence of this law. But our common abhorrence for the evil of child pornography must not allow us to either exaggerate the reach of the recent supreme court ruling or lead us to take rash measures whose impact would ultimately not serve the interests of Canadians.

There is no question that the impact of the British Columbia supreme court's decision has been far reaching in the terms of response it has elicited from Canadians. But what many fail to realize is that its legal impact at this point is limited. There is no open season for pedophiles in Canadian society as a result of this decision.

We must all remember that while provincial trial court judges in British Columbia are bound by this recent ruling, it is not legally binding on courts of the same or higher levels in British Columbia or across the country.

Possession of child pornography remains an offence in Canada. Officials in other jurisdictions have indicated that they will continue to vigorously enforce the prohibition against the possession of child pornography in their own jurisdictions as in the past. We applaud and support this decision.

Supply

In British Columbia law enforcement personnel are continuing to investigate child pornography cases and crown counsel are seeking adjournments in matters scheduled to proceed before provincial court judges.

There are also many other legal avenues available to police and crown prosecutors across the country to crack down on those who would exploit our children. As parliamentarians we take seriously the responsibility to respond to the concerns of our constituents and to protect those who are often unable to protect themselves.

We have heard the outcry of Canadians. While it is understandable that members of this House might experience a certain degree of frustration in not being able to address the public outcry in response to this case more directly, we must recognize that precipitous action on our part would not only be inappropriate, it would be wrong.

The right to appeal a decision of the trial courts in our country is a fundamental and effective element of our legal system. It is available and we will use it. The judicial process may take time but we will get an answer to this crucial issue from a higher court.

The decisions of trial courts on charter and other issues are appealed every day to the higher courts and then sometimes to the Supreme Court of Canada. The decisions of the lower courts, the trial courts, are frequently overturned by the higher appellate courts and by the Supreme Court of Canada.

• (1230)

Higher courts have not been at all shy to reject charter claims that have previously been upheld by lower courts. They do not shrink from, indeed they feel duty bound to examine the decisions of the lower courts to ensure that they are correct and consistent with the law. That is their job, to ensure that the laws of the land, the charter included, are properly applied by the lower courts. That is the nature of our legal system and as attorney general, I have, and must have, full faith in it.

In the unlikely event that the supreme court were to make a finding with which the government did not agree, we would then explore the possibility of legislative reform. However, we are confident that the strong arguments in defence of the existing legislation can be presented to convince the appellate courts of the constitutionality of these provisions.

Some across the way have suggested we resort to the use of section 33 of the charter, the notwithstanding clause. While I appreciate the sincere and deeply held motivations of some that underlie this request, as Minister of Justice I believe such a move would be wrong and contrary to the long term interests of Canadians.

The use of the notwithstanding clause is a serious matter without precedent at the federal level. I do not believe that it was intended for use except as a measure of last resort, meaning after a decision of the country's highest court. That is why it has been used so rarely.

We should all ask ourselves why this is so. Contrary to what some in the Reform Party might suggest, Canadians and their governments benefit from the guidance and expertise of their courts. By allowing this case to make its way through normal channels, Canadians will receive the full benefit of their counsel. I would infinitely prefer a situation where the courts of this land ultimately upheld the legislation in question than a situation where we precipitously invoked the notwithstanding clause without due benefit of the court's counsel.

It is in this way that we live in a system where the rule of law is respected. It is in this way that we live in a free and democratic society where its constitution and charter of rights have meaning. It is in this way that we enjoy a justice system that is the envy of the world.

Before we take such a serious step as invoking section 33 of the charter, we have a duty to ensure that other mechanisms for addressing the situation have been tried and have failed. This principle applies even in the most difficult circumstances, even when we are faced such as we are today with a decision that has so very clearly elicited the concern of Canadians from coast to coast to coast.

The Reform Party in the name of judicial activism claims to represent the people's will. It believes that by attacking judges and the justice system that it serves the interests of Canadians. Well, once again the Reform Party is wrong. It is also without courage for it is in circumstances like the present one that the tough thing to do is to show respect for and have faith in our legal system.

The Reform Party's actions are about politics. While its members appear to be concerned about child pornography, the very actions they propose are ultimately contrary to the public interest.

Canadians will be better served by a process in which ultimately our legislation, the legislation we all care so much about, is upheld by our courts as constitutional. Canadians are better served in all circumstances when they live with the knowledge that the laws that govern them are constitutional. And were at some point the highest court to rule against this legislation, Canadians through parliament would still have recourse, but we would have it in possession of greater knowledge and greater wisdom.

This government has every confidence that our legislation is constitutional. We will do everything we can to defend it.

Let the system work. By it, we serve Canadians. By respecting our legal system and our laws, we serve Canadians.

Supply

• (1235)

Mr. Gary Lunn (Saanich—Gulf Islands, Ref.): Mr. Speaker, I know we all agree on how despicable all of this is. I have the highest respect for the Minister of Justice but I am offended when she suggests that I do not. I want it put on the record that I am deeply offended.

I want to get back to using section 33. I have the highest respect for the courts. My respect is as high as anybody's including the minister herself but it does not preclude following the appeal process. It is fundamental for that to happen and that it be expedited as quickly as possible.

Section 1 is the courts' tool to limit the rights and freedoms of individuals. Our tool is section 33. She says it is only a last resort. I appreciate that it is unprecedented in the Parliament of Canada but we have to look at the gravity and importance of the situation. The suggestion is that it can only be used after going to the Supreme Court of Canada.

I know I do not need to preach to her about the charter. She knows it as well as I do. The invocation of section 33(2) can be limited. It does not have to go for five years. I know they are laughing at this but my heart is in the right place and I am serious. We can invoke the notwithstanding clause for any length of time we wish in order to provide for the interim protection of children. We do not have to wait. Canadians do not have to wait. The courts do not have to adjourn cases. It is no disrespect to our justice system.

Section 33 was included as a tool for parliament to limit rights and freedoms where we feel it is necessary. Section 1 is included in order for the courts to do that. We have a duty to do that.

I appeal to the justice minister to leave the partisan politics aside. I mean this in all sincerity. We should look after the interests of our children. Look at the gravity of this situation. We are talking about child pornography. We have the tools right now to invoke section 33 to protect Canadians.

The Minister of Justice knows as well as I do that there can be delays. There are all kinds of reasons people can get off charges. We can offer that protection right now with no maybes, with no disrespect. I put on record that I have no disrespect for the courts. Why does the Minister of Justice feel so passionately that we are showing disrespect by invoking section 33? I have the highest respect for our justice system.

Hon. Anne McLellan: Mr. Speaker, the hon. member has raised a number of important points. I must put on record that he asks that I eschew the use of politics. It was not we who played politics with this very important issue of substance on behalf of Canadians. We are debating this today because the Reform Party decided to play

politics with an issue of such fundamental importance to Canadians.

We have acted quickly. We have acted in an extraordinary way. My colleague, the Attorney General of British Columbia is asking for this appeal to be expedited. Therefore I have no doubt this matter will be dealt with in a timely fashion, in due course before the courts of the land.

I reiterate a fundamental point. The notwithstanding clause was intended to be used in extraordinary circumstances. It is this government's opinion, shared by the vast majority of former parliamentarians, that section 33 should only be invoked after we receive the advice and guidance of the highest court of the land, the Supreme Court of Canada.

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, it is interesting that the minister spent her time chastising us on this side of the House but she should have included all parties on this side of the House. It is not just the Reform Party. All parties on this side of the House will support this motion.

• (1240)

It is interesting. When it comes to freedom of speech, not one of the members over there who signed the petition asking her to move on this has been allowed to speak. I bet we will not see one of them speaking today.

Mr. John Nunziata: Mr. Speaker, I rise on a point of order. You will note there are a number of members who would like to ask the Minister of Justice questions. I would ask that you seek unanimous consent to extend the question period by 10 minutes.

The Deputy Speaker: Is there unanimous consent to extend the question period for 10 minutes?

Some hon. members: Agreed.

An hon. member: No.

The Deputy Speaker: The Minister of Justice may make a very brief, 20 second reply to the comment if she wishes. Otherwise the time for questions and comments is over and we will proceed with debate.

Hon. Anne McLellan: Mr. Speaker, there is one thing I should put on the record to clarify it. There are those who wish to misrepresent the situation that presently exists in relation to one Mr. Robin Sharpe who was the subject of the case that has led to the—

The Deputy Speaker: The hon. member for York South—Weston on a point of order. I am sorry to interrupt the minister.

Mr. John Nunziata: Mr. Speaker, her time has expired. She cannot have it both ways. She cannot refuse to—

Supply

The Deputy Speaker: The hon. member for York South—Weston as usual is seeming to misrepresent the position of the Chair in this matter. I gave the hon. the whip for the official opposition time to ask a question. I deliberately cut him off to allow the minister to reply. He had used up the time, but I was prepared to allow the minister a brief reply. I indicated that. I did not cut him off sooner in order to allow him to complete some reasonable part of his statement, and I am allowing the minister to reply. That is it. That will be the end of the time for questions and comments when the minister has completed, but she will have a very few seconds left to complete.

Hon. Anne McLellan: Mr. Speaker, I simply wanted to clarify for the House that in relation to one Mr. Robin Sharpe, there are two other charges pending against this individual, one in relation to production and one in relation to distribution. I therefore would ask that the Reform Party stop spreading misrepresentations in this situation.

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.): Mr. Speaker, I am amazed to be here participating in a debate on the illegality of child pornography. I am offended by the attitude of the Liberal government and the minister who feels that Canadians have no right to be participating or observing a debate on this issue. I would like to know, who are they to say that Canadians are overreacting because they are concerned that a judge has said that it is legal to possess child pornography?

This law was originally passed unanimously in parliament in 1993, but the decision of one man, Mr. Justice Shaw, has undone all the work by the people's representatives.

This case raises a number of issues that go beyond the impact upon the Sharpe case specifically and the possession of child pornography in general. In this case Robin Sharpe got off. At least one other case was thrown out in the B.C. provincial court because of Justice Shaw's decision. The possession of child pornography is therefore currently legal in the province of British Columbia.

Make no mistakes, child pornography is not about pictures of naked infants on bearskin rugs. It is about children, sons, daughters, grandchildren, being abused and exploited by adults.

The only people whose rights were being infringed by this law are pedophiles. I believe that we as a society have a right to deny this extreme minority the right to see young children being abused. Make no mistake, we mean real children. Real children are being abused to make child pornography. There is no acting. There is no consent, because children can never give consent to acts like this. Because it is now legal to possess child pornography in B.C., I am sure that more children are going to be used for the creation of pornography to satisfy the appetite of pedophiles. That means that more children will become victims of sexual abuse in order to

satisfy the charter of rights and freedoms of pedophiles. The results are not necessarily apparent immediately in the now. But many of the negative recriminations occur 10, 15 or 20 years later. How often do we hear convicted adult sex offenders plead for reduced sentences because they themselves were sexually abused as children? What type of circle of violence are we creating by legitimizing the possession of child pornography?

• (1245)

I want to extend Justice Shaw's reasoning to other criminality that perhaps possession of stolen property could be determined to be an infringement of the possessor's freedom of expression. What about the possession of illegal drugs? It could easily be argued that their use relieves tension and there is no harmful intent. Or what about the possession of unregistered firearms? Surely it could be argued that Bill C-68 was an infringement on the freedom of expression of gun owners, the vast majority who have no harmful intent.

Perhaps this government should spend as much effort keeping child pornography out of the hands of pedophiles as it does restricting the rights of legitimate gun owners.

I would like to raise another spectre. That is of courts taking over the role of parliamentarians. It does not matter if 301 individuals representing five different political parties and, more important, 30 million Canadians unanimously agreed that child pornography is wrong. One individual has changed the law in British Columbia.

I know the case is under appeal, but that means that three other judges in the B.C. court of appeal will get their say. After that maybe nine other judges in the Supreme Court of Canada will have their say. While I respect the roles courts have in administering justice they should not have the right to overrule the will of the members of this House who are elected by Canadians to make laws on their behalf.

This is about far more. It is about respecting our constitution. This is another example of the courts interpreting the charter of rights in a manner in which it was not intended. Every now and then the Prime Minister likes to claim responsibility for introducing the charter of rights. I would like to think that he did not bring in the charter of rights to give pedophiles the right to possess child pornography.

It was almost 800 years ago that the British had the Magna Carta which introduced such concepts of guarantees of rights and the rule of law, as well as laying the foundation for parliamentary democracy. The Americans have had their constitution and the bill of rights for over 200 years. Despite the spectacles that we see today in the American Senate it aided ennobled causes like the freeing of slaves. Now if we compare these two historic documents with our charter of rights that is still shy of its 20th birthday, it will be known as the document that gave pedophiles the right to possess child pornography.

Supply

phy. We should be ashamed that our charter is even being challenged in this way.

I cannot overemphasize the importance of this case to the value of the charter and to the courts in general. I suspect very few Canadians can list the benefits that the charter has brought in their day to day lives. But if this decision is allowed to stand, they will certainly remember it. Even before this decision in my five years as a parliamentarian I have received countless letters and phone calls of constituents telling me that Canada would be much better off without the charter of rights. If this decision were to stand, that is, if the courts decide that it is more important to allow pedophiles the right to see children being abused than it is to protect our children, I am afraid I could not disagree with them.

• (1250)

If the charter of rights and accompanying court decisions are to have any value at all in the lives of Canadians then they must have the support of Canadians. Decisions like this left to stand will drive away any of the support that might still remain for the charter of rights and our constitution.

A constitution or a charter of rights that does not have the support of the people is an empty document. It is a document that is devoid of any relevancy. That is our challenge today, to make sure our charter of rights respects the feelings of Canadians and has relevancy to all our lives in Canada.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, my question is for the hon. member who has just spoken.

Is she aware of a principle generally recognized by the courts? I believe two appeal courts in Canada have already issued a similar opinion, the Quebec Court of Appeal for one.

The principle is that of presumption of the constitutionality of a piece of legislation until a final court of appeal has reached a decision. In other words, in this case, with respect to subsections 163.1(3) and 163.1(4) of the Criminal Code, although a court of the first instance in British Columbia has declared these subsections of the Criminal Code unconstitutional, does she not believe that the presumption of constitutionality of this section can, or must, be applied until a higher court has rendered a decision. In Canada, this means first the appeal court and then the Supreme Court of Canada.

In other words, I am casting some doubt on the statement she or her Reform Party colleagues have made, that the children of British Columbia are not protected, because there is no longer any applicable legislation on child pornography, since subsections 163.1(3) and 163.1(4) of the Criminal Code have been invalidated.

[*English*]

Ms. Val Meredith: Mr. Speaker, if that section is held constitutionally then why was one pedophile allowed to walk free and why are there 40 cases in British Columbia being held back from being tried until there is a decision made on this?

If that constitutionality is a given then why are the children of British Columbia having to face the fact that pedophiles are being let out of the court system on to the streets to continue plying their trade? I do not believe the children of British Columbia are being protected. Would the member feel the same way if it were the children of Quebec who were at risk?

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, I just heard the justice minister indicate that the Reform Party was making this a political issue.

I ask my colleague, who happens to be a politician along with the rest of the politicians who lack the spine to make decisions on such issues, why she thinks this should not be a political issue in this country. Why does she think politicians should not stand up for the rights of the young in this country?

Ms. Val Meredith: Mr. Speaker, our job is political and it is to make sure that these debates and discussions take place in an open forum for all Canadians to know that their leaders, the 301 people who sit here, are concerned about the issues and protecting their children.

If that is being political, that I feel it is important that we be having this debate in the public eye, in the House of Commons, then I am guilty of that. I think for far too long Canadian politicians and governments have removed the people from the governance of their country. The day has come when that has to stop. The people in Canada deserve the right to be part of this conversation.

• (1255)

Mr. Darrel Stinson (Okanagan—Shuswap, Ref.): Mr. Speaker, after listening to my colleague's speech I would like to ask her if she agrees that as elected representatives of Canada our first or foremost responsibility is to the safety and well-being of the law-abiding and innocent people of this country.

Ms. Val Meredith: Mr. Speaker, I believe that when we have a conflict between the rights of Canadians and they come head to head that it is the Parliament of Canada that has to establish very clearly whose rights take precedence.

In this case I suggest parliament has to make it very clear that it is the rights of children, not the rights of pedophiles, that take precedence.

Mr. Jim Abbott (Kootenay—Columbia, Ref.): Mr. Speaker, it does not give me great pleasure to come to the House to debate this as I believe that the courts have made a mistake.

I believe that the justice minister should have acted on this issue in a far more decisive way. It does not give me pleasure to be debating this because there should be no debate. The children of Canada must be protected. Under this justice minister, under this government, that is not happening.

The definition of civilization is that we protect those who cannot protect themselves. We must look after the children of Canada. The people of Canada are saying to us in the House protect our children.

The justice in his ruling wrote: "There is no evidence that the production of child pornography will be significantly reduced if simple possession is made a crime". The word significantly blows this thing completely out of proportion. What does he mean by significantly reduced?. It is the responsibility of the House to protect the children of Canada. For this justice to say that he is making this ruling because there is no evidence that they will be more significantly protected, even if they are protected one small amount, that is better than this judgment.

We are faced in Canada today with judicial activism that in no way reflects the values of Canadian citizens and Canadian society. The values that Canadians are concerned with is protecting their children. They demand few things. They expect safe streets. They are not getting safe streets. They expect to be free from terrorism and unfortunately in some cases they are not getting this. They expect to be free and to avoid the issue of drugs for teens. They want the protection of their teens from a drug culture. They expect protection from being ripped off. Sadly this government is going very slow. They expect those things but what do they demand? They demand the protection of children.

The justice minister has said to the police to go ahead and do your thing. As a solicitor general critic, as I go in and out of RCMP detachments I run into file after file that is full of overflowing, brimming with paper and documents just to protect the police because of the charter action that has been taken in so many instances. The judicial activism that is presently underway not in any way reflecting the values of Canadians is hampering the police in their ability to do their job.

There has been mischief by the charter of rights and it has been mischief that has been brought forward by the law society in Canada. We even have first degree murderers who walk away when the courts decide they should have had a search warrant under certain conditions. So all of a sudden things are overturned, murderers are permitted to go free and in retrials there are situations where there cannot even be proper evidence brought forward.

• (1300)

There is just one thing that I can say about murderers versus this issue. At least the people who are murdered are dead. The

Supply

difference in this issue is that the children of Canada who are subjected to this become the walking dead. We must protect children and we must protect our children now.

The justice went on to say a few more things:

A person's belongings are an expression of that person's essential self.

Another quote:

It is the means of ensuring individual self-fulfilment by developing and articulating thoughts and ideas as they see fit.

Mr. Sharpe was quoted as saying:

—that pornography is probably good for children, that children are able to consent to have sex with adults and that child pornography laws interfere with the rights of those who are interested in adult-child sex.

How can a four year old make any kind of an informed judgment on that? How can an eight year old make any kind of an informed judgment? That is what Canadians are faced with today. How absolutely pathetically stupid, ridiculous and reprehensible that statement is.

If the people on that side of the House do not understand that we are sitting with a hand grenade, with the pin pulled, let me quote Eugene Meehan of Lang Michener on CFRA this morning. He equated the situation to "a grenade with the pin pulled". This situation is urgent. The opportunity to expose child pornography will increase rapidly as a result. It will happen. It is happening.

A police officer testified that as a result of the possession count against Sharpe, the police had been able to obtain warrants and carry out searches that have assisted them in finding child molesters. In British Columbia that is all set aside at this point. The justice minister can say to the police go ahead but the law has been struck down and needs to be resurrected. We need to have action and we need it now.

Let me address the issue of who we are in the Chamber. There are 301 people in the Chamber elected by the people of Canada. The people of Canada assume that the House of Commons is the supreme power in the country. Under this justice minister and her predecessor, under this solicitor general and his predecessor, the government has allowed the courts to become the lawmakers and the law restricters in Canada.

We must stand up. We must be counted. It is up to members of parliament to reflect the values of the people of Canada. The people of Canada are saying "Protect our children, protect our children now".

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the hon. member has expressed the sentiments that all members of parliament have expressed throughout this debate, and that is our abhorrence with the issue of child pornography.

Supply

The member is trying to suggest that this issue is all to do with abhorrence of child pornography. He stated that because of the Sharpe decision everything is free form now in B.C. That is not the case. That is not advising the House of the real facts.

The fact is that in current cases before the courts adjournments are being sought. The police are also continuing to pursue their investigations and to lay charges. The B.C. attorney general has asked that the appeal be expedited.

The member will know this is an issue of process and I want him to comment on the process. The notwithstanding clause, which the Reform Party is suggesting will be the solution to all the problems, only deals, as he should know and I do not think he does, with cases from today forward or from the point of invocation forward. It does not deal with the Sharpe case. That appeal must proceed to deal with the Sharpe case. The federal government will be party to that appeal and we will vigorously defend the rights of children and the laws of Canada.

• (1305)

The member must clarify he fully understands that this is about process, about the integrity of our system of laws and courts and the application of the notwithstanding clause, and not with regard to simply abhorrence of child abuse.

Mr. Jim Abbott: Mr. Speaker, let me make very clear that I understand the notwithstanding clause. I understand that it is not an either/or. The appeal can proceed. We can do both, and that is what Canadians want. Why? Because the member himself said that adjournments were currently being sought. He also said that it would be expedited. Expediting something in a court is akin to watching molasses trying to drip out of a container in the Arctic in January.

I do not care how much expediting is going on. This case will drag on for one or two years at least. The member is not prepared to acknowledge that.

Furthermore, at this time it is not enough that the police in Canada have had the tools of their trade taken out of their hands in so many other instances. In this case the member knows full well that if the police were to go to a judge today and ask for a search warrant on the basis of this law they would not receive it. I read what was said, that the search warrant would have not been granted for Sharpe if this law was not in place.

In British Columbia the law is not in place and search warrants cannot happen. The police are being restricted in being able to stop this most reprehensible of all crimes.

Mr. Ted McWhinney (Vancouver Quadra, Lib.): Mr. Speaker, I respect the views of the hon. member for Kootenay—Columbia and I will have something to say later on the subject of judicial activism.

On the issue of simultaneity of action to appeal courts and by this parliament in relation to invocation of section 33(1) of the Constitution, would the member not accept that this would render moot in legal terms proceeding with the appeal process before the supreme court? I do not unfortunately think one can have both courses at once.

Mr. Jim Abbott: Mr. Speaker, we have taken advice and our advice is contrary to what the member just stated.

[*Translation*]

Mr. Paul DeVillers (Simcoe North, Lib.): Mr. Speaker, once again, our friends across the way are debating whether our criminal justice system is properly managed.

Once again, they are complaining in veiled terms about a judicial decision, which, in their opinion, undermines the credibility of this justice system. Once again, they are arguing that the courts are exceeding their legitimate role. Once again, they are calling for strong action by Parliament.

It is easy to understand why some of my fellow citizens would have such a knee-jerk and emotionally driven reaction. It is however much more difficult to accept this kind of reaction from experienced parliamentarians. Is it our role to jump every time a judicial decision is made? Should we not be reviewing the facts much more dispassionately and reasonably? Have we not learned that a judgement at first instance can be appealed?

[*English*]

I believe it is important to participate in the debate proposed to us, but the reaction must be measured and must be based on the law and the basic values by which we are governed, not on the rawest emotions. We must rise above primal reaction and consider this issue in its context. However well intentioned the motives may be, it is more damaging than the very decision it decries.

It is obviously not my intention to discuss the judgment rendered in this case. Not only would this be inappropriate but also it is under appeal. The Attorney General of Canada will intervene in support of the validity of the provisions and thus the legitimacy will be tested before the appellate court. This is the procedure that is followed in a constitutional state or a country based on the rule of law.

• (1310)

The main purpose of my statement is to guard against the highly emotional reaction to a decision rendered in the first instance. I believe that matters should be placed in perspective and that we should let Canadians know that their justice system is operating based on sound principles. That is not our parliamentary role.

If recourse was taken under the notwithstanding clause every time a court trial division came to a conclusion which opposed the

government of the day either on moral, legal or political grounds, unfortunately it would be almost a daily occurrence. It would also be a politicization of our justice. It would be denying justice, not contributing to it.

[*Translation*]

The charter of rights and freedoms is a legal instrument we have given ourselves to guarantee the fundamental rights and freedoms of everyone. This is an instrument we are proud of, and rightly so. It represents our core values. We have established institutions to deal with and settle conflicts of interpretation, for instance, when a conflict arises with respect to a piece of legislation.

I do not know whether the Sharpe decision is well founded in law. It will be up to the higher courts to decide. I do know, however, that we have a legal system in this country under which decisions can be reviewed. There is no call to push the panic button when a trial division judge hands down a ruling, whatever that ruling may be.

[*English*]

Our criminal justice system has its own checks and balances which assure us, to the extent humanly possible, that the best decisions will be rendered. A court decision that poses a problem can be appealed. Appeals are heard every day in the country. I believe it would be particularly inappropriate of me to suggest that a legislative response is needed every time a court decision is rendered. The system works.

I would also like to indicate that I am sharing my time. There is no need to go on at any length about the despicable nature of child pornography. I am certainly no defender of such material. The immense majority of Canadians fully support our resolve to prohibit objects or materials that can harm the community and individuals. Child pornography is intolerable because it harms what is dearest to us, our children.

However, we do not have the right for demagogic purposes to leave the impression that pornographers now have free rein. For one thing the decision is under appeal. Moreover, some have already lost sight of the fact that possession of such materials for the purpose of distribution is prohibited and that the constitutional validity of this prohibition is not in doubt. However that is not the issue.

[*Translation*]

Parliament has a vital role to play in determining what should and should not be prohibited. Its role is paramount. No one is saying otherwise. There are limitations in place, however, to ensure the protection of certain fundamental rights and freedoms. The courts can help us by determining how this goal can be achieved

Supply

with the least disruption to other fundamental freedoms. There must be dialogue between Parliament and the courts.

Some court decisions may sometimes strike us as wrong. The first step is for the superior courts to review these decisions and, if necessary, take corrective action.

An immediate and ill-considered reaction by Parliament along the lines of the motion being proposed is nothing less than counterproductive. Let us remember that invoking section 33 of the charter implies that we think that the action taken is not reasonable in a free and democratic society. Is this really what we wish to do? Is this the message we want to send? Should we not give the appeal courts a chance to do their job and see if the decision will be overturned?

• (1315)

I know that today's debate is the result of outrage in certain sectors at what some see as an unjust decision. I do not believe that we have the right to shamelessly exploit this outrage.

I, for one, believe strongly that the justice system must be allowed to review these rulings in the usual manner. I understand people's outrage, but I do not share it.

[*English*]

Mrs. Diane Ablonczy (Calgary—Nose Hill, Ref.): Mr. Speaker, I am a little sad today. I thought we were in this House to make laws for the people of Canada. I thought the job of the courts was to enforce and apply those laws.

It is clear that there is a perceived conflict in two laws that have been passed by this House, one making the possession of child pornography illegal and one protecting freedom of expression. The courts clearly are not sure which one we wish to be paramount.

There is a motion today whereby this House can make it very clear to the courts which law we wish to be paramount.

What is the problem with the lawmakers of this land, representatives of the people of this country, parents and children of this country making it clear that we do not wish to tolerate the possession of child pornography in our society?

Mr. Paul DeVillers: Mr. Speaker, the hon. member suggested that it is the role of parliament to make laws and the role of the courts to interpret them. That is exactly what is going on here.

Parliament has made laws prohibiting the use and possession of certain pornographic materials and the courts are in the process of interpreting them. The difficulty is that we are at the trial division level.

From here there is an appeal to the British Columbia court of appeal and then a further right of appeal to the Supreme Court of Canada. We only need go back to the last parliament to see an

Supply

example where a case was tried and appealed. I refer to the case of the defence of drunkenness.

Parliament was not satisfied with the interpretation. It did not accept that it was proper. Parliament exercised its discretion and passed, under the previous justice minister, a new law to prohibit the defence of drunkenness.

That is how the system should work. The system should be allowed to carry its course through the courts where the courts will interpret the laws. At the end of the day, if parliament is not satisfied with the result of that interpretation, then it is open to parliament to pass a new law.

Mr. John Nunziata (York South—Weston, Ind.): Mr. Speaker, in her remarks the Minister of Justice referred to the Reform motion as being wrong and a precipitous action, yet 75 of her colleagues signed a letter to the Prime Minister asking for the very same thing that this motion is asking for today.

I will quote from that letter. It reads “We ask that the government not wait for the appeal of the B.C. decision to be heard, but immediately act in the defence of Canada’s children”. The letter to the Prime Minister goes on to ask that the use of the notwithstanding clause be considered.

The former solicitor general, who is in the House, today signed this letter. A number of colleagues opposite, members of the Liberal caucus, signed this letter. Yet the Minister of Justice and the Prime Minister are now overriding the wishes not only of the majority of Canadians and the unified opposition on this side of the House, but the majority of the members of the Liberal caucus who support this motion and who are being forced not to support the motion before the House today.

The former solicitor general is nodding his head. How can these members reconcile having asked for a specific course of action just a few short days ago and putting their signature to this request in a letter to the Prime Minister and then a few days later parking their principles at the door and acting like obedient sheep? Whose interests are they serving? Are they serving the interests of their constituents? Are they serving the public interest? Or are they afraid to offend some unelected people in the Prime Minister’s office?

• (1320)

Mr. Paul DeVillers: Mr. Speaker, I had not seen the letter, but someone just handed me a copy of the letter that the hon. member refers to. I understand there are 69 signatures on it.

I cannot speak for my colleagues who signed this letter, but I can point out that the letter asks that the government consider the invocation of the notwithstanding clause.

Not having any more background than that, when it says “consider the use of the notwithstanding clause”, that is not to me a full endorsement of its invocation. It is saying that the government should consider it the way a due diligent government should consider all alternatives.

Mr. Ted McWhinney (Vancouver Quadra, Lib.): Mr. Speaker, I appreciate the member for Simcoe North sharing his time with me.

To begin, I would like to review the history of the charter of rights. It was not part of the original constitutional patriation package. It was introduced because very many scholars around the country reminded the then prime minister that we were one of only two major countries that did not have a charter of rights, the rights and freedoms of citizens. The other was Switzerland. We were both mid-19th century constitutional systems. And it was introduced.

What about the notwithstanding clause? The problem was really a conflict of different modes of legal thinking and, in particular, the then NDP premier of Saskatchewan, Premier Blakeney, who had been educated in the English system where there is no charter of rights. There is now, by the way, with the European court of human rights and the European charter and most of the decisions seem to affect Great Britain. In any event, Mr. Blakeney opposed the idea of a charter, but he agreed on the basis of the present notwithstanding clause.

It is a very awkward clause in its drafting. It had to be.

In the United States unpopular decisions have been overturned by constitutional amendments. One can cite here, for example, the income tax amendment which reversed supreme court decisions.

Mr. Trudeau, when he was approached on this issue and asked why he inserted the notwithstanding clause, said “It was the price of getting the charter. Without it I would not have had the charter”. He then said “I am very sad about it, but I do not believe any federal government will dare to use it”. That has been the fact of life. No federal government has used it.

The major use of this of course has been by one provincial legislature. Four hundred and fifty measures of that legislature were submitted to the notwithstanding clause. Who was it? Premier Levesque, the premier of Quebec, between 1982 and 1985. When he left office the new premier removed the notwithstanding clause from any consideration for any further Quebec bills, so that it remains what many scholars have called a constitutional aberration.

What are the alternatives? One is very obviously the appeal route. People can differ, and I should not as a lawyer express an opinion on a decision by a judge. He deserves respect. But I would simply suggest that honest men and women in the judiciary are entitled to other points of view and might very readily come to a different point of view.

Supply

The section of the charter that is involved is one of the most clear sections of the charter. It calls out for a species of judicial legislation. It really embodies, almost word for word, the provisions of the American bill of rights. Our charter, by the way, is much too long, much too pedantic. It is often hard to understand, but on that it is crystal clear. I would suggest that it is reasonable to expect that other people on appeal might come to a different answer.

What we are doing is to ask the justice minister to expedite the appeal process. We do not have the American system of certiorari where the highest court can pick up immediately from a lower court a decision involving constitutional principles and render its own decision on the file. I think that is a gap in our legal system and it should be, frankly, filled at some future stage not too far in the distant future.

• (1325)

It is probably one of the problems of our charter that we do not have a constitutional court or even a constitutional tribunal of the sort that some of us recommended to Mr. Trudeau when he was going about the adoption of the charter of rights. But we do have the appeal system and it can work very quickly.

The major decision of our supreme court perhaps of recent years is the decision on the constitutionality of a secession by Quebec. Issues of this sort on reference have taken in the past three years or four years. Why not? They did it in six months.

I think we are asking, and I will ask the Minister of Justice, to make sure that the federal government presses for quick action. I would think this is a matter on which the court will respond.

I listened with interest to the comment by the member for Kootenay—Columbia because he has made some thoughtful comments on the issue of judicial power in the past. I would like to see the legal authority on which he relies. I think he should publish it, as the possibility of simultaneity of an appeal action, an action under the notwithstanding clause. I would have thought it was elementary that the issue becomes moot in the courts once the legislative action is proceeding. It is, in any case, for the court itself to decide on this issue. I do not think that it is a sound, juridical principle as advanced, but I would like to see the argument that he has brought forward.

Are there ways in which one can substitute for judges some other form of action? One can define, if one wishes to amend the charter of rights. One could define in much greater detail all the sorts of things one wants to control or prescribe.

One of the weaknesses of our charter is that it defines too much. But when we get into the clarion principles of the American bill of

rights, as we do in the section now under contest in this particular case, it calls out for a creative interpretation by the judiciary.

I think the debates in the House are part of the travaux préparatoires, part of the sources the Supreme Court of Canada may go to. I do not exclude a situation, after decision of the Supreme Court of Canada, when we may wish to re-examine ways of changing the court decision. One can consider the notwithstanding clause then. But I would suggest to hon. members the message that should go to the justice minister is to use all speed to make sure that the appeal processes operate with the celerity that they did with the reference on the separation of Quebec.

If the notwithstanding provisions are invoked, by the way, do not expect overnight miracles. It will require fresh legislation by the House of Commons. It will require an approval by the Senate. It will go through all those procedures. It will be, I think, a long and drawn out process.

My message here is, I believe, the opposition's anger and the concerns that it has expressed, which are shared very clearly by very many on the government side, are reflected in the debate. It is part of the record that the Supreme Court of Canada will have available to it on appeal and may properly be referred to.

I do not believe that the notwithstanding procedure should be proceeded with while this matter is pending. I do have reservations about the notwithstanding procedures generally. I think there should be simpler processes for reversing court decisions on the line of the American system.

What I am really saying is that the inchoate debate that the member for Kootenay—Columbia launched last year on judicial activism failed because basically there was no comment on institutional possibilities.

We have gotten over the notion that everything in constitutional change is involved with the Quebec question. There are issues of institutional reform and I think the constructive comments that we heard on both sides of the House during the debate, and there have been a number, are ones better addressed in that context. So do not mess with the charter lightly.

It is an act to achieve a charter of rights. It should be changed, not in the reaction to a single case, but only with a regard to long range principles.

• (1330)

On that basis I recommend following the procedure outlined by the minister of justice for going ahead with the file. I and others will communicate in our own rights but I believe that it has come clearly from the debate in the House. With all Godspeed go ahead with the appeal process. This is a decision that I believe is eminently arguable with all respect by the judge of the Supreme Court of British Columbia. He is only one judge. In the American

Supply

system it would go immediately to the top which is the sort of reform in terms of the better functioning of our charter of rights that we could seriously consider in the future.

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Ref.): Mr. Speaker, the Liberal member said that while this is an aberration it is just one judge, but this is another example of a series of problems perceived by the community which leads to a basic distrust. A gap develops between what the community expects and the results that are delivered through the judicial system. This is only the latest example of the basic lack of community confidence that judges are reflective of mainstream Canadian values. Part of it is not so much what is being decided but also who is on the bench and who gets to be decidee.

I refer to a time when the chairman of the justice committee agreed with Reform on that issue. I said on that day as a backdrop in a general sense we detect that there is not a lot of public confidence in the judiciary itself. One of the mysteries is that the average public does not know how judges get to be appointed.

The late Shaughnessy Cohen, God bless her, said: “We all know it is the committees that want to keep the process secret. We all know they do not want to face an applicant. They do not want to have someone who is applying for a judicial appointment put his face right in front of them because God forbid they should be accountable for this decision”.

She went on to say: “If this committee wants to continue to keep this secret, perhaps they should reconsider the process and reconsider whether they want to be on the committee or not. Maybe it is turning into a star chamber. There is a big difference. There are politics at play here other than Liberal politics or Tory politics. There is also the politics of the bar which is unaccountable and really nasty. It gets down to who is deciding”.

She also said: “In the final analysis who is on the hook if a judge screws up? It is the Prime Minister and the justice minister”. That opinion was very well considered based on experience. The opinion and the evidence we got in this Chamber today was unaccountability, that we should let the system work, that it is all okay. Our point today is that it is not working and changes have to be made.

Mr. Ted McWhinney: Mr. Speaker, I thank the hon. member for his interesting and useful comments. I have done a good deal of pre-parliamentary work on the special institution of the constitutional court which most countries of the world now have. The judges are elected under specific processes that vary by country. The legislative bodies in many countries are using proportional systems. To institute a change of that sort here would require a constitutional amendment which would also require all 10 provinces and the federal government. Forget it.

When I was parliamentary secretary to the Minister of Foreign Affairs we introduced a system of having departmental appointments to ambassadorial rank brought before the committee. A number of very distinguished people appeared and answered questions at considerable length, and not always with considerable politeness on the part of the questioners as to their qualifications. That can be done by simple parliamentary custom. It may be the sort of thing that the justice committee could usefully consider. Would it be the sort of thing that might be advanced?

Some judges would object. When the charter of rights was being adopted I mentioned a system of the parliamentary election of judges for a constitutional court. One distinguished gentleman said that he would never agree to serve on this basis. I told him that he would be surprised by the thunder of feet of people rushing by him, people who would be prepared to go before an electoral system.

I offer this for the hon. member's consideration. It might be a point worth raising. There are already precedents, for example in the foreign affairs committee.

• (1335)

Mr. Derrek Konrad (Prince Albert, Ref.): Mr. Speaker, I am proud to be speaking today on the Reform motion.

The debate has been somewhat diminished by some insulting remarks made by government members. They have characterized Reform as fearmongers. They have said we have wrong motives, that we are acting precipitously and we are silly.

I indict them with the charge that if the members over there sat on this side of the House and that motion had come from this side of the House there is probably not one of them who would not support the motion. That is an indictment I do not think many of them could escape, particularly those 69 who signed the petition to their own leadership asking for a move on this issue.

There are those tonight when the vote comes up who will wish they were on this side of the House. They will wish that they were not whipped into shape so that they could express not only their own hearts' desire in this matter but the desire of their constituents, as well. When the vote comes this side of the House is on the side of the children. It is on the side of the parents of the children. It is on the side of what is right and we will vote as a block on this side to support the motion.

On that side we will be interested to see what the result is and to see if members there will stand up for what they know is right. On the other hand there have been some members who have made good and legal points but I do not believe that it was as quoted by the judge, that the possession of child pornography is an important expression of a person's essential self. That self needs to be reigned in. The law that was struck down needs to be reinstated as soon as possible.

Supply

It is not good enough to say that from now until whenever the government stands aside and watches while Canadian children are put at risk, to watch the process take a step by step management rather than leadership approach to dealing with the problem. It will just not accomplish what needs to be done.

Judge Shaw invoked a provision of the charter to strike down the law that protects children from child pornography. It is within parliament's purview to strike down his decision through use of the notwithstanding provisions of the charter of rights and freedoms. We do not think that a careless interpretation by one judge should bring the entire protection of children into danger.

The role of parliament in the debate and in acting has been trivialized by those members who have said let the system work and we will bring in the law in a timely fashion. The Minister of Justice has said for all the time I have been in the House of Commons, approaching two years, to wait and that something on the Young Offenders Act will be brought forward in a timely fashion.

The official opposition is still waiting. We have quit looking at our watches. We have almost quit looking at the calendar. We are beginning to look at some millennium clock to find out if anything will happen when the government says it will act in a timely fashion.

We have a responsibility in the House of not merely to be regulators of society enforcing contracts between different groups within our society and setting up those kinds of guidelines. We are to provide some leadership and governing.

We want to consult with our people but we will not find in this situation any public approval for consultation, waiting or anything else. Canadians expect us to act. They do not want to see protection for pornographers, perverts and pedophiles. They do not want to see children left at risk. They want protection.

We have heard time and again that there are people who are planning court challenges to take away parents' rights to discipline and raise their children in the best way they see fit.

• (1340)

We understand there is a lot of support for that from the Liberal side. For goodness sake, why would we even consider stripping away the rights of parents to raise their children when we would not even consider stripping away the rights of a pedophile to look at the waterworks of children for his own perverted purposes?

We need to act but there are two ways to act. One is to cut off the supply which is what we are doing. There are laws so that it cannot be produced. What we want to see is something to choke off the

demand. There are millions upon millions of dollars spent on educating the public on the dangers of alcohol, smoking and other related social problems but education has not stopped it. Education has only made them aware of the dangers of what it is they are doing. We do not want to see this go down that same road.

We want a law in place that is upheld by parliament that will cut off the demand. We do not treat drunks with alcohol. We do not let it trickle through. If we want to get away from alcoholism we cut it off.

A new generation is coming and it will judge the previous generation on both its actions and its inactions. It will judge this House on whether it acted or whether it just let so-called justice take its course and possibly end up as being an injustice because of our lack of action.

Our vote tonight is action. It can be an action for what is going on or it can be an action against what is going on. I am calling on government members to act. I have three daughters and I will be voting on their behalf and on behalf of my constituency and I will be voting for this amendment.

Parliament has the final responsibility in this country. We have appeal courts and the supreme court to review previous decisions but parliament has the final responsibility. With responsibility should come authority and parliament must not be afraid to act on that authority. It must not fail to use the authority.

President Harry Truman, one of the most respected presidents of the United States, had a sign on his desk which read "The buck stops here". Are we saying that in our country the buck stops down the road on Wellington where the supreme court justices have final say over the laws and intentions of this House which were produced in accordance with what our constituents asked of us when they said they want just laws, laws that provide equality, democracy, righteousness, freedom? Or are we to say down the road is where you will find those things and you will have to fight your way through every court, right through the provincial courts to the Supreme Court of Canada at great expense? Or can we be expected to act here for the people who we purport to represent?

I say we act here. The buck stops here. When I accepted this job I said I would do all I could to ensure that righteousness prevailed. I said I would not necessarily succeed in everything but that I would do my best to be faithful to what I promised in the election campaign. Part of that will be voting for this legislation tonight. Each MP's responsibility is to ensure the country they leave is in better shape than they found it in. If they fail to do that they fail their people and their promise to them in the election.

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I

Supply

would like to share with the member some of the facts I have received from a person in my riding of Peterborough.

He says: "This is to express my alarm at the present proposal being debated in parliament to use the notwithstanding clause to override the charter of rights with respect to the current concern over a judicial decision in British Columbia concerning the child pornography law".

• (1345)

His concern is threefold. One concern is that the notwithstanding clause was not developed in order to have the federal parliament override the charter. It was, as we know, a compromise to accommodate some of the provinces. If the federal parliament were to use it, it would set a precedent that could undermine the charter by permitting political tampering whenever there was a volatile issue such as the one raised at the current moment.

Second, the person in my riding says, as jurors have pointed out, that the child pornography law is flawed and it should be left to the supreme court to comment on it and then for parliament to amend it in the light of intelligent, informed, judicial discussion.

This person says he is not a lawyer but he is quite familiar with this area. This is grassroots comment which the Reform Party is constantly referring to. He is not a lawyer. He is familiar with this area. He says it should be left with the supreme court.

Third, he said that using such extraordinary powers to satisfy a momentary outcry of ethical panic would lead the Canadian government to fall prey to what has infected the United States in what one of its leading constitutional lawyers, Harvard professor Allan Dershowitz has dubbed "sexual McCarthyism". It might be well to remember that in the McCarthy era of U.S. history we in Canada had a similar tendency that manifested itself in such an embarrassing moment of history as the Taschereau-Kellock commission report which led to the demonization of such innocent individuals who had made great contributions to Canada such as John Grierson.

He points out "While many of your constituents may press for the use of this notwithstanding clause, at the moment this is the time for statesmanship to take precedence over the politics of panic guided by the media and the Reform Party".

I would be glad if the member would comment on the comments of one of my constituents in Peterborough, a person who is following this debate.

Mr. Derrek Konrad: Mr. Speaker, as the shouting dies down I will try to make a comment or two on what the member said.

He called it sexual McCarthyism. This is one person's viewpoint. I respect that person's viewpoint, but I do not believe that

the majority of people in this country think that way. I certainly do not believe that the bulk of the members on that side think that way. I think members are looking for outs so they can support what they have been told to support.

He said the child law is flawed. I do not believe that. The law is not flawed simply because this man says it is flawed. He may have an opinion, but that does not necessarily mean it is the right opinion. That is not necessarily the opinion that will be delivered by a supreme court justice.

It is not the opinion of the Reform Party or any other member on this side of the House who is voting in accordance with their conscience and what their constituents wish that the law is flawed. We say it needs to be upheld. The quickest and best way to uphold it is to bring in section 33, the notwithstanding clause so that this law can continue in effect. It was brought in by a previous parliament and was supported across the board. We want to see it supported in the House.

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, I find it remarkable that the member for Peterborough is quoting with some authority Allan Dershowitz, a radical leftist American constitutional authority.

The American constitutional system is based on judicial review, whereas the Canadian system is based on a principle known as parliamentary supremacy, a principle which even this Prime Minister guaranteed was enshrined in the charter through section 33. This place has not used it before. Whenever we have raised the issue of judicial activism this government has said that we were Chicken Littles. Today we see the ultimate consequences of a completely unencumbered, unaccountable judiciary. That is why I ask my colleague from Prince Albert what he thinks about using American constitutional theory to apply to the Canadian charter.

Mr. Peter Adams: I rise on a point of order and ask for permission to table the document I was citing from.

• (1350)

The Deputy Speaker: Does the hon. member for Peterborough have the unanimous consent of the House to table the document from which he was quoting?

Some hon. members: Agreed.

Mr. John Nunziata: Mr. Speaker, I rise on a point of order.

Earlier today I referred to a signed letter to the Prime Minister of Canada. I inadvertently failed to table this document. It is a document signed by 75 members of the Liberal caucus asking for the same action that this resolution today is asking for. I would like to table this document.

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

Some hon. members: Agreed.

An hon. member: No.

The Deputy Speaker: The hon. member for Prince Albert will have a few seconds to respond to the question that was asked of him.

Mr. Derrek Konrad: Mr. Speaker, I believe that in Canada we have a system where we have parliamentary supremacy. That means we have a responsibility. We cannot abdicate it and say that every question has to go to the supreme court. We can act here in the House. We have a notwithstanding clause that allows us as parliamentarians to make a law stand once we have made it in the way in which it was intended to be made.

Mr. Eric Lowther (Calgary Centre, Ref.): Mr. Speaker, it is a pleasure to speak to this motion.

It is a painful issue for many Canadians across the country as we have seen expressed from coast to coast.

Interestingly the crux of this argument seems to be the defence of some sort of freedom, yet at the same time we are talking about a failure of our system to protect the most vulnerable. In the cause of freedom and the championing of rights we have crossed over the line of rational thought when we can no longer protect the most vulnerable in our society. As we charge down the highway of rights and freedoms, we have made a grave error today if we let this stand the way it is.

I applaud the members of the House in my party and every party. There are some on the other side who are determined to put a quick end to this grave mistake.

We have had supreme court rulings in the past. They have had more wisdom on this issue than the current one. I am sure it has been referenced in the debates today. In the Butler case it was ruled that the access to pornographic material is not in the public interest. It is demonstrably harmful to society. For that very reason section 1 of the charter was called into effect and it was deemed to be illegal. There was no outcry there. In fact, Canadians were pleased to see that ruling. That is not the one we are faced with today. We are seeing just the opposite.

What concerns me is must we have more victims before we can determine if there is harm? We talked about the determination of harm being the criteria before we will decide whether it is reasonable to shut this kind of thing down. How much harm must we endure before we can say there has been enough? How many more children, victims, need to be involved in this kind of sick thing before we can say there has been enough?

Maybe we should not go overboard in determining harm but ask if there is any redeeming attribute of this material that would legitimize it. I would suggest there is absolutely not. Put the onus

Supply

on the other side. Where is the redeeming attribute in this kind of material? How does it add to the health and safety of our children, our families and our community? It is not there.

In a charter world we seem to stop using our heads and we rely on legal arguments and highly articulated legalese. Somewhere we have lost sight that there is a victim at the end of all this and it is a child. It is tragic.

• (1355)

I have read material that talks about the impacts of pornography. Oftentimes those that are caught up in this cannot tell the difference between fantasy and reality after a while and sooner or later they act out.

I know there are all kinds of studies and debates and people that articulate the different sides of this. However, if we asked 100 Canadians that very question whether they think that looking at this is going to distort our perception of reality, that we start to look at individual children as objects rather than individuals, of those 100 Canadians far and away the majority will say yes, it does distort reality. It is not an accurate picture of a child.

Interestingly, a paroled sexual offender was released in my riding not long ago. One of the conditions of the individual's parole was that he not avail himself, look at or expose himself to pornographic material. That was a condition of his parole. Here we have the court system and a judge saying that this would not work. This would not be good for this individual. This would distort his sense of reality again.

One court is saying do not touch it and another court is saying it is quite all right for people to avail themselves of this material and legitimize this market. It is wrong and we have an opportunity here today to fix it.

I know that many members in this House want to shut this down now which is what the Canadian people want to have happen. We can shut this down now and put an end to the continued victimization of children, the victims depicted in these horrible things. It is not a case of freedoms and rights. It is a case of children who are victims. It is a case of the children not only who are victims today in this material but the ones who will be impacted tomorrow if we allow this to continue and we allow the legitimization of this market to carry on.

I suggest that all Canadians are victims. If we allow a law like this one to stand, every Canadian is tarnished. The pride in our country and who we are as Canadians is diminished when we say to people from other countries that in Canada we think it is quite all right for people to look at and study this kind of pornographic material that depicts children. It diminishes all of us as Canadians. We are all victimized by this. It is just not acceptable.

To defend freedoms that fail to protect the most innocent is crossing over the line. Many of us here know it. We know it in our hearts. Today we have an opportunity to show the Canadian people

S. O. 31

that being a Canadian means something. We stand for something but we are not going to stand for this. Let us do it today.

The Speaker: My colleague, you still have three minutes. I want to intervene here and you will have the floor when we return to the debate, if you want it.

We will go to Statements by Members.

STATEMENTS BY MEMBERS

[English]

THE LATE FRANK LOW-BEER

Mr. Ted McWhinney (Vancouver Quadra, Lib.): Mr. Speaker, Frank Low-Beer, who died last month, was educated at Stanford University and Oxford University and called to the bar of British Columbia in 1957. He practised law in a wide range of fields, including taxation, international transactions and resource law. He also published extensively on such issues as the Canadian Constitution and the role of judges in formulating policy in law and legislation.

Frank maintained a keen interest in politics and was a candidate in my riding of Vancouver Quadra in the 1974 federal general election. He will be missed by associates and by scholars of law and government.

* * *

CHILD PORNOGRAPHY

Mr. Darrel Stinson (Okanagan—Shuswap, Ref.): Mr. Speaker, the first responsibility of government is to protect the safety and well-being of its law-abiding citizens. That responsibility is especially strong when it comes to the safety and well-being of Canada's children.

However, a judge in British Columbia has ruled that the rights of children to be protected are less important than the so-called rights of some adults who want to look at pictures of child pornography.

● (1400)

Such exploitation of children makes most Canadians sick but the government is saying there is plenty of time to send this judge's ruling through endless appeals in our backlogged courts. The judgment only affects courts in B.C. and not in the rest of Canada.

Can members imagine a parliamentary secretary making such a statement if the ruling had come down in Ontario or Quebec?

Canadians are fed up with politicians letting the courts make our laws instead of parliament making our laws. This House rams through legislation when it suits them. Why should it take any longer to act against child pornography?

INTERNATIONAL DEVELOPMENT WEEK

Mr. Gurbax Singh Malhi (Bramalea—Gore—Malton—Springdale, Lib.): Mr. Speaker, International Development Week activities are being held across Canada this week.

This year's theme is celebrate Canada's place in the world. It was chosen to honour the many thousands of Canadians who have made lasting contributions abroad.

Numerous groups active in international development include non-governmental organizations, professional and educational institutions, churches and the business sector.

This week's events are certain to create a healthy atmosphere for Canada to develop closer friendship ties within the international community.

I am pleased to join my colleagues in the House of Commons to encourage Canadians across the country to join in these celebrations in their neighbourhoods.

* * *

NORDICITY

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, the world summit on nordicity is being held in Quebec City this week. Canada is a very appropriate host for an event that celebrates things northern and polar.

Quebec City is a particularly appropriate venue for this event because the term nordicité, in English nordicity, was coined by the distinguished Quebec scholar Louis-Edmond Hamelin.

Mr. Hamelin developed a nordicity index which measures physical and social aspects of the north. This is a way of assessing the severity of life in different parts of the polar world. It gives, for example, employers a way of assessing living and working conditions for people posted to particular northern locations.

Mr. Hamelin's index has stimulated a great deal of creative thought about life in high latitudes.

We wish those involved in the world summit on nordicity a pleasant and productive visit to Quebec City and Canada, the home of Louis-Edmond Hamelin.

* * *

JOB CREATION

Mr. David Iftody (Provencher, Lib.): Mr. Speaker, 18 full time jobs were created in my riding recently with the announcement of a loan from the Government of Canada to two local companies operated by former employees of the AECL plant in Pinawa.

Acision Industries is expected to create 14 full time jobs over the next three years. The company has recently opened up international markets for its electron beam technology which is used in

aerospace industry, parts repair, rayon fibre production and converting hog waste into fertilizer.

Granite Internet Services Inc. is providing high level Internet services to eastern Manitoba and is creating four full time jobs over three years. The company provides dial-up Internet access, business services and design services for local area networks and websites.

I am particularly pleased to support these two young companies because they are both owned and managed by former AECL employees. These are the sorts of initiatives we have been aiming for because they are creating jobs for an expanding economic base in western Canada.

* * *

THE LATE WIARTON WILLIE

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, Wiarton Willie, Canada's most famous groundhog, passed away on Sunday night. He left thousands of fans a little lonelier this Groundhog Day and millions of Canadians wondering whether or not spring will come early.

Oh sure, we have weather balloons and satellites. Yes, I have heard scientists talk about El Nino and about the global freezing your tush off theory, but the only meteorologist for many Canadians was Wiarton's reliable rodent.

Willie lived a long and happy life. He was 22, which is three times longer than most groundhogs live. That is like 154 dog years.

How he would have loved today: the crowds, the excitement and the intense publicity. Would he see his shadow? Would it be six weeks until spring?

Alas, the only shadow he saw this week was the shadow of death. Rest in peace, my furry little friend. I hope you go to the place in the sky where all good groundhogs go, where it is spring all year round.

Thank you, Willie, for your life of public service and hope.

* * *

JOHN DAVIDSON

Mrs. Sue Barnes (London West, Lib.): Mr. Speaker, it gives me great pleasure today to congratulate my constituent John Davidson who, on January 20, completed his cross-country journey to raise funds for genetic research. John began "Jesse's Journey—A Father's Tribute" in St. John's, Newfoundland in April of last year. He ended his inspirational journey in Victoria, B.C. after walking nearly 8,300 kilometres across Canada. He set out to raise \$10 million to endow a fund that would generate a million dollars a year for research into genetic disease. So far he has been

S. O. 31

successful in raising over \$2 million. But knowing his tenacity I am convinced that with the help of Canadians he will reach the goal.

• (1405)

I offer my congratulations to the nuclear and extended Davidson family, to volunteers and to contributors who worked so hard to make this journey a success. I also offer my thanks to all Canadians for welcoming John into their communities and into their hearts.

With all members of this House I salute John Davidson for his courageous and unending efforts. He has brought hope to future generations.

* * *

[Translation]

HEART MONTH

Mr. Benoît Serré (Timiskaming—Cochrane, Lib.): Mr. Speaker, I am pleased to remind the House, and all the people of Canada, that February is Heart Month.

Health Canada has collaborated with the Heart and Stroke Foundation and the provinces in the Canadian Heart Health Initiative, in order to encourage Canadians to adopt a healthy lifestyle and to create living and working conditions conducive to healthy choices.

Canada has decided to adopt a public health-centred approach to the prevention of cardiovascular disease. Cardiovascular disease is the first-ranking cause of death, and one of the top causes of disability in Canada.

Canada has won some important battles in the war against heart disease and stroke, but there is still a great deal left to be done if we are to continue to reduce the risk factors relating to these diseases: high blood pressure, smoking, high cholesterol levels, and diabetes.

By investing in heart health, we can make a considerable reduction in the incidence of heart disease. And by encouraging all of society to make this investment, we will be able to improve the quality of life of countless numbers of Canadians.

* * *

ANNIE PERRAULT

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, Annie Perreault, a young woman from our Eastern Townships, won two medals at the Nagano Olympics, one of them a gold in short-track speed skating.

Since that memorable performance, Annie has been honoured three times in the last month. On January 5, she was awarded the 1998 leadership award as a model athlete by the weekly newspaper *La Nouvelle de Sherbrooke*. Then, at the gala du Mérite sportif de l'Estrie, Annie was named athlete of the year for the third time.

S. O. 31

Finally, last Friday, January 22, at the Sports-Québec gala in Montreal, Annie was crowned top female international athlete of the year.

On behalf of all the people of the riding of Sherbrooke, I offer my heartiest congratulations to this athlete who is making our region known throughout the world, and who has risen to the top because of her passion for sport and her constant efforts.

Thank you so much, Annie, and good luck in future competitions.

* * *

[English]

CHILD PORNOGRAPHY

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.): Mr. Speaker, yesterday when answering a question about the child pornography case in British Columbia the minister of justice stated that an effort to pre-empt that appellate process is silly and wrong headed.

Outside the House she stated that opposition MPs were stirring up unnecessary fear over the issue because the ruling is only binding on lower court judges in B.C., which has had one case thrown out and forty others put on hold.

As is so often the case with this government it forgets that B.C. is still a part of Canada. I can assure the minister that British Columbians do not appreciate being one of the few jurisdictions in the world which legalizes child pornography.

Does the minister not realize that real children have to be sexually abused to produce child pornography? Does she really believe that efforts to protect these children today are silly and wrong headed? Whose side is she on?

* * *

[Translation]

CANADA JOBS FUND

Mr. Raymond Lavigne (Verdun—Saint-Henri, Lib.): Mr. Speaker, on December 13, the Minister of Human Resources Development and the Minister of Labour launched the Canada Jobs Fund to help Canadians find employment.

In today's context of market globalization and openness in various areas, our government believes it is important for all Canadians to take full advantage of every opportunity to improve their quality of life.

This initiative will benefit regions where the rate of unemployment is 10% and over. In Quebec, the areas affected will be Quebec City, Trois-Rivières, Sherbrooke and Montreal.

• (1410)

By making changes to this initiative to include more communities, the Government of Canada recognizes the need to stimulate

employment and to reduce unemployment through a strategy that fosters economic growth across Canada.

* * *

[English]

THE LATE ALAN JOHN SIMPSON

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, 59 years ago Alan John Simpson was born in Winnipeg and was an active, athletic boy until he came down with polio at 14.

After three years in the hospital and at home, he told his parents "I want to go back to school". Alan was the first student in a wheelchair at Gordon Bell High and then went on to graduate from University of Manitoba.

Over his life Alan helped create 30 international and national organizations, including the Council of Canadians with Disabilities.

Alan did all this with humour, passion and common sense. One neighbour remembers the day Alan wheeled up while he was surveying his newly purchased property. "What are you going to do right there?", he said. The neighbour said "I am going to put my front door". Alan said "If you put in a ramp too, then I will be able to come up and water your plants when you are away". He did put in a ramp.

Alan Simpson had an impact on people. In the late 1980s he pressed for inclusion of disabilities in the charter of rights and freedoms. Last October Alan received the Order of Canada.

In December Alan died due to complications from surgery. I would like to join with all Canadians and members of the House of Commons to remember Alan John Simpson, revered, loved and never forgotten.

* * *

[Translation]

INTERNATIONAL DEVELOPMENT WEEK

Mrs. Monique Guay (Laurentides, BQ): Mr. Speaker, it gives me great pleasure today to remind members of the House and the people of Quebec and Canada that this is International Development Week.

On this occasion, I would like to acknowledge the terrific job done by the NGOs involved in this area. Their generous dedication brings relief to and helps improve the living conditions of millions of human beings.

But can the same be said of the Government of Canada? No. Since 1993, this government has literally been draining the development assistance budget, cutting it by \$617 million.

I am calling on the common sense of the Minister of International Co-operation and the Minister of Finance to take immediate steps to make international co-operation a government priority. If the government is still committed to devoting at least 0.7% of the

GDP to development assistance, as it promised the UN, it should make this clear in the coming budget.

* * *

[English]

THE LATE WIARTON WILLIE

Mr. Ovid L. Jackson (Bruce—Grey, Lib.): Mr. Speaker, Canada is a country with long winters and we all look forward to an early spring.

Today is Groundhog Day. The home of Wiarthon Willie, a constituent of mine, is located in my riding of Bruce—Grey. Unfortunately on Sunday night Wiarthon Willie passed away in the middle of the town's annual festival in his honour. I express my sincere condolences to the people of the town of Wiarthon.

I would like to issue a Canada-wide recovery call for Willie Junior. Willie walked in the shadow of his father but it is time for him to come home and take up those duties.

* * *

SONG FOR THE MILLENNIUM

Mr. Jim Jones (Markham, PC): Mr. Speaker, while most of the public attention and discussion on the year 2000 focuses on what might go wrong, there is good news from my riding of Markham.

Justin Hines, a grade 11 student at Unionville High School, has co-written *Song for the Millennium*, an inspirational tune that was recently selected as the town of Markham's official anthem for the millennium celebration.

I had the privilege of attending the debut of *Song for the Millennium*. The audience was so moved that we jumped to a standing ovation before Justin could finish singing.

This is just the latest of Justin's songwriting achievements. Last year he won the YTV youth achievement award for singing and his award winning song *Kid at Play* was also nominated for a Grammy award for vocal performance.

Moreover, this 16 year old who uses a wheelchair has also become an example to other young Canadians with disabilities.

On behalf of all members I congratulate Justin Hines and urge the Deputy Prime Minister as minister responsible for Canada's millennium celebrations to designate the town of Markham's *Song for the Millennium* as Canada's official anthem for the year 2000 millennium celebrations.

Oral Questions

POLAND

Ms. Carolyn Parrish (Mississauga Centre, Lib.): Mr. Speaker, I rise in the House to congratulate the government on the success of Team Canada's recent visit to Poland, the first ever by a Canadian prime minister.

As a Canadian of Polish heritage I was honoured to accompany the Prime Minister and the Minister of International Trade as well as some of Canada's most dynamic business people to this proud and prosperous country.

Our hosts admired this government's balanced budgets and low interest rates which are powering Canada's economy and fuelling job creation.

• (1415)

This may go unnoticed on the opposition benches but not in Poland where the Prime Minister was awarded an honorary doctorate in economics. Polish business people are determined to strengthen the economic partnership between our two countries.

Stolat. May our two countries continue 100 years of good health.

ORAL QUESTION PERIOD

[English]

CHILD PORNOGRAPHY

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, child pornography is poison. The minister is justifying another lengthy court battle about this whole case.

It may be a lawyer's dream to see this tragedy played out in the court system, but it is our responsibility as parliamentarians to protect the vulnerable and the innocent.

How could the minister justify one more day to make it legal in any jurisdiction in the country for someone to own child pornography? How could she justify it?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, let me clarify some of the inaccuracies. I would presume the hon. member knows the law in question is constitutional and in full force and effect in nine provinces and two territories.

I presume she also knows that we acted quickly. We have indicated our intention to intervene before the B.C. court of appeal. The B.C. attorney general has indicated his intention to appeal. He is seeking that the case be expedited before the B.C. court of appeal. Indeed we have acted quickly to protect the children of the country.

Oral Questions

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, when the minister talks about expediting things her track record is not great. She has been the Minister of Justice for 601 days and she was going to look after the Young Offenders Act in a timely fashion. That is not expedited service.

For one terrified child one day is too long. She has the power to do something about this. When will she end this nightmare?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I return to the fact that the government has acted quickly in conjunction with the Attorney General of British Columbia. This matter will be dealt with by the B.C. court of appeal in an expedited manner.

I resent the fact that, because we perhaps choose to adopt a different process than that proffered by the Reform Party, somehow we on this side of the House do not care as much about children.

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, the minister knows that over 60 Liberal members have signed a petition asking for exactly what will be happening tonight in the vote in the House of Commons.

Could the minister actually believe that the whole child pornography industry will just go on hold and sit tight for awhile while she expedites things through the court case? How can she take responsibility for inflicting such terrible and intolerable obscenity on one child in the country? How could she do it?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, perhaps by omission, to give them the benefit of the doubt, they misrepresent the situation for Canadians. For example—

Some hon. members: Oh, oh.

The Speaker: We want to hear the answer from the minister and I would ask her to be cautious about her words.

Hon. Anne McLellan: Mr. Speaker, I reiterate for the opposition that the government has acted quickly in defence of this law.

I also remind the hon. opposition that in nine provinces and two territories the entire section remains in full force and effect. In British Columbia the laws in relation to the production and distribution of child pornography are in full force and effect. The government has acted responsibly to defend children in the country.

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Mr. Speaker, this is not a partisan issue.

Some hon. members: Oh, oh.

The Speaker: The hon. member for West Vancouver—Sunshine Coast.

• (1420)

Mr. John Reynolds: Mr. Speaker, this is about protecting children. I will quote from a letter sent to the Prime Minister by over 70 members of the House. It says “As soon as the House resumes we ask that you consider use of the notwithstanding clause”.

How can protecting children—and I quote the minister—be silly and wrongheaded?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, indeed the protection of children is of paramount importance to everyone in the House.

What I believe is wrongheaded is the way the Reform Party chooses to politicize this important issue which involves the safety of our children. They choose to suggest, because we take a different approach to the invocation of section 33 of the charter, that we do not care about children. On behalf of everybody in the House, I resent that.

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Mr. Speaker, it is amazing how they do not like politics in between elections.

Does the minister believe that the entire child pornography industry has shut down while she is waiting for these courts to appeal?

How can the minister rationalize just one more day to make it legal in any way in any jurisdiction to own child pornography?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, those who are the purveyors of pornography in the country are investigated and charged every day under the existing provisions of the Criminal Code.

The production and distribution of child pornography continue to be offensive and possession is an offence in nine provinces and two territories.

I come back to the point that I resent the fact the opposition chooses to play politics with the children of the country.

* * *

[Translation]

SOCIAL UNION

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, as important negotiations are going on with the provinces on the social union, we discover that the federal government is negotiating with the Liberal opposition in Quebec.

Given that the Prime Minister has more than one nasty trick in his bag when it comes to negotiating with Quebec, does he think that this sort of thing will improve the climate of negotiations with the legitimately elected Government of Quebec?

Oral Questions

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I see no stigma attached to communicating with people. I would have liked to talk to the opposition, but I did not do so. If I have an opportunity, I will tell them that our proposal is reasonable and means progress for all the provinces, that we want to invest money in health and that we want Canada's social union to work better.

I am sure that all reasonable people will consider our proposals much better than the status quo, which the Bloc Québécois wants to maintain.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the leader of the Liberal Party in Quebec confirmed less than an hour ago that there had been contact and an exchange of information between the Prime Minister's office and the Quebec Liberal Party.

I would like to know whether the Prime Minister also had other contacts, other exchanges of information, with other opposition leaders in other provinces, and if so, with whom and when.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I think he wants to quarrel over nothing. If someone from my office or a minister spoke with the Quebec Liberal Party to pass on information, I think that is fine.

I myself had the opportunity to discuss all sorts of problems with the opposition leaders when the opposition was Liberal in other parts of Canada. I intend to continue because I want everyone to know what we are proposing, which is progress for Quebec and not weekends spent trying to discuss things people do not want to hear anymore, namely Quebec's separation.

• (1425)

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, I would like the Prime Minister to tell us whether he considers the members of the Liberal Party across Canada to be the only ones that count.

Does he hold discussions only with leaders of opposition who are Liberals, or does that apply only to Quebec?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I speak with people of all parties. Mr. Romanow is not a Liberal, although he is going to become one some day, I hope.

Some hon. members: No.

Right Hon. Jean Chrétien: No, you don't want that? Never mind.

Do you want Mr. Harris to become a Liberal?

Some hon. members: No.

Right Hon. Jean Chrétien: No, but I did speak to him.

Do you want Mr. Clark to become a Liberal?

Some hon. members: No.

Right Hon. Jean Chrétien: And then there is Mr. Klein.

I spoke twice to Mr. Bouchard. It is true, he was once a Liberal.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the Prime Minister of Canada has a problem, if he cannot tell the difference between someone with the status of premier and someone who is a leader of the opposition.

To those of us on this side of the House, this is a bit reminiscent of the Chateau Laurier kitchen plot of 1981. Not a good sign for Quebec.

We are asking the Prime Minister what guarantee we have that there will not be a repeat of the usual prime ministerial strategy of negotiating with everybody except Quebec, in order to isolate Quebec.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I am convinced that the Quebec premier speaks to the Bloc Québécois from time to time.

We are told that it gets instructions every day from Mr. Bouchard, even instructions to keep Mr. Parizeau occupied.

[English]

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

Thursday's first ministers meeting on the social union will only succeed for Canadians if the Prime Minister brings sufficient cash for health care to the table. Canadians do not want more posturing. They do not want more wrangling. They want the Prime Minister to put on the table the necessary resources to rebuild our health care system, a minimum of \$2.5 billion this year.

Can the Canadians count on the Prime Minister to come through with the resources necessary to do that?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, generally speaking the Prime Minister tries to come through all the time.

That is why we managed to take the real mess which existed with the \$42 billion deficit and reduce it to zero. That is why there was 11.5% unemployment in Canada when we started and now it is at 8%. We used to have 12% to 13% inflation; now it is 1%. We generally come through.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, what will it take to get the Prime Minister to admit to the real mess his government has left our health care system in?

Under the proposed social union the provinces may withdraw from Canada-wide programs with compensation. Canadians fear that this could lead to some provincial governments opting out of medicare altogether. Ontario is already threatening to do that.

Oral Questions

Will the Prime Minister promise today that the government will enter into a social union agreement only if the important principles of medicare are fully protected?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, there were discussions on medicare before we started. If I remember they were in Saskatchewan.

If the member had done her homework she would have read the letter that was signed by all the premiers. They guaranteed in the letter they sent me before I asked to see them that they wanted to keep the five conditions of medicare. All the premiers of all the governments of different colours signed the letter.

* * *

CHILD PORNOGRAPHY

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, the recent ruling by the B.C. court regarding child pornography should be dealt with immediately.

• (1430)

The Prime Minister is a father. I am a mother and a grandmother. I am begging this government to act now to protect all of our Canadian children from those who make and use this repulsive material.

I am asking the Prime Minister to intervene today and have the justice minister fast track this matter to the Supreme Court of Canada to be corrected immediately.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I am happy to hear that the member is concerned. In 1981 when I was the minister of justice, I introduced the first legislation on child pornography. I think I know what this is all about.

At that time I discussed the reality of child pornography in the committee and I had to fight the opposition. Some NDP members did not want me to proceed and some Conservative members did too. They claimed that it was against freedom of speech.

I just wanted to let the member know that I started on this problem in 1981 and I am not about to stop now. In the meantime, I will respect the due process of law.

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, as everybody knows, including the Prime Minister, it was our party that brought in the law that is there today.

I am saying once again that the people from coast to coast are appalled by the B.C. ruling. This issue is critical to the very essence of our country and the rights of our children. We cannot sit idly by as they are being subjected to the sexual abuse and terrors of sick individuals. It is time to protect our most vulnerable, the little children.

I am asking the Prime Minister and the justice minister to act as soon as possible, sooner rather than later, and to correct this situation before it is too late.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I want to tell the hon. member that the Tories came to power in 1984. I was the minister of justice in 1980.

Some hon. members: Oh, oh.

The Speaker: The Right Hon. Prime Minister has the floor.

Right Hon. Jean Chrétien: Mr. Speaker, we will have to call the American doctors soon.

We have acted very rapidly. As the minister said earlier, the law is still being applied. We are going before the appeal court in B.C. and we will go to the supreme court if needed. However, we will maintain the system of law of this land. We have courts and they make the decisions. After the Supreme Court of Canada passes judgment, then we act in Canada.

Mr. Eric Lowther (Calgary Centre, Ref.): Mr. Speaker, the justice minister tells us that the child protection pornography law is working for the rest of Canada.

What about the children of B.C.? Are they not Canadians too?

This judge's ruling was out of bounds and we can do something about it in this House today. I do not want to hear more legalise from legal experts. I want to know today from the Prime Minister if he will call off his whips and allow his caucus a free vote on this issue today in this House.

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, let me reiterate yet again that this government has acted and it acted expeditiously when this particular section of the Criminal Code was struck down. We are supporting the attorney general of British Columbia.

The attorney general of British Columbia is asking that this appeal be expedited before the court of appeal. The attorney general of British Columbia continues to enforce those provisions of the law that deal with child pornography.

This government has acted.

Mr. Eric Lowther (Calgary Centre, Ref.): Mr. Speaker, Canadians are tired of legalise when children are suffering.

I am having a flashback to the hepatitis C vote. I am concerned that the same thing is happening here again today. Many Liberals want to vote in support of this shutdown of child pornography.

My question is again addressed to the Prime Minister. When will this Prime Minister allow his backbenchers and his party to vote with a free conscience on this motion?

Oral Questions

• (1435)

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, let me reiterate yet again for the official opposition and for others who have expressed, I know, a legitimate concern here today. In fact we have acted in defence of Canada's children. We have intervened to appeal the decision of the B.C. Court of Queen's Bench. We support the attorney general of British Columbia in his seeking an expedited appeal.

I presume the hon. member when he refers to legalise is probably suggesting that we should simply ignore the rule of law and the due process of law.

* * *

[Translation]

HEALTH

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, yesterday the Prime Minister said, and I quote "All we are asking is that the provinces taking the money we want applied to health care guarantee that that is where it will go".

Since the provinces have already provided written assurance that they will invest all the money they get from Ottawa in health care, does the Prime Minister not think he already has his guarantees and must therefore pay the provinces the money?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I said we also wanted the public to be clearly informed.

It is very important that the members of this House, who vote for the appropriations, know that the money is spent on health care and not used in other sectors.

I know that the provinces want to apply it, but we want a guarantee that the public will be kept informed and satisfied.

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, what reason could the government have for not paying the money for health to a province if it has already agreed to honour the five conditions in the Canada Health Act and has undertaken to direct all the money it will receive to health care?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the hon. member has just added another factor, that of ensuring the five conditions.

We will be meeting on Thursday, and I hope that we will quickly reach an agreement so we may take the steps we want, which are not easy, because there are other government priorities. The premiers were all pleased to meet Thursday, and I am sure the meeting will be very productive.

[English]

JUSTICE

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, we heard the attorney general say that she wants the rule of law. We want the rule of law.

Right now what we have in British Columbia is rule by judge and lawlessness when it comes to the possession of child pornography.

We want the rule of law. The constitution of this land says that this parliament has the power and in fact the responsibility to override irresponsible decisions by the courts.

Will this Minister of Justice give her members the right to vote their conscience this evening on this motion, yes or no?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, as I have indicated, this government acted in relation to this matter and we acted quickly.

I do want to clarify something for the hon. member. If, for example, he suggests that the section in question, in Mr. Justice Shaw's judgment, is not in force in British Columbia or is binding on all judges in British Columbia, let me clarify that. In fact the judgment of Mr. Justice Shaw is not binding on—

An hon. member: Whip your people into line.

The Speaker: Order. The hon. Minister of Justice.

Hon. Anne McLellan: I simply want to clarify that Mr. Justice Shaw's judgment is binding only on provincial court judges in the province of British Columbia and is not binding upon any other judge, including Mr. Justice Shaw's reference to the B.C. Court of Queen's Bench.

I come back to the point. This government has acted and I would ask the official opposition to respect the rule of law.

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, this Minister of Justice is not defending the rule of law. She is undermining it today by refusing to assert the sovereignty of this parliament to defend innocent children.

She says that this only matters to the lower court level in British Columbia. So only 10% of Canadian children are subject to this kind of obscenity through possession of child pornography.

• (1440)

My question is to the Prime Minister. Tonight will he or will he not allow a free vote so that his members can vote their conscience, yes or no? Will he allow a free vote, yes or no?

Oral Questions

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, this is a motion on which the opposition is trying to play politics with an extremely difficult problem. The members of my party do not want to use sensitive issues like this to play politics and they will not fall into the trap of the Reform Party.

* * *

[Translation]

BELL CANADA

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, Bell Canada angered the public by deciding to sell off its telephone operators to an American company.

These 2,400 women are far from being guaranteed employment, and their working conditions are going to take a dramatic turn for the worse. The Telecommunications Act requires that quality services be provided and prohibits foreign ownership.

My question is for the Minister of Industry. Does the minister intend to intervene in this matter?

Hon. John Manley (Minister of Industry, Lib.): Mr. Speaker, under the Telecommunications Act, the CRTC is the body responsible for ensuring the quality of the telecommunications services provided to Canadians, including the services of telephone operators, in both official languages.

It is not necessary for me to intervene. The CRTC may intervene if necessary.

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, the legislation gives the Minister of Industry the power to issue directions, and he has already used that power against consumers in a CRTC decision that went in their favour.

Does he intend to use this power to issue directions to ask the CRTC to hold public hearings and this time serve consumers?

Hon. John Manley (Minister of Industry, Lib.): Mr. Speaker, it is always possible that the CRTC's decision will be appealed. If it is, I will have to make a recommendation to cabinet.

For now, I am not required to say anything before the CRTC has considered arguments and reached conclusions.

* * *

[English]

ABORIGINAL AFFAIRS

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, 75 residents of the Musqueam reserve in Vancouver are facing financial ruin. Their life savings are going up in smoke. Many are retirees, in poor health, living on fixed incomes. They have asked the minister of Indian affairs to intervene on their behalf and to help them, and she

has refused all requests to meet with them, saying that her obligation is to the band only.

If the minister of Indian affairs will not intervene to help these people, who over on that side will? Who has responsibility over on that side for the Musqueam residents?

Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, the question of the Musqueam first nation is a very complex one indeed. There is a contractual relationship between the first nation and the people living in the Musqueam park. There was a contract that was written in 1965 and the leases were to be reviewed 30 years later. This lease is legitimate. The first nation has a legitimate right to set the lease amounts. The federal court of appeal has actually said it is fair market value. That will be the process by which the lease will be signed.

In 30 years, indeed, the price of land has increased. It is very difficult for those people who are living in the park. As for my responsibility, I am glad to bring the parties—

The Speaker: The hon. member for Skeena.

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, what the minister failed to tell the House was that those people signed leases with the minister of Indian affairs.

By doing nothing for the residents of Musqueam, are the Liberals saying that these people have no rights, that they have no future on the reserve and that they may as well pack up and leave their entire lives and their entire life savings behind them? Is that what this minister is saying to these people?

Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, what I will point out is that the first nation has a legitimate right, accepted by the court of appeal, to set the leases in this particular circumstance.

The role that I feel responsible to play is to do what I can to bring the parties together to find a mutually acceptable way to implement this legitimate right of the first nation.

* * *

[Translation]

EMPLOYMENT INSURANCE

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, what the Bloc Québécois found out in its travels throughout all the regions of Quebec to meet with the victims of the employment insurance cuts is most serious.

● (1445)

Poverty is on the rise and the people feel abandoned by a minister who sticks to his role of technocrat.

Oral Questions

Over and above his meaningless statements on the subject, does the minister not understand that the outcome of his employment insurance cuts has been the systematic impoverishment of the jobless and of the regions?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, as a government we have embarked upon an extremely important reform of employment insurance, and we have made a commitment to report once a year on the impact of that reform, because we are aware that it affects some regions and many individuals in this country.

I will have the privilege of tabling that report in this House within the next few weeks, and we will then, of course, be able to discuss the reality of this reform. It is not, however, as negative as the opposition would like us to believe.

* * *

INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT

Ms. Raymonde Folco (Laval West, Lib.): Mr. Speaker, between February 4 and 6, parliamentarians from the world over will be in the Netherlands to discuss the initiatives their governments have taken since 1994 to support the action program of the International Conference on Population and Development.

Could the Minister for International Cooperation explain to this House the measures our government and CIDA have taken to follow up on ICPD commitments?

Hon. Diane Marleau (Minister for International Cooperation and Minister responsible for Francophonie, Lib.): Mr. Speaker, CIDA has made women's health care one of its priorities. I must say that education is the program with the greatest effect on women's health, since educated women tend to have fewer children and healthier ones.

We are at the forefront in educating young women in developing countries.

* * *

[English]

NATIONAL DEFENCE

Mr. Jim Hart (Okanagan—Coquihalla, Ref.): Mr. Speaker, today we have another example of obsolete equipment endangering the lives of Canadian armed forces personnel.

Canada's T-33 and Tutor jets have faulty ejection seats. These seats are so old and rickety that they are putting our pilots at risk.

Can the minister tell Canadians what is more valuable: replacing the ejection seats, or the lives of our pilots? Why not just buy new seats?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, of course the lives of our personnel are of utmost concern to the department and this government.

The seats are not the problem; it is the parachutes. We are putting new parachutes in the seats so that we can ensure the utmost safety of our pilots.

Mr. Jim Hart (Okanagan—Coquihalla, Ref.): Mr. Speaker, there is a chronic problem developing in the minister's department.

We have a shortage of pilots in the Canadian armed forces. Obsolete equipment has now forced the grounding of instructors and pilots. This is reducing the Canadian armed forces operational capability.

What is it going to take for the Minister of National Defence to give the men and women of the Canadian armed forces the resources they need to train and do their job properly?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, following the Reform Party would certainly not help deal with these issues that we are facing today because in the last election campaign it was calling for further reductions in spending on the Canadian forces.

We are doing all we can to ensure the safety of our pilots. In this particular case we have said that some of them will not be able to fly for a period of time until we correct this problem. We want to make sure that when the planes fly that they are safe to fly and that we have in fact minimized the risk for our pilots.

* * *

EMPLOYMENT INSURANCE

Ms. Angela Vautour (Beauséjour—Petitcodiac, NDP): Mr. Speaker, this government has been telling us that its UI reform has been benefiting Canadians.

Could the Minister of Human Resources Development explain to the unemployed and to small and medium businesses how cutting \$275 million annually from the New Brunswick economy and \$524 million annually from the Newfoundland economy has benefited them?

● (1450)

At the same time, this government is bragging that it has a UI surplus. Will the minister guarantee to Canadians that this year the UI surplus will go toward improving benefits for the unemployed and put a stop to the disgusting hardship caused to the families and communities in this country?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, the NDP would like to bring us back to the 1970s but that is not where Canadians want to go.

Oral Questions

We have moved from an income supplement system that brought too many people to live in dependency on an EI system. It was high time that we changed and there are many people out there who appreciate that very much.

I know it is tough for some people but at the same time, EI is one program which is accompanied by many others as well. There is a Canada jobs fund which is helping to create employment in some regions where unemployment is too high. We have the youth employment strategy which helps the young integrate into the labour market. These accompany the EI reform.

[Translation]

Ms. Angela Vautour (Beauséjour—Petitcodiac, NDP): Mr. Speaker, the upshot of the reform is that the minister is refusing to visit New Brunswick. So much for his reform.

The minister's figures are incorrect. According to statistics from his department, in southeastern New Brunswick alone, 12,000 claimants will be without income for weeks and months.

Will the minister again contradict his own department's statistics, or will he help Canadians who are now destitute, who have no job and are not receiving benefits because of the cuts made by this government, which is completely heartless and unfeeling and only looks after the rich?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, it is clear from what the member says that she does not understand that EI is temporary assistance. Her figure includes all those who have exhausted their benefits.

It is clear from what she says that she is including everyone, and does not understand that EI is there to provide temporary relief.

But we have other programs for these people. We have active measures to help them return to the labour market. We have a Canada-wide job creation fund to help people return to the labour market.

Those who have exhausted their EI benefits want to return to work. That is the best way out of poverty.

* * *

[English]

INTERNATIONAL OLYMPIC COMMITTEE

Mr. Mark Muike (West Nova, PC): Mr. Speaker, in a recent article in *Le Soleil*, the President of the Treasury Board is quoted as saying that he would support a city of Quebec initiative to try to

recoup the millions of dollars spent on its failed Olympic bid for the 2002 games.

It appears that a member of this government was well aware of the corruption that permeated within the IOC and should have adequately advised the Quebec Olympic committee.

Would the President of the Treasury Board not agree that the Government of Canada has some responsibility and therefore should compensate the Quebec Olympic committee for its losses?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, I said no such thing and therefore I do not have to comment on the subject.

[Translation]

Mr. Mark Muike (West Nova, PC): Mr. Speaker, with the recent revelations of corruption within the IOC, many Canadians are wondering how such a scandal could have gone on. The Minister of National Defence says he did not learn of the existence of irregularities until 1991, although the City of Toronto's auditor suggests otherwise.

Can the Minister of National Defence tell Canadians when he first became aware of the corruption?

The Speaker: The hon. member's question is out of order. The hon. member for Carleton—Gloucester.

* * *

Y2K PROBLEM

Mr. Eugène Bellemare (Carleton—Gloucester, Lib.): Mr. Speaker, with the year 2000 rapidly approaching, Canadians are becoming more and more concerned about the possibility of interruptions to essential services.

[English]

My question is for the President of the Treasury Board. What is the government's state of preparedness on this subject?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, on this subject we have a report dated December 1998 which indicates that the government is now ready up to 82% for its mission critical government-wide systems. This compares to about 43% last June. Considerable progress has been made in that field.

[Translation]

From now on, there will be monthly reports, which will keep the House up to date on what is being done in the government. Our reports will be available on the Year 2000 web site.

Oral Questions

• (1455)

[English]

[English]

IMMIGRATION

Mr. Leon E. Benoit (Lakeland, Ref.): Mr. Speaker, media reports today indicate that illegal entry into Canada from China is a very serious problem. According to the RCMP and immigration officials, people smuggling is mushrooming. While legitimate refugees wait in line, those willing to break the law continue to stream into our country.

My question is for the minister of immigration. Do legitimate refugees waiting in line not deserve better than this? Do they not deserve to be put first in line?

[Translation]

Hon. Lucienne Robillard (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I wish to state to begin with that we deplore the fact that there is illegal trafficking in immigrants on an international scale. Women and children in particular are victims of this practice, and we have just had an example of this.

This is the reason why Canada has always played a lead role in fighting this scourge, both within the country and internationally.

Clearly, when someone turns up at an entry point to this country asking for Canada's protection, requesting refugee status, we have an obligation to examine that request and to provide a response as promptly as possible, and we honour that obligation.

* * *

POVERTY

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, my question is for the Minister of Finance.

With only a few weeks to go before his budget, the government continues to claim its fight against poverty is effective. However, since it has been in office, poverty has been consistently on the rise in Canada.

Would the Minister of Finance make the commitment that his upcoming budget will contain major changes to the employment insurance system, one of the main causes of the impoverishment of Canadian families?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, as the member must know, in the last budget we substantially increased the national child benefit, for the very purpose of helping poor families.

I can assure the member that it is this government's intention to remain concerned about our society's most disadvantaged.

BUSINESS DEVELOPMENT BANK

Mr. John Solomon (Regina—Lumsden—Lake Centre, NDP): Mr. Speaker, my question is for the Prime Minister.

In most regions of Canada these days it is so rare for a business to get a government grant or a loan that it is like winning a lottery. However, in Shawinigan a businessman with a criminal record and a bad credit rating calls his MP's office and gets not one grant but five grants and two loans in one year totalling \$840,000. What special criteria did this guy meet? Canadians believe these are either golf buddy grants or political in nature. Why will the Prime Minister not do as he says, come through, clear the air and appoint an independent investigator to check this thing out?

Hon. John Manley (Minister of Industry, Lib.): Mr. Speaker, I am not quite sure what the hon. member is referring to but with respect to the loans from the Business Development Bank of Canada, I would like to direct the hon. member to a number of points.

This loan was dealt with in the normal process. It was at a level beyond the lending jurisdiction of the local branch and was therefore dealt with by a vice-president in charge of credit at the bank. It was never reviewed by for example the board of directors of the bank as it was not that large of a loan. It was at commercial rates which, in the case of the Business Development Bank of Canada, are higher than the average commercial rate. Furthermore, it was part of a financing package which included private sector lenders.

* * *

FISHERIES

Mr. John Herron (Fundy—Royal, PC): Mr. Speaker, earlier today on behalf of the member for Cumberland—Colchester, I contacted the minister of fisheries concerning a proposal to create a large agricultural mussel farm in the waters off Tatamagouche, Nova Scotia. The project calls for 1,200 acres to be set aside for mussel farming but many residents still have unanswered questions about the plans and how this will affect their community. Last year we wrote to the minister of fisheries and urged him to complete an environmental impact assessment to address the concerns of area residents. Will the minister announce today that he intends to respond to the concerns of the community and complete a full environmental assessment?

Hon. David Anderson (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I thank the hon. member for Fundy—Royal for his letters last month and in December.

Points of Order

No decision has been made with respect to establishing the mussel farm. We are on a committee with the province and interested parties. If it appears as a result of the committee examination, discussion and ultimate decision that an environmental assessment is necessary, I will look at the Fisheries Act and the Navigable Waters Protection Act and will proceed from there with the appropriate environmental assessment.

* * *

● (1500)

FOREIGN AFFAIRS

Mr. David Pratt (Nepean—Carleton, Lib.): Mr. Speaker, my question is for the Minister of Foreign Affairs.

The civil war in Sierra Leone has escalated recently with widespread killings, mutilations and hundreds of thousands of refugees. In short, it is a humanitarian crisis.

Can the minister tell the House what the government is doing at the UN Security Council to focus attention on this terrible human tragedy?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, I thank the member for bringing this tragic circumstance to the attention of the House.

Last week during a visit to West Africa I met with senior government officials to talk about Sierra Leone. They requested the president of the council to take the matter up. I can inform the House that after consultations it will be dealt with this week at the security council.

I can also say that as part of our commitment the Prime Minister has authorized us to offer a \$1 million contribution to the peacekeeping activities in West Africa so that we can begin to deliver humanitarian aid.

The Speaker: That will bring to a close our question period today.

I have a question of privilege and three points of order that I will deal with. I will deal with the question of privilege first.

Yesterday the member for Sydney—Victoria raised a question of privilege. Now I am faced with this dilemma. Although at the time the question of privilege was raised the minister was not here, I see now that the hon. member, for whatever reason, is not in the House. I will hold the matter in abeyance until the hon. minister can make the statement directly when the other member is here.

I ask the hon. minister if we could do this tomorrow when the hon. member is here. I did not want the hon. member to raise the point unless the minister was here. In fairness, the minister should not make a response until the hon. member is here.

I will hear the first point of order from the hon. Minister of Human Resources Development.

* * *

POINTS OF ORDER

QUESTION PERIOD

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, yesterday in the House during question period the member for Burin—St. George's told us that Newfoundlanders and Labradorians had received more money from the EI account than they had paid into the account.

I call the attention of the House to the real numbers. Newfoundlanders—

The Speaker: The hon. minister can probably incorporate that in an answer one day in question period. This is now a point of debate.

ABORIGINAL AFFAIRS

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, I seek your guidance on this matter to some extent.

● (1505)

Last evening in debate the Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, the member for Provencher, made statements with respect to the Musqueam leaseholders in Vancouver to the effect that they had not made any lease payments since 1993.

The Musqueam residents contacted me this morning. They are deeply offended. In fact they say that they are very current with their lease and—

The Speaker: We are getting into debate. Perhaps it could be incorporated in a statement tomorrow if the hon. member would like to do that.

I will now hear the House leader of the Progressive Conservative Party.

QUESTION PERIOD

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I am looking for clarification from the Chair on an apparent ruling that took place during question period. It was with respect to a question posed by the hon. member for West Nova to the minister.

The Speaker: I refer the hon. member to 409(6).

[Translation]

JUSTICE ROBERT FLAHIFF

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I am sure today you will have the unanimous consent of the House, now that the government has had the privilege of reading the motion I introduced yesterday for which I sought but did not get unanimous consent.

Supply

I return today, seconded by the Reform member for Saanich—Gulf Islands. The motion reads as follows, and I request the unanimous consent of the House to move it:

That this House, barring a decision in appeal quashing the decision at trial level, recommend the removal of Mr. Justice Robert Flahiff, judge of the Quebec Superior Court, because of his inability to properly perform his duties due to

- (a) a lack of honour and dignity;
- (b) failure to perform his duties as judge under the Judges Act; and
- (c) a lack of integrity as set forth in the Ethical Principles for Judges of the Canadian Judicial Council;

And that this removal have as its immediate consequence the revocation of the current salary and the right of the said judge to the enjoyment of a pension under the Judges Act.

The Speaker: Does the hon. member have the consent of the House to move the motion?

Some hon. members: Yes.

Some hon. members: No.

[*English*]

Hon. Don Boudria: Mr. Speaker, there have been discussions among the House leaders and I would ask that you seek consent to see if we could revert to the introduction of government bills. It would be the wish of the government to introduce a bill today in the name of the Minister of Finance to provide for the transfer of funds to the provinces, thereby allowing MPs to consult on proposed legislation for one additional day.

In any case, the item in question is slated for the introduction of bills. I would ask that you seek consent for its introduction.

The Speaker: Does the hon. House leader have the consent of the House to introduce the motion?

Some hon. members: Agreed.

Some hon. members: No.

GOVERNMENT ORDERS

[*English*]

SUPPLY

ALLOTTED DAY—CHILD PORNOGRAPHY

The House resumed consideration of the motion and of the amendment.

Mr. Eric Lowther (Calgary Centre, Ref.): Mr. Speaker, I want to continue from where I left off, but I also think it is appropriate to

include some of the revelations we gained from the question period.

I will start with the comments of the justice minister, who said that we need to let the current process sort of work itself out. However, it is important for us all to note, those watching and listening today as well as members opposite, that section 33, the notwithstanding clause, is part of the process. It was there to be used for situations exactly like this where judicial rulings are clearly outside the intent of the legislation. It is part of the process and we have an opportunity in the House today to use that part of the process to protect children.

• (1510)

I thought the other interesting revelation from question period was that the justice minister commented that the current legislation is still working in other parts of Canada. Our question is: What about B.C.? We have children in B.C. We have concerned people in B.C. They pay the same high Canadian taxes that we all do. They are entitled to the same protection that we all are. They are also Canadians. Do we put them at risk and not implement this part of the process? Does that make sense? No, it does not make sense.

The whole issue of trusting the judicial process to address this tragic situation is wrong.

I point to one of my own bills in the House which deals with the pardons that are given to known sexual offenders of children. In this country over 12,000 pardons have been given to sexual offenders. Of that 12,000 over 700 of them have been caught—and there are many others who have not been caught—a second time, even after the pardon. About 400 of those were repeat offenders of children. They were convicted once and they were pardoned. Their records were hidden from the public. They were convicted again, a second time. They were caught a second time.

These are the kinds of things that give a lot of Canadians concern. Without implementing the notwithstanding clause and allowing this type of grievous material to be in the hands of Canadians is of grave concern to all of us.

I close with the argument that championing freedoms and putting the most vulnerable at risk is a mistake. When we cross over the line and put the vulnerable at risk in the cause of freedom we have gone too far. The notwithstanding clause allows us to fix it today. I appeal to every member of the House to vote in support of the motion on the floor today. Let us send a strong endorsement to all Canadians.

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, first, I think the hon. member who just spoke will agree that all members of this place who have spoken thus far and all those who have spoken informally on this issue abhor the issue of child pornography. That is unquestioned and that is not what this debate is about. The debate is about process.

Supply

The member has raised the issue of the notwithstanding clause. I think the member may know, possibly not, that invoking section 33(1) of the charter, the notwithstanding clause, would only apply to cases from the date of invocation forward. It would not have any effect whatsoever on the Sharpe decision. Therefore the appeal must go forward and the federal government should participate vigorously in that appeal to uphold the law.

The question, I believe—and the member could clarify this—is whether the current laws of Canada, which were ruled against by the B.C. trial division court, are adequate or whether they need to be amended.

I would like the member to clarify whether he fully understands that the notwithstanding clause does not end the Sharpe decision and that the government must act to ensure that the Sharpe decision is in fact dealt with.

Mr. Eric Lowther: Madam Speaker, I think I clearly understand the crux of the issue here. The member opposite said that we are all concerned about the grievous effect of child pornography. But then he said that is not the issue. He said the issue has to do with process. I would submit to the House that the issue is the grievous effect. The issue is the victims, the children. The issue is the negative impact on our communities. The issue is all the Canadians who are tarnished by this kind of ruling in our supreme court. The issue is for the House to do everything possible.

We have an opportunity today to send a message to all Canadians and to the courts that the crux of this issue is victims and we are not going to stand for it any more in this country.

• (1515)

Mr. Svend J. Robinson (Burnaby—Douglas, NDP): Madam Speaker, certainly I share the concern that has been voiced by all members of the House with respect to the decision of Justice Shaw and I strongly support the decision of the B.C. attorney general to appeal and welcome the decision of the federal government to seek an expedited hearing and intervene.

I want to ask the hon. member from Calgary to respond to two concerns that have been raised. The first concern is with respect to the issue of the distinction between the use of materials in which children are being used to produce the materials, in which the images of children are being used in child pornography. Certainly there is no question whatsoever that is repugnant and the possession of that material must be dealt with.

The B.C. Civil Liberties Association and others have suggested a distinction between that on the one hand and materials which may be written materials, materials which do not involve the use of children in their production. I want to ask the hon. member how he responds to the suggestion that there should be a distinction between those two.

Second, I ask him to respond to the concern that many have raised that by calling for immediate action, as the amendment of the Reform Party does now, the only immediate action that will pre-empt the courts is bringing in a law now with the notwithstanding clause and in effect that would be conceding that this law is unconstitutional and that rather we should support an expedited appeal. Should that appeal be unsuccessful then certainly we could give consideration to the avenue suggested by the official opposition.

Mr. Eric Lowther: Madam Speaker, I think the issue of trying to determine which material is appropriate and which material is not really is splitting hairs. What we are really debating today is this case and the details of this case. We know what material was involved in this case. The ruling on this case is what has incensed Canadians, I am glad to see, right across this country. It is the details and the material that was so offensive to so many of us that necessitated us to take some action, and I am glad to say members on all sides of the House to take some action, to eliminate or to address this material in a proactive manner.

Mr. Reg Alcock (Parliamentary Secretary to President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Madam Speaker, I thank you for the opportunity to speak in this debate.

I have worked with young children for the first two decades of my working life. When I was a student in high school in Winnipeg I used to volunteer downtown in what we called the community development centres then. I went on to work as child care worker with kids who were by all accounts victims to some of the activities that we heard reference to today. During part of my career as the director of child welfare in Manitoba I had the privilege of being part of a group of people who wrote the 1985 child and family services act in Manitoba.

I had a chance then to work with some of the leaders in this country in the area of child abuse, one of which was Dr. Charlie Fergusson who is known throughout Canada as the exposé of it, a person who, back when no one would talk about this horrible stain in our communities, would talk about it. Charlie kept confronting people with the fact that in our communities children were being treated in these horribly abusive and very destructive ways.

Much of my work was trying to help the victims of child abuse, physical abuse and sexual abuse, recover and put their lives back together, to think it through and come to terms with the very terrible experiences they had.

The member from Burnaby asked a member from the Reform Party whether there was a distinction between one kind of child pornography and another.

Supply

• (1520)

While I have some appreciation for the arguments that are made by civil libertarians around the general issue of sexual freedom and sexual exploration, I think a legitimate concern is raised when we try to repress too forcefully certain information or certain discussion.

We do as a community draw a line between acts that involve adults and acts that involve children. I have no difficulty with drawing that line. I have no difficulty standing against all kinds of child pornography, all depictions of sexual acts with children.

We as a country have said for a long time that children have and deserve special status, and because of their extra vulnerability we as a country will protect them. I do not think there is a person in this House, despite the rhetoric that has gone down in the last two hours, who truly believes otherwise.

I end up being somewhat saddened to find myself standing one more time on the floor of the House debating a motion that has been brought forward by the Reform Party, in the fullness of virtue and goodness and to proclaim its righteousness, which is simply a kind of cheap political ploy to try to put people on the spot, to try to pick at people's differences and to try to make people feel uncomfortable on what is an extremely important and sensitive issue.

This is an issue that this country would not even have recognized 25 or 30 years ago when I first started to work. One could not even talk about the fact that young girls were being sexually abused by their fathers or by men, who still have difficulty getting laws that make it a criminal act for a man to have sex with a child. Do we debate these things or hear about these things?

What we see from the official opposition is this desire to run in this House in front of the latest outrage in the community and demand all sorts of actions.

The fundamental problem I have with that is that it is not unlike any other lynch mob every time we are outraged by what goes on in the community. If we are to do our job as legislators, if we are to provide the kind of leadership the country expects and deserves from this House and from the system of laws and justice that we have built, then we owe everyone in this country calm, quiet deliberation. We owe it to ourselves and everyone else to let the process work.

The fact is a mistake was made. I believe this judge has ruled in error and I believe that ruling should be overturned as quickly as possible. I also believe there is a process in place for that. There is an appeal process in place and the government has agreed to expedite that appeal. We have reflected our concern about the issues that lie at the heart of this debate.

Beyond that, this is little more than an attempt to grab a headline. I am saddened that we would use an issue that is so

fundamentally important to the lives of young children for that purpose.

There are a lot of things that happen in this country on a daily and weekly basis that we do not like such as someone who drives drunk through a stop sign and kills somebody. We are all emotional about those issues and we all hate them. I have two young daughters, four months old and six years old. The thought of this repulses me. However, I also owe it to them to not do what we did in days of old and run down the street with our torches and hang the first person who comes into sight.

We have a system of law and justice that allows us as a country to reflect on these issues and move in a judicious, careful and responsible manner. All we are saying here is that process exists.

Frankly I am also a little saddened by the image of the judiciary that is constantly brought up in this House by members of the Reform Party. I have worked with the judiciary and have sat in these courts many times on these kinds of issues and have watched the judges and the prosecutors struggle with this. I think our court system in Canada serves us very well. When the judiciary does things which calls its wisdom into question it also has mechanisms to correct itself. When it cannot, we should act. If we reach that point on this case or any other, we will act. But we should do it with the kind of judicious consideration, the kind of bringing to bear our intelligence on those issues that produces a solution, not simply to pander to the momentary emotion that we all feel when confronted with an outrageous and despicable crime against anyone in this community.

• (1525)

I would, as I have often done in this House, urge the Reform Party to be a little cautious, take a deep breath. When it comes forward with debate, bring it forward having reflected on it, having thought about the consequences, having thought about the end point.

Does the Reform Party really want us to be using the notwithstanding clause every time the federal government is offended by something that happens somewhere in the provinces? Is that its goal in this? Does the Reform Party want us to be running around every time, immediately upon an action taken that we do not like? Or does it want us to respect the law? We are the law makers. Does the Reform Party want us to respect the laws we create and hold ourselves accountable to?

I am splitting my time with another member.

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Madam Speaker, the previous speech demonstrates the real problem we have in this House. There is an attempt to appear reasonable but the inaction is unconscionable.

I am not trying to grab headlines. What would really grab the headlines right now is if these Liberals would reverse their position and act responsibly with regard to this matter.

Supply

What is the primary question at stake here? Is pornography, particularly child pornography, a concern? Does it have a negative impact on society, especially in B.C., at this moment? Yes, it does. Does it put people at risk at this moment if we do not act? Yes, it does. Does pornography have a useful place in society? No, I do not think it has.

What this member has to answer is should we maintain laws against it. Yes, we should. If there is a gap in those laws because of what court decision has come down, we must act immediately.

To be accused to fearmongering and all the other accusations that have come across here is completely counterproductive. If we see a problem developing in society, we must accept responsibility and we must act on that. That is what we are trying to do right now. We appeal to those members opposite to consider what we have to say. I cannot believe those members opposite would downplay the seriousness of this issue or not take it responsibly.

It is wrong to simply push this on to the courts. The courts are wrong and we need to act immediately. Parliament sends signals to society. Parliament sends signals as to what is right and what is wrong. We need to send the correct signal right now. We are the highest court in the land and it is about time we took that responsibility.

Do lower courts make mistakes? Yes. That is why we have higher courts. We need to act now in this place. Child pornography needs to be kept a crime. What could ever motivate us not to act? That would be my question for the member opposite. What would motivate us not to act right now?

Pedophiles are walking free at this moment. Decisions have come down. The police are no longer pursuing this because of the court decision. This is serious because this lack of enforcement is already having a very negative effect. Should we not be acting as soon as possible, right now?

Mr. Reg Alcock: Madam Speaker, I believe the hon. member when he began his remarks said that he did not want to do anything to inflame the debate, that he was not here to fan the fires. The member then says that today in B.C. pedophiles are walking free because of this law. That is absolute nonsense. Take it on face. This is a law that made it illegal to possess child pornography. The person was accused of the possession of child pornography. It is not a good thing. It is a bad thing. I said that many times. Members on this side of the House have said that. Let me put it very clearly for members opposite. Members on this side of the House have risen over and over and over—

• (1530)

An hon. member: Don't be patronizing.

Mr. Reg Alcock: I will be as patronizing as you are. You should learn to come forward just once in the House with a substantive argument and stop playing these silly kinds of games.

It is absolutely unbelievable that they come forward into the House, puff themselves up, pretend they are the defenders of righteousness and justice, and then make statements like that.

When the member rose he talked about inaction. What inaction? The Attorney General of British Columbia appealed the case immediately. Our justice department expedited the process.

Mr. Derrek Konrad: Mr. Speaker, I rise on a point of order. I do not know whether the member is in order to be saying you and speaking in the first person to members on this side of the House.

The Acting Speaker (Ms. Thibeault): I remind the member to address his remarks through the Chair.

Mr. Reg Alcock: Madam Speaker, perhaps I can recall the remark I was making when I committed the error. Through you, Madam Speaker, I believe the member opposite side is irresponsible and attempting to simply irresponsibly inflame debate.

Mr. John McKay (Scarborough East, Lib.): Madam Speaker, the Reform Party calls upon parliament and the government to take legislative initiatives to strike down and reach a decision on the British Columbia lower court decision concerning child pornography.

The motion invites the government to take all legislative measures necessary to reinstate the law and to invoke section 33 of the Constitution commonly known as the notwithstanding clause.

I thought it might be useful for members on all sides of the House to actually review the sections of the law that are applicable to this case, particularly section 163.1 and the definition of child pornography:

a photographic, film, video or other visual representation, whether or not it was made by electronic or mechanical means,

(i) that shows a person who is or is depicted as being under the age of eighteen years and is engaged in or is depicted as engaged in explicit sexual activity—

The accused is charged under two sections. The first is subsection (3):

Every person who imports, distributes, sells or possesses for the purpose of distribution or sale any child pornography is guilty of—

Also subsection (4) which says “every person who possesses”. There are two offences here: possession for the purpose of and simple possession. As indicated, Mr. Sharpe was charged with subsections (3) and (4), namely possession for the purposes of distribution and possession of child pornography.

I would like to note that the U.S. Federal Court of Appeals as recently as last week quoted the Canadian legislation favourably in upholding the constitutionality of that law.

Child pornography is a curse that all members of the House view with distaste. It is something that has to be addressed and has attempted to be addressed on both sides of the border.

Mr. Sharpe in turn claimed his fundamental freedoms, particularly section 2(a) of the charter, freedom of conscience; section 2(b), freedom of expression and opinion; section 2(d), freedom of association; and section 15(1), equality rights under the charter. He claimed all those sections with respect to the possession charge. With respect to the possession for the purposes of, he simply claimed section 2(b).

The crown acknowledged that there is a limitation on the freedoms pursuant to section 1 of the charter and that the rights and freedoms of the rights of citizens are subject to reasonable limits as prescribed by law and as can demonstrably be justified in a free and democratic society. Then the judge went into an analysis of the evidence that was before him.

● (1535)

Subsection 3, possession for the purpose, was upheld as valid constitutional law. I will not deal with that. The section that has members opposite concerned is with respect to what is known as simple possession. It was found to be void and unconstitutional. I thought a review of the decision would be appropriate and in order, given the level of rhetoric the House enjoyed.

Page 7 of the decision indicates that sexually explicit pornography involving children possesses a danger to children because of its use by pedophiles in the seduction process. Children are abused from the production of film or videotaped pornography. Highly erotic pornography incites some pedophiles to commit offences. Highly erotic pornography helps some pedophiles relieve pent-up sexual tension.

It is not possible to say which of the two foregoing effects is greater. Mildly erotic pornography appears to inhibit aggression. Pornography involving children can be a factor in augmenting or reinforcing the cognitive distortions of pedophiles. There is no evidence which demonstrates an increase in the harm to children as a result of pornography augmenting or reinforcing the cognitive distortions of pedophiles. The dissemination of written material which counsels or advocates sexual offences against children poses some risk to the harm of children.

The crown conceded that this is a violation of one's guaranteed freedom of expression but argued that it was a reasonable limit within the limits of the law. Only one case was cited, the attorney general v Langer, in which the law was actually held to be a valid law. Section 163.1 was explicitly held to be valid and thereafter the paintings themselves were returned to the accused.

Supply

In dealing with that case Judge Shaw says that Judge McCombs did not do "a proportionality test". A proportionality test is nothing other than a fancy way of saying risk benefit analysis; in other words weighing the legislative objective against the effects of the legislation. The question becomes whether to use a legislative hammer, i.e. the Criminal Code, to kill the impugned behaviour in the context of our charter.

Several other tests are referred to in the course of the decision but the judge concluded that in his view it was appropriate to the present case to consider the proportionality test between the desultory effects and the salutary effects on the prohibition and possession of child pornography.

He then went through a weighing process and made the conclusion that there was no evidence which demonstrated any significant increase in danger to children related to the confirmation or augmentation of cognitive distortions caused by pornography. That is a conclusion with which many of us would have some serious difficulty. I quote it:

There is no evidence which demonstrates any significant increase of danger to children related to the confirmation or augmentation of cognitive distortions caused by pornography. There is no evidence that "mildly erotic" imagines are used in the "grooming process". Only assumption supports the proposition that materials that advocate or counsel sexual crimes with children have the effect of increasing the occurrence of such crimes. Sexually explicit pornography is used by some pedophiles to relieve pent-up sexual tension. A person who is prone to act on his fantasies will likely do so irrespective of the availability of pornography. There is no evidence that the production of child pornography will be significantly reduced if simple possession is made a crime.

With respect I believe the judge was wrong. I believe the House believes the judge was wrong. When it comes down to it, we are talking about a question of values. Surely it is the right of parliament to expect that it can create an environment in which it wants to see Canadian children raised.

Children should be free of the fantasies of adults and free of the abuse that this is something of a false test, and it is a false test. There will never be an empirical test that says if *a* possesses child pornography it therefore follows that *b* will be harmed. We cannot do it. We are human beings. It does not work. The test appears to be objective but I submit it is quite naive. It is nothing other than legal fiction.

● (1540)

It is up to parliament to express its view that this test is nonsense. Canadians believe that it is a Canadian value that possession of this material leads to harm and is degrading to our society.

I can do no better than to quote from a letter sent to my hon. colleague from Greenwood—Broadview dated today's date by Mr. Danson, the lawyer for the Mahaffy and French families, who should know something about this issue. He said:

Supply

Both the Supreme Court of Canada and the Supreme Court of the United States have concluded that the use of children to make sexual pictures is child abuse. Simply put, child pornography is a direct product of child sexual abuse and constitutes a permanent record of a child's sexual exploitation.

Once Judge Shaw arrived at the conclusion he arrived at, it follows that consideration of the detrimental effects will be pro forma. Judge Shaw believed that the invasion of personal freedom and privacy were profound and therefore by a circuitous bit of reasoning used his earlier findings as the basis for his findings that the detrimental effect of an invasion of privacy was a fact that overwhelmed the issue concerning possession. In the interest of time I will not quote it.

I believe Judge Shaw's findings are wrong. He used a false test which has led to absurd conclusions. I suggest all members support the attorney general in her intervention and await the decision of the appeal court. The House could only do one thing that is more absurd than Judge Shaw's reasoning, and that is support the motion.

I quote from the final page of Mr. Danson's letter:

I know in bringing forward this motion in Parliament today they are motivated by genuine, honest and good intentions, but I have to say to you that on this one, the Minister of Justice is absolutely correct and should be fully supported.

Mr. Grant McNally (Dewdney—Alouette, Ref.): Madam Speaker, I compliment the hon. member for Scarborough East on his logical premises and his reasoned debate. It is one of a few we have heard from the government side today.

I do not agree with his conclusion based on the premises that he cited, that the only conclusion could be to support the attorney general's intervention in this case. The conclusion he drew based on the premises he made is not the only conclusion that can be reached. This was a ruling by Judge Shaw that was incorrect. It was wrong and many people do not agree with it. The member stated that he did not agree with Judge Shaw. Yet he also clearly stated that the production of child pornography produced a record of child abuse and the abuses involved in the creation of child pornography.

Would the member not agree that by waiting even through an expedited process by the attorney general and by not taking action immediately the attorney general allows this kind of abuse to continue in the jurisdiction of British Columbia? I know his legal background. He knows that cases which set precedent in one jurisdiction are often used in other jurisdictions in future cases.

Does he not agree with the fact that this decision and failing to intervene now would mean there would not be some further abuses happening to children, particularly in the jurisdiction of British Columbia?

Mr. John McKay: Madam Speaker, I thank the hon. member for the question.

First, the decision was issued on January 13. As I understand, within the week the British Columbia attorney general appealed the decision. Within the following week, one week before parliament was recalled, the Attorney General of Canada joined the appeal in an intervener status to uphold the constitutionality of the case. I cannot think of any response that could be quicker. As to the issue of whether we should use, if you will, the nuclear bomb of the Constitution in order to blow up this possession, I think that is a gross overreaction. It is a conclusion that is not warranted under the circumstances. In my view it has no precedent value.

• (1545)

This is a decision of the trial court of British Columbia. It is a lower court decision. If it is upheld, their argument becomes much stronger. But in my view this has no precedent value. It has no precedent value in other provincial court jurisdictions. It has no precedent value on his fellow judges. It is simply a stand-alone decision. In my respectful submission it was a timely response on the part of the Attorney General of Canada and on the part of the Attorney General of British Columbia.

To invoke the notwithstanding clause of the Constitution in order to quash this offence is a disproportionate response to the offence that we all want to see corrected.

Mr. John Duncan (Vancouver Island North, Ref.): Madam Speaker, I take great exception to the member making an analogy between a nuclear bomb and the notwithstanding clause. If we are ever going to send a message to the judiciary that parliamentary supremacy over legislation is meaningful, and if the public at large is going to receive that message as well, there is no better time to use this than at a time when something so offends the common sensibilities of people.

I am trying to get at the basis of why so many members on the other side, including the hon. member, feel so strongly that this is an overreaction. Why is it an overreaction?

Mr. John McKay: Madam Speaker, the first reaction should not be an overreaction. The first reaction is to read the case which is 21 pages and to review the reasoning of the judge. If we review the reasoning of the judge we will see it is clearly flawed. That is the first response we would have. We would also be well advised to read Mr. Dosanjh's comments on that case which attack the reasoning of the judge. That would be the first appropriate and proportionate response. It is completely out of line to use section 33 for this purpose.

Mr. Jason Kenney (Calgary Southeast, Ref.): Madam Speaker, I too commend the member for Scarborough East for his thoughtful and reasoned remarks.

Supply

He did not compellingly answer the question just posed as to why he feels it is an overreaction to invoke section 33. He merely reiterated his assertion. However, the tone of his comments was appropriate in that his comments did not follow the pattern of his colleague from Winnipeg South who launched unfortunately on an all too common partisan speech imputing motives to others who feel very strongly about this as do I.

An hon. member: Coming from you those are really new words. Like you are not partisan on what you speak.

Mr. Jason Kenney: As I was about to say to the very hon. lady opposite, I have no doubt that the government members here have nothing but the best of motives in the position they take. They place greater emphasis on the importance of the authority of judges as opposed to those of us who place greater emphasis on the importance of the authority of parliament. It is a legitimate debate to have in a democracy.

I do not choose to castigate my colleagues opposite for arriving at a different conclusion than do I. I would invite them to accept a similar position of equanimity when it comes to such a critically important debate.

The hon. member for Winnipeg South castigated the official opposition for calling for immediate action in its motion. Let me make reference to that motion as it has not been read for some time. What we simply seek is “that the government should take immediate measures to reinstate the law that was struck down by a recent decision of the court of British Columbia regarding the possession of child pornography, even if that entails”—not necessarily but even if that entails—“invoking section 33 of the Constitution Act, the notwithstanding clause”.

• (1550)

On this point, if the House were to pass this motion and officials from the justice department were to conclude that other reasonable measures could be taken immediately to counteract the effects of this judgment apart from the invocation of section 33, then I am sure we would support that. I agree section 33 is the ultimate legal constitutional lever available at our disposal and we should use it with great discretion.

I would call on members of the government, if this motion passes, to provide us with reasoned opinions as to whether or not there are other legal avenues available to act immediately, rather than waiting for the indefinite appeal process.

The second element of the motion says essentially that notwithstanding any standing order or usual practice of this House the bill would be considered in one sitting so as to expedite it. I think it is a reasonable motion.

I also read a letter sent on January 20, 1999 to the right hon. Prime Minister from some 70 members of the government, includ-

ing the hon. member for Winnipeg South who said that it was unreasonable for the opposition to call for immediate action in this. Yet I look at the letter to which he has affixed his name where he, among others, wrote to the Prime Minister “We ask that you send an unmistakable message to the nation that your government will not tolerate any proliferation of child pornography through the weakness of our laws. We ask that the government not wait for the appeal of the B.C. decision to be heard, but immediately act in defence of Canada’s children”.

This is not me speaking; it is conscientious members opposite who have signed this letter. I am not using this as a partisan lever. I am just pointing out that the member for Winnipeg South seems a bit schizophrenic today, because the letter went on to say “The undersigned recommend that strong new child pornography legislation be introduced as soon as the House resumes”. That was yesterday. We, the official opposition, introduced this motion as soon as we had the opportunity.

The member and his colleagues went on to say “We ask also that you consider the use of the notwithstanding clause”. Let me quote that again in case the member for Winnipeg South is not listening. “We ask also that you consider the use of the notwithstanding clause or other equivalent effective measures”—which we are open to in our motion—“to send a clear message that Canada’s charter of rights will never again be used to defend the sexual abuse of Canada’s children”.

They call to immediately act at the first opportunity in the House and to consider invoking the notwithstanding clause. I would suggest their wording is even stronger than that proposed in the motion before us. This is a letter that was signed by my colleague from Winnipeg South who just stood up and for making the same argument imputed my motives as being strictly partisan and political. I resent that.

Yes, I am a politician. I am a partisan. But on matters like this one I do believe that common sense and common values can prevail.

I submit that if we were to consult our constituents broadly there would not be a debate. There would be as close as we could find the unanimity in a democratic society on the need for this sovereign legislature to use all of its power to act and to act immediately.

Some of the members opposite offer soothing words about respecting the judicial process and allowing the appeals process to work. I know as well as they do, and certainly as well as the member for Scarborough, a lawyer, does, that the appeals process can be tortuously long at times. It is a slow tortuous process open to procedural delays and there is no guarantee that this will come to a satisfactory conclusion.

In fact there seems to be among those opposing this motion a presumption that the higher courts, the appeal courts, will overturn the absurd, disgraceful, bizarre judgment, as I would characterize

Supply

it, rendered at the B.C. court. I do not share their presumption. I might be able to share their presumption if I had not seen over the past 15 years the courts grow bolder and bolder and bolder in asserting essentially a legislative power and legislating from the bench, notwithstanding the democratic consensus of Canadians on critical issues.

• (1555)

This is not a political issue. I suspect and hope there are members of all parties who will support this motion this evening.

I have just received a copy of a letter from the Canadian Police Association which is also speaking on behalf of victims of crime, CAVEAT and the Canadian Resource Centre for Victims of Crime. It is signed by Mr. Grant Obst, the president of the CPA. It is a letter to my house leader with a copy to the Minister of Justice in which he writes:

I have been made aware of the motion you made this morning in the House of Commons calling upon the federal government to enact legislation criminalizing the possession of child pornography. On behalf of the Canadian Police Association, let me lend you the support of our 35,000 members across the country.

We believe that the current law is constitutional—

—contra the judge—

and expect the B.C. Court of Appeal and possibly the Supreme Court of Canada to uphold it. However, that will take time, and some cases have already been delayed or thrown out due to the judgment.

Cases have been thrown out. Pedophiles have been let out on the street as a consequence.

There is clearly an urgency to this issue and we therefore hope that parliament can act swiftly to ensure that the laws against possession of child pornography are upheld in B.C. and in the rest of Canada. Given that urgency, we support any action which will ensure the laws against possession of child pornography are upheld.

We applaud your initiative on this matter.

It does not say anything about any party. It talks about the principle of the issue before us.

I appeal to all members to put aside partisanship, not to impute motives. One of the reasons I am a member of the Reform Party is because I oppose judicial usurpation of democratic authority from the parliament. It is one of the reasons I left the Liberal Party and joined the Reform Party. But that does not mean Canadians cannot agree in principle beyond partisanship that there is a need from time to time to use the constitutional levers put at our disposal to protect not just our children but perhaps even more importantly the principle of parliamentary supremacy. That is what this debate comes down to.

Some members seem to believe that invoking section 33, the notwithstanding clause, characterizes an overreaction. The real true overreaction, the real legal nuclear bomb if you will, is the

abuse of judicial authority exercised by judges, such as the one in this case, where they use their own narrow, parochial, social, political values to impose them on society contra the virtual unanimity of Canadian democracy.

I call on my colleagues on all sides of the House to not impute motives to one another here but let us assert the sovereignty of this parliament. We can act. The Constitution gives us the power to act and we must act. To do otherwise is to abdicate our fundamental democratic responsibility.

Ms. Marlene Catterall (Ottawa West—Nepean, Lib.): Madam Speaker, I have been listening to the debate throughout the day with great interest and I must say with some puzzlement. Several Reform members have suggested that members on this side of the House give greater importance to freedom of expression than to the protection of children. It is quite the opposite and I would appreciate the member's comments on what I am about to say.

This parliament has very clearly passed legislation that says the importance of protecting our children supersedes the individual rights to freedom of expression. The Constitution of this country allows us to do that.

The Reform Party in its motion today seems to be accepting the judgment of the British Columbia court, that in fact we have gone too far, that we do not have the right to impose that limit on freedom. The Reform Party wants us to accept that judgment and say we have to override the charter of rights and freedoms to protect the legislation.

The legislation is a very legitimate and necessary limitation on personal freedom because there is no greater obligation of this parliament than the protection of our children, especially from this kind of abuse. That is why I want to go into court and I want to demonstrate clearly that this parliament does have the right to limit personal freedom for the greater good of protecting our children. That is why I am not prepared to accept the judgment of that judge and to say now I have to act in accordance with his judgment and overrule the charter so that this law can prevail.

• (1600)

I ask the member also to comment on what would happen if we now say that we have to overrule the charter because we accept that the judge was right, this exceeds the charter and the only way of making it valid is to overrule the charter. Then every lawyer whose client has been convicted of possession of pornography would have the right to go back into court and say "Parliament has overridden the charter, which did not exist when my client was convicted, therefore my client should be freed because the law was unconstitutional and parliament has admitted it".

Supply

Mr. Jason Kenney: Madam Speaker, I did not imply that the members opposite value freedom of expression over the responsibility of the protection of children from pornography. I did suggest that some of the members opposite may value the authority of the courts contra the balance versus the authority of parliament. I think that is a legitimate debate.

She knows she is being disingenuous when she suggests the Reform Party supports the judgment and believes that it is constitutional. She knows that is absurd.

I do not think there is a member in the House who believes this judgment is constitutional. But the point is this. The appeals process can work on track. We can invoke the notwithstanding clause in this place and protect these children immediately by reinstating the law. We can do that and allow the attorney general of British Columbia to pursue the appeal.

The hon. accountant opposite seems to disagree with the judgment of the lawyers I have spoken with. Let me make it clear that we can put this to the supreme court and let it have its say. It is nice that members opposite seem to have an absolutely unmitigated faith that the Supreme Court of Canada will undo this unjust, unconstitutional, outrageous decision. I am not entirely sure based on some of the precedents I have seen come out of that court.

But we can allow the appeals process to work and allow that to take the years and millions of tax dollars that it will to satisfy this British Columbia pervert's desire to tie up our court system. We can allow that to happen but at the same time protect the children by invoking section 33. They are not mutually exclusive. They are mutually compatible.

Mr. Rick Casson (Lethbridge, Ref.): Madam Speaker, after that rousing speech and retort I will try to carry on.

Along with most Canadians I was shocked and outraged when we heard that a B.C. supreme court judge had struck down the section in the Criminal Code that prohibited possession of child pornography. The judge in his decision stated that Robin Sharpe's freedom of expression was violated by the Criminal Code which prohibits possession of child pornography.

It is not at all surprising that such an offensive attack on the values of society comes from the benches of the unelected and the unaccountable. Judicial activism, a recently coined term, refers to rulings by judges which go well beyond the intent of the law. These decisions substantively change the law to the point where judges have taken on the role of legislators or law makers as opposed to simply interpreting and applying the law.

The courts have turned free some of the worst criminals in society, from drunk drivers to child pornographers. These judges who are acting without an electoral mandate are singlehandedly changing the laws in this country.

We as elected members of parliament make the laws that govern this nation right here in the House of Commons. So why are we allowing these laws to be arbitrarily changed on the strength of a decision made by a few unelected, unaccountable officials? How many more shocking decisions are Canadians going to have to endure before this activism is stopped?

The first section of the charter guarantees the rights and freedoms set out in it are subject only to reasonable limits described by law as can be demonstrably justified in a free and democratic society.

• (1605)

What was so democratic about striking down a portion of section 163? In interpreting this section, a judge is to apply a test of proportionality, balancing the interests of society with that of the individual. I must say I cannot imagine that any legislative assembly in this land would agree with this decision, a decision that puts the rights of the pedophile before the rights of his victims, the children of our society.

Much has been discussed today but I want to spend just a few moments discussing pornography and the effects it can have on the user in society.

Sex is everywhere. We read about it every morning in the papers. We hear about it all day long on the radio and watch it on the national news each night. No one in society can escape it. This fascination has fuelled a huge increase in the growth of pornography.

Here are a few stats. The adult industry is worth over \$10 billion a year. In 1996 the amount of hardcore video rentals numbered 665 million. Each week 150 new pornography videos are produced in the United States. Hotel guests spent \$175 million in 1996 to get pornography in their rooms. Between 9 p.m. and 1 a.m. each night over 250,000 people dial phone sex numbers. In the United States the number of stores distributing hardcore pornography have even outnumbered McDonald's restaurants. McDonald's was the former king of capitalism.

Although these figures are for the U.S., it does not lessen their impact. Nowhere has this growth been so prevalent as on the Internet. By some estimates, some 17 million web pages are dedicated to pornography. Detective Noreen Waters of the Vancouver police, an expert on child pornography, testified in the B.C. case that with the advent of the Internet there has been a veritable explosion of the availability of child pornography.

Dr. Michael Mehta, a professor from Queen's University, has studied the Internet extensively and estimates that up to 20% of the activity on the web has to do with child pornography. This number is even great when one considers all the other obscene material, material that is illegal under Canadian law but yet is available on the net.

Supply

However, there are some that would say that an individual has every right to view whatever he wants in the privacy of his home. This may be true but there have to be limits.

Before I clarify that, I want to explain the harmful effects that pornography can have on its users. First of all, it is important to understand that pornography is addictive and, as with all addictions, more and more exposure is needed to satisfy the cravings. These sexual addictions do not happen overnight. They take time to develop. There is a gradual progression from the soft porn pages of *Playboy* to the hardcore images on videos. However, just as not everyone who tries a cigarette becomes addicted, not everyone who uses pornography will become addicted.

However, once an individual develops an addiction, almost nothing can come between them and their cravings. In this case the judge heard from expert witnesses who testified that pedophiles often go to great lengths to get their hands on explicit pornography and use it in ways that put children at risk.

Can this government not see that each day a pornography addict is allowed to possess this disgusting and obscene material that it is aiding and abetting his addiction? Each day their addiction is strengthened, each day they need more to satisfy their perversions and each day they are closer, if they are not already, to abusing children.

When pornography users become pornography addicts everyone around them suffers. Their family suffers, their colleagues suffer, society suffers and everyone becomes a victim.

In spite of these effects, pornography is legal. In a decision of the supreme court *R. v Butler*, Mr. Justice Sopinka acknowledged that pornography was a legitimate freedom of expression but it did allow reasonable limits to be imposed. These reasonable limits do not try to legislate morality but rather they try to protect society from the harmful effects of pornography.

When parliament declared that child pornography was illegal it realized that the rights of innocent children, the most vulnerable members of society, were more important than the rights of child molesters.

If this ruling is allowed to stand we may as well declare open season on all our children; not even infants will be safe. The sexual deviants who prey on young children have no limits. According to investigators it is not uncommon to find images depicting children in sexual acts. Police have even investigated cases where babies were violated.

The Internet has spawned a huge underground network where pedophiles exchange pictures and information on hunting down children and making child pornography. This material is used by

pedophiles to groom their victims, to lure their victims into thinking that abuse is normal and that they should enjoy it.

What happens to the children who are victimized in pornography? As an example, consider that 85% of teen prostitutes were abused as children. We cannot waste any more time in correcting this wrong. One child pornographer has already been set free. How many more perverts are sitting in their houses surrounded by their dirty pictures ready to abuse another child?

• (1610)

Appealing this decision could take months, if not years, and then we have no guarantee that the judge will respect the wishes of the Canadian people.

When the charter was drafted a section was included that will allow any legislative assembly, including parliament, to enact the notwithstanding clause. This clause was not meant to be used often. But if it cannot even be used to outlaw child pornography, what can it be used for?

The family is being attacked on all sides in our society. The government discriminates against it through its tax system. Special interest groups mock it and now it is being violated by the courts.

This is tragic because the family, without question, is our most valuable institution and the heart of our social order. It is the place where children are brought into the world and cared for. It is where they learn trust, love and security as well as the values and behaviour that will make them good citizens and in turn good parents themselves.

Many of us in this House are parents and grandparents. We know how precious our children are to us. We know that if our children are being abused by these pornographers we would demand action immediately. We would not waste any time in doing what we could to protect our children. We would act now.

The Reform Party recognizes the importance of children and families in our society which is why we have introduced this motion today. However, our good intentions are not enough. We need the support of the government benches to pass this motion.

I know there are many Liberals who have signed a petition asking for exactly the same thing we are asking for, a petition to the Prime Minister, a petition to take immediate action. I want these members, these parents and these grandparents to stand together with the members on this side and do the right thing.

This is not about partisan politics. This is about the well-being of our children. Why can we not band together today, put aside partisan politics and do the right thing? Let us do it for our kids.

Mr. Jim Pankiw (Saskatoon—Humboldt, Ref.): Madam Speaker, I would like to state how preposterous it is that we are in the House of Commons, the law making body of our country,

debating something so entirely stupid and ridiculous. This should not be a question in anybody's mind. I submit to members that the only people who have a question as to the appropriate thing to do here are the Liberal MPs.

I spent the last couple of days talking to my constituents and they say in no uncertain terms to exercise our authority and end possession of child pornography, to take whatever steps we have to.

The media unfortunately are reporting that Reform is bringing this to a vote for partisan purposes. That is not the story. The story is that 70 Liberal MPs signed their name demanding exactly what we are asking for here today and now they are going to reverse their decision. Why? For one reason. They were ordered by a dictator, a dictator who does not allow free votes in the House of Commons, a dictator who appoints all senators so there is no body above the House of Commons to intervene when decisions are not made with proper thought. Furthermore, he is a dictator who appoints all the supreme court justices.

We have the three major institutions in this country that act in passing and enforcing laws under the control of one man and tonight he is going to force these MPs to vote against the wishes of surely most every Canadian who is not a demented pervert.

I would like the hon. member for Lethbridge to let me know his opinion of the authority that is vested in one individual who does not allow free votes, appoints all senators and all supreme court justices. What is the member's opinion of Jean Chrétien?

The Acting Speaker (Ms. Thibeault): I must remind the hon. member never to mention people by name in the House.

Mr. Rick Casson: Madam Speaker, I thank my colleague for the question.

Earlier today we pursued the Prime Minister on the question of whether he would allow his members to have free votes.

• (1615)

We have in our hands a petition signed by 70-plus members of the party who suggest that they do exactly the right thing. It is a letter to the Prime Minister.

When the Prime Minister was asked if he would allow his members to have a free vote, he stood and said "This is not about free votes. This is about process".

I suggest that it is not about either. This is about our children being attacked by perverts. If members opposite do not have the guts to stand and protect our children, then they should not stand at all.

Supply

Mr. Tom Wappel (Scarborough Southwest, Lib.): Madam Speaker, unlike any member of the Reform Party, I was here in 1993. When this law was passed I was the official opposition critic for the solicitor general.

Unlike any member of the Reform Party, I voted for this law when it came into being. Every member of my party voted for this law and every member of the House of Commons voted for this law. This law was and is supported by the House of Commons.

The issue is the nature of the motion. Members opposite get very edgy when they are accused of rhetoric, and yet we hear one member referring to the leader of the country as a dictator. If that is not rhetoric I do not know what is.

Let us stick with the issue. The hon. member's motion wants us to take legislative measures to reinstate the law that was struck down by a recent decision of the court of British Columbia. That is plainly wrong.

The law is still the law of Canada. It does not need to be reinstated. One judge of one superior court in one province has rendered a decision—

An hon. member: The appeal is—

Mr. Tom Wappel: Obviously members opposite do not wish to listen to reason.

The judge has rendered a decision based on rubbish thinking, but that does not render this law inviolate.

I would like to hear the hon. member's comments on that.

Mr. Rick Casson: Madam Speaker, I think the issue we are faced with is whether the law is in effect or not. The appeal process has been started. The appeal process could go on for who knows how long.

The result of that appeal process we do not know because we do not know if the rest of the judges will support what Canadians want.

The issue is that parliamentarians should act now and invoke this notwithstanding clause to protect our kids.

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, I am pleased to participate in this important debate. Abhorrence of child pornography is not at issue in this parliament and in Canada. All members of this place agree that it is not acceptable and we will defend the laws of Canada to the fullest extent to defend those principles.

The Parliament of Canada, the Supreme Court of Canada and the Supreme Court of the United States have concluded that the use of children to make sex pictures is child abuse, and there are many other precedents.

Supply

The fact is, in this place today and in this debate, whether or not child pornography is abhorrent is not at issue. We are in agreement. Let us move on.

I am not a lawyer, but as a member of parliament I have a responsibility to participate as fully as I can in issues that come before this place. To do that I have to seek information to inform myself from other lawyers, from judges, from colleagues and from external sources to determine what the facts are.

I would like to lay out the facts because when I lay out the facts I think members will understand why I will not be supporting the Reform motion before the House today.

On January 20 a letter was written to the Prime Minister on behalf of a large number of members of my caucus.

• (1620)

I point out that as of January 20 the matter had just come to the fore. The government position at that time was, should the issue come before the supreme court, it would defend the laws of Canada. The colleagues who I joined in signing this letter to the Prime Minister felt that it was important that our response be swifter and stronger.

As a result, we made an argument to our caucus colleagues, to the government and to the Prime Minister to ask for consideration on a couple of matters. We asked that we not wait until this matter was appealed to the supreme court. We asked for consideration to be given to possible new legislation if the situation was that the current laws of Canada were not strong enough to defend the social and moral fabric and the values of Canada. We also referenced, and members here have used it constantly today, the use of the notwithstanding clause, section 33(1) of the charter.

It is important for us to have made that point. In the event that no action was taken and there were exacerbating circumstances, creating more cases going before the courts and being frustrated, it would be essential for the government to invoke the notwithstanding clause to stop the flow of bad decisions.

Subsequent to this letter, and to the credit of the many members of parliament who signed this letter and the many others who spoke openly to caucus, to the government and to the Prime Minister, the government acted. It acted in these ways.

First, the government took the extraordinary step of intervening in the appeal of the decision to the B.C. court of appeal. It is extraordinary for that to happen. The importance and the significance of this issue has been demonstrated by the government taking that extraordinary step.

The government has also supported the B.C. government in having the appeal decision dealt with on an expedited basis to ensure that it is dealt with as soon as possible.

We have also co-operated in seeking the co-operation of law enforcement authorities to continue all investigations and to continue laying charges under the laws of Canada. They are doing that.

We also are satisfied that adjournments have been sought for the cases currently before the courts so that no other decisions will be taken until such time as the issue presently before the appeal court has been dealt with.

It is very important to understand that the letter which has been referred to so often by the Reform Party was dated January 20 when the position was to deal with the situation when it reached the supreme court. The letter was not written today and a position was not taken today after all of these other points were in place. It is extremely important to understand that we took the actions that were necessary to ensure that this matter is dealt with as expeditiously as possible to ensure that the rights of our children are protected as quickly as possible and as forcefully as possible.

I have seen many legal opinions to date. I am advised basically by the consultations I have made as a member of parliament that the case before the appeal court has strong and very substantial merit.

There are issues that are going to have to be dealt with. It has been suggested that the judge may have been in error in the judgment. It may have been a faulty judgment. It may also have been the crown attorney who did not make substantive enough arguments in defending the constitution of Canada.

• (1625)

We do know that the arguments were made strongly with regard to freedom of expression. But were the arguments made substantively? I think that these are the points which have to be raised at the appeal process.

If the members believe that the current laws of Canada regarding child pornography under the Criminal Code are inadequate and unconstitutional, then we should invoke the notwithstanding clause if we believe they are not constitutional. But that is not the case.

Members have said that they support the laws of Canada. We do. And we are going to continue to support the laws of Canada. If we believe they have to be strengthened, maybe we should have additional measures to strengthen those laws.

However, right now it is plain to me, based on the consultations I have had, that invoking section 33(1) of the charter, the notwithstanding clause, is premature and may in fact constitute either coercion or the undermining of the court system itself. I say that because if we were to invoke the notwithstanding clause today, that invocation would only apply to cases that arose from today forward. It would not be applied retroactively to the Sharpe case which has precipitated this matter. That means that the appeal to the B.C. court of appeal has to proceed.

Let us consider this. If the appeal process takes place and the federal government has already invoked the notwithstanding clause, what is the purpose of the appeal? We have basically said that we do not like the court system, we do not value the courts any more, we do not believe that the laws are being treated properly under our Constitution, we are going to ignore anything that has been said and we have invoked the notwithstanding clause.

That is not the way to defend the laws of Canada. The way to defend the laws of Canada is to deal in the courts with the specific issues that come before the courts.

I believe that we have ample evidence that this was a wrong decision. It was poorly argued, and the laws under the Criminal Code regarding child pornography are in fact constitutional, valid and supportive of the children of Canada.

Let me repeat what I said at the beginning. There is no disagreement in this place. There is no disagreement in Canada that we abhor child pornography because it is child abuse.

I will be voting against this motion because, if I am correct, the motion suggests that we take legislative measures to reinstate the law. One does not take legislative measures to reinstate the law. If the notwithstanding clause is invoked, that is not reinstating the law. The motion before us today is in fact contradictory prima facie. It should be defeated. I encourage all colleagues to look very carefully at a very poor motion that undermines not only the laws of Canada but also the rights of our children.

* * *

BUSINESS OF THE HOUSE

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Madam Speaker, I rise on a point of order. I am hesitant to interrupt the excellent speeches being made, but I believe you would find unanimous consent for the following motion. There have been consultations among the parties and I would like to propose the following motion to the House:

1. That Bill C-306, now in the name of the hon. member for Brome—Missisquoi, stand instead in the name of the member for Vaudreuil—Soulanges.

2. That the Order for consideration of Bill C-415, in the name of the hon. member for Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, be discharged and that the bill be withdrawn.

3. That the bill on the Notice Paper in the name of the Minister of Finance, entitled an act to amend the Federal-Provincial Fiscal Arrangements Act, be deemed now to have been introduced, read a first time, ordered to be printed and ordered for consideration for second reading at the next sitting of the House.

Supply

The Acting Speaker (Ms. Thibeault): Does the hon. member have the consent of the House to propose the motion?

Some hon. members: Agreed.

The Acting Speaker (Ms. Thibeault): The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

* * *

• (1630)

SUPPLY

ALLOTTED DAY—CHILD PORNOGRAPHY

The House resumed consideration of the motion and of the amendment.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Madam Speaker, I appreciate the opportunity to pose a question to the member opposite.

I listened carefully to the comments of several members today including the member opposite from Scarborough Southwest. He commented specifically about the fact that he was present in the House when this legislative change was first inserted in the Criminal Code. That was done by a Conservative government.

The motion yesterday was brought forward by the Conservatives and similarly received unanimous support of the House. I believe there is room for some common ground and some compromise on this issue. I am referring to a middle ground with respect to positions that have been outlined throughout the day by various members.

The Reform Party has proposed what I think is fair to characterize as a fairly extreme response. Given the emotion that is wrapped up in this issue, its seriousness and the implications thereof, that is not outlandish. However, the previous speaker indicated quite clearly that there is a need for rational response. There is a need for due process, a word the minister has used throughout the day.

In all sincerity, I ask the member, is there not a compromise in a referral to the Supreme Court of Canada? That is a response that would leave it in the hands of the judiciary, which is not always embraced by the Reform Party. There is a cynicism that exists in that regard, but it would expedite matters.

We all know the old maxim about delay being the deadliest form of denial. We have seen denial by the government. We saw denial in the late intervention with respect to the referendum. We saw delay with respect to the introduction of changes to the Young Offenders Act.

Supply

Would this not be an infinitely reasonable solution for the Minister of Justice to act now with legislative authority from the supreme court act and the Criminal Code to refer this matter of extreme importance to the Supreme Court of Canada where nine judges of the highest court in the land could pass judgment on the issue and we would have a definitive answer?

Then we would also have the fallback position that is being proposed by the Reform Party that if need be at that time this measure, which could be described as perhaps too extreme' could then be invoked.

Let us leave the word pedophilia and all the emotion out of it. There is a need for timeliness here and that has not been the government's trademark. Would the solution not be to go to the Supreme Court of Canada?

Mr. Paul Szabo: Madam Speaker, I understand the member's point. I agree with him that in the best interest of all Canadians this matter has to be dealt with in as expeditiously a manner as possible.

The member has given advice to the House with regard to what kind of timeline a reference to the supreme court would take. It is very clear that the supreme court has already dealt with the issue and it is very clear that the supreme court has upheld the same arguments already, so it would be an automatic process.

I ask rhetorically whether participating as an intervener and defending the laws of Canada before the B.C. appeal court would not have a shorter timeline than a reference to the supreme court. I do not know the answer to that question. I believe, though, that the justice minister is considering all those options.

I agree with the member that to invoke the notwithstanding clause is tantamount to admitting that the current laws of Canada are not constitutional and that we are basically desirous of overruling the charter. I believe that position is extreme. It is certainly premature. I believe it is one of the reasons we have to defeat the motion but continue to take the tightest line in getting our laws reinstated in a manner which is acceptable to all.

Mr. Tom Wappel (Scarborough Southwest, Lib.): Madam Speaker, I am honoured to say a few words on the motion brought forward today.

I will try to be as careful as I can in my words and not impute motive, as has been suggested by members of the official opposition, but rather deal with the motion as put forward and my views on it.

• (1635)

It is useful to have a look at what the motion proposes:

That the government should take legislative measures to reinstate the law that was struck down by a recent decision of the Court of British Columbia—

That statement is simply wrong. The law in question, section 163 of the Criminal Code and some of its subsections, is still the law of

Canada. A particular judge of the British Columbia superior court has ruled in what can only be described as a boneheaded decision that there is some sort of constitutional right to possess child pornography.

That ruling is not even binding on his fellow judges, never mind judges in other provinces, never mind appeal courts, never mind the Supreme Court of Canada. There is no doubt the judgment has caused a huge outcry in Canada. There is no doubt from listening to the debate today that everybody is completely in favour of making it a crime and continuing to have it a crime to possess child pornography. That is not the issue.

The issue is whether or not we vote in favour of the motion. If we vote no, why are we voting no? I will tell the House why I am voting no. We have a law and that law is still in force. It is still being enforced by police forces across the country. The Minister of Justice indicated that it is the will of the Government of Canada that the law continue to be enforced. Police forces across the country have indicated they will continue to do it.

In British Columbia, the subject of this judgment, there are lower courts which generally speaking have to follow the precedent of a higher court but can adjourn cases pending clarification of the law. They do not need to dismiss them. On any cases that are dismissed the crown counsel can appeal those decisions and make sure everything is in order waiting for the court of appeal.

How can we take legislative measures to reinstate a law that does not need reinstatement? It is still the law of Canada. To vote for the motion is to be completely illogical. We cannot vote to reinstate a law that does need reinstatement.

We are not talking about a circumstance down the road when the highest court of the land might theoretically overturn the section in question. If that were to occur, no matter how fast I hurried I would probably still not be the first person to call for the invocation of section 33 of the Constitution, and I would. However that time has not yet arisen.

The first reason I am voting against the motion is that it asks us to do something based on the false premise that the law is no longer the law of Canada. It asks us to reinstate something that is already in status. Second, it asks us to do so by invoking section 33 of the Constitution Act, 1982, the notwithstanding clause.

I have not been here all day so I do not know if anybody has referred to the actual wording of section 33(1) of the charter of rights and freedoms. It might be useful to have a look at the wording of that section if we are being asked to invoke it at this point in time:

Parliament or the legislature of a province may expressly declare in an Act of Parliament or the legislature as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in section 2 or section 7 to 15 of this Charter.

That is a lot of gobbledegook to non-lawyers unless we analyse it, so I will analyze it briefly for us. Parliament may expressly declare under section 33 of the charter that section 163.1(4) shall operate notwithstanding a provision included in section 2 of the charter.

• (1640)

If the courts were to find as a matter of law that section 2 of the charter gives a charter right to the possession of child pornography, notwithstanding that court decision the Parliament of Canada using section 33 could declare section 163.1(4) still to be the law of Canada.

In order to invoke section 33 we need a judicial decision deciding that section 2 overrides section 163.1(4) and that judicial decision must apply across Canada. It has to make it a law of Canada that it is a charter right to possess child pornography.

There is no such decision in Canada today. If there is no such decision in Canada today, the notwithstanding clause of section 33(1) of the charter cannot be invoked because it requires something in the Constitution to be overridden notwithstanding that it is in the Constitution.

The judgment of Justice Shaw does not do that. The judgment of Justice Shaw stands completely alone. It stands isolated in Canada. None of the members of parliament who have spoken today support the judgment of Justice Shaw. None of us support his rationale, his legal rationale or any kind of rationale he proposed in his decision. That decision has been roundly and completely criticized in the House today. The House has sent a very clear message on behalf of Canadians to the court of appeal and to the Supreme Court of Canada.

How can we in good conscience as responsible legislators, notwithstanding that we abhor the concept of child pornography, that we do not agree it is a charter right to possess child pornography, vote for a motion that is based on two legal fallacies: one that the law protecting children is not in force across Canada and the other that there is somehow across Canada a declaration that it is a charter right to possess child pornography which therefore we have to override using the charter? Neither of those circumstances is in place.

That being the case, the motion if not technically and procedurally out of order is logically out of order since it does not make any legal sense whatsoever.

I want to make abundantly clear that if there is any kind of inordinate delay in getting to the court of appeal or any kind of dealing with the matter expeditiously, we still have the opportunity to consider the proposal put forward by the member for Pictou—Antigonish—Guysborough and a quick reference to the Supreme Court of Canada.

Supply

Should it be that the highest court in the land strikes this down, I will try to be the first to call for the charter to be invoked to override such a ridiculous decision. In the meantime, in law and in logic we cannot support the motion no matter what good intentions are behind it.

Mrs. Diane Ablonczy (Calgary—Nose Hill, Ref.): Madam Speaker, Canadians watching the debate must be going crazy. To hear the nonsense being spouted from government benches is beyond belief.

The member is just the latest example of it. He says the law is in effect in Canada. Guess what? Letters have been read in the House including one from the Canadian Police Association which say that in the province of British Columbia possession of child pornography cases are being thrown out of court. The law is not in effect in the country. It is not in effect in the province of B.C. People with children and grandchildren and relatives and friends, people they care about in British Columbia, are going to hold this member to account when he dares to stand in his place and says what is to worry about, the law is in effect, when he knows very well that it is not in effect in the province of British Columbia. But of course that does not matter to this member. Then he said and gasped “We are being asked to invoke section 33 to override the charter. How can we possibly do that? This would be terrible for parliament to say it is supreme. How can we do such a nonsensical thing?”

• (1645)

I would like to read from a letter dated January 20 signed by Liberal members: “We ask that the government not wait for the appeal of the B.C. decision to be heard. We ask also that you consider”, this is to the Prime Minister “the use of the notwithstanding clause”. Guess who signed this letter on January 20? The member who just spoke.

I would like to ask the member who got to him between January 20, 1999 and February 2, 1999, or perhaps he just wanted to be able to tell his supporters that he really fought this thing but when it came time for him to put his money where his mouth was, he was not willing to do it.

Mr. Tom Wappel: Madam Speaker, the comments of the last 10 minutes indicate why I am voting against the motion.

My hon. colleague can try to portray them any way she wants. She can take whatever shot she wants. I have stood in the House of Commons and spoken in front of Canadians as to my reasons. Let me say, however, I do not in any way, shape or form say that we should not in appropriate circumstances use the notwithstanding clause and I indicated what those circumstances were.

I should indicate that when I signed that letter my purpose was to indicate to the Prime Minister how very concerned we were as ordinary backbenchers as to the ramifications of this decision.

Supply

When the hon. member for Mississauga South spoke he made a number of very excellent points about why he signed the letter and I agree with all those. I signed the letter. I stood in this place and explained why I am not supporting this motion. Absolutely no one got to me, as the member puts it. No one has called me to tell me which way to vote. No one has twisted my arm. No one has asked me to hide behind the curtains.

Everybody knows that on an issue like this I will vote the way I think I should vote and I am going to vote against this motion for the reasons I indicated. What got to me was the wording of the motion.

Mr. Gurmant Grewal (Surrey Central, Ref.): Madam Speaker, shortly following the news of the B.C. court decision I heard from a constituent in Surrey Central who recounted to me her sad story that exhibits the pain and suffering that can result from the lax attitude and the laws we are facing today.

She was involved in child pornography when she was in her teens. She was vulnerable and made a bad choice. Years later evidence of her involvement became evident to her employers and employees and she had to quit her job. So she continues to suffer considerable embarrassment, regret and shame as we are talking. The point is she did not consent but she had to suffer.

I would like to ask the member what he would suggest I tell my constituent who is still suffering today.

Mr. Tom Wappel: Madam Speaker, I suggest that he tell his constituent that every member of the House on behalf of all Canadians expresses their sympathy for the tragedy of his constituent.

None of us support child pornography. All of us are against it. All of us are in favour of the law as it now stands. That is what he should tell his constituent.

• (1650)

[*Translation*]

Mr. Daniel Turp (Beauharnois—Salaberry, BQ): Madam Speaker, I wish to speak on behalf of my party to the Reform Party motion so that our party's position is again made clear, as it was this morning by the member for Berthier—Montcalm, our justice critic.

The Bloc Québécois intends to vote against the amendment moved by the Reform Party because it does not think it appropriate to immediately invoke the notwithstanding clause of the Canadian Charter of Rights and Freedoms, although this clause can, on occasion and in the proper circumstances, provide Parliament with a means of giving the views of lawmakers precedence over those of judges. But, in the present circumstances, we do not think it appropriate to invoke this clause right away, because the matter is before the courts and it is up to them to pursue the process set in motion by the complainant in this affair.

I have examined the decision handed down on January 13 by Mr. Justice Shaw. It is clear from this decision that the judge thinks the Criminal Code, specifically subsection 163.1(4) is contrary to the Constitution of Canada and that it violates certain of the Constitution's provisions and certain fundamental freedoms. Having considered the arguments, the judge goes on to say that this provision is justified in a free and democratic society.

This is where the Bloc Québécois parts company with the judge and, through the voice of its members who will support the motion after voting against the amendment, wishes to make known to this judge and to other judges who will be asked to rule on this matter, because this case will be appealed, probably to the Supreme Court, that elected officials consider this provision unreasonable and feel that, in a free and democratic society, the government must oppose child pornography. It must adopt measures to discourage this practice and to prohibit the wholesale distribution of child pornography, which is harmful to children and violates their most fundamental rights.

It is for this reason that the Bloc Québécois will vote in favour. It wants to send a message to the public and to the judges who will have to again decide this matter, so that they may consider that, in a free and democratic society, a government and a Parliament are justified in wishing to restrict basic freedoms where pornography is concerned, particularly child pornography.

Other alternative measures have been presented, in particular the one suggested by the hon. member for Pictou—Antigonish—Guysborough and his colleagues, that a reference to the supreme court be made by the federal government under the Supreme Court Act and the Criminal Code. Such a procedure would make it possible to speed up the debate and would allow the courts to reach a decision more quickly, and ought not, moreover, to be excluded from the hypotheses considered by the Minister of Justice.

For the moment, however, having spoken to certain people, certain criminal law specialists who are of the opinion that the integrity of the Canadian criminal justice system might be put in jeopardy if there were immediate recourse to the notwithstanding clause, and having considered these opinions, it is certainly worthwhile for the judges and the public to understand that, in the present circumstances, the Bloc Québécois considers it inappropriate to make use of the notwithstanding clause, as the Reform members wish to do. Instead, a certain degree of patience is required, allowing the legal process to take its course.

• (1655)

In conclusion, to repeat the position taken this morning by the hon. member for Berthier—Montcalm, our justice critic, the Bloc Québécois will be voting in favour of this motion, because it represents a means of sending a clear message that this judgment and the position taken by Mr. Justice Shaw do not appear to be in line with our party's views of what is reasonable in a free and

Supply

democratic society. Also, as for the amendment, we will be voting against it.

[*English*]

Mr. Gurmant Grewal (Surrey Central, Ref.): Madam Speaker, I am honoured to speak on this issue on behalf of my constituents. This is a very sensitive and delicate issue.

No one is pleased to debate in this House child pornography or other things which are hurting our society. We have to address these sensitive moral issues very seriously and we have to effectively suggest and act in this Chamber so that we can control these issues and take the right decisions.

My colleagues and I, as the official opposition, have chosen to use our supply day today to force the House to debate and vote on the recent decision by a British Columbian judge that in effect allowed the possession of child pornography and made it legal in this country.

It is a good thing for Canadians that we are here on this side of the House as an alternative to the government. We are here to hold the Liberal government accountable and suggest that it make the right decision in this Chamber. The Liberals are apparently prepared to do nothing about the effect the legal possession of child pornography will have except sitting on their hands and waiting for the courts to do something.

Courts cannot replace elected officials. The judges are unelected. They are unaccountable. It is we in this House who have to think, who have to act. We cannot tinker with the law. We need a law that has strong teeth which can give protection to society, which can give protection to the children and the most vulnerable in society.

The constituents of Surrey Central and I are outraged that the Liberal government is not prepared to take immediate action to protect our children. During the break I received an unprecedented number of phone calls on this issue. In fact, the Liberal justice minister has been spewing forth legal mumbo-jumbo ever since this decision in an attempt to do nothing about the situation.

As parliamentarians Canadians expect us to work on their behalf in this place to defend and uphold the levels of morality in our society. Clearly the production and possession of child pornography is unacceptable to the vast majority of Canadians.

The other day on the Internet two pedophiles were talking to each other. One said that he would rather choose Canada to live in and love children. How pathetic this is. Do the Liberals want to make Canada famous for red lights? Will it be a red light country?

Our children need care and they need protection. They need protection from drugs. They need protection from violence, television, the Internet and sexual abuse.

• (1700)

We do not want Canada to be a haven for pedophiles, drug dealers, criminals and terrorists. It would be a shame if we in this House did not act on this right away when it is needed. We expect the government to act and to act fast. We believe it is our duty as the elected representatives of the people to do something about this decision and outlaw the possession of child pornography.

My constituents and I were assured that immediately upon return to Ottawa this week the House would take measures to ensure the protection of our children from being induced or forced to commit sexual acts.

On January 22 about 70 members of parliament from the government side wrote a letter to the Prime Minister. It will be surprising to see what kind of result we will get from the vote today. I wonder how they will vote. If these members have the guts to write to their Prime Minister, who was probably not listening to them in caucus, we would encourage them to stand and represent their constituents and a vast majority of Canadians and vote accordingly.

We on this side of the House believe it is our moral responsibility to protect the most vulnerable in our society, the children. I am sure the members on the other side of the House will think the same way.

Mr. Andrew Telegdi (Kitchener—Waterloo, Lib.): Madam Speaker, I think a few points are being missed in this debate. I would like to point out to members of the Reform Party that I will be standing up and voting my conscience. It will not be in support of the motion that the Reform Party has proposed. The reason for this is fairly simple.

We live in one of the best countries in the world and we all recognize this. One of the reasons this is the best country in the world is that we have some very good institutions. One of those good institutions, even though once in a while some judge makes a wrong decision, is our court system.

I think the Reform Party is being somewhat disingenuous on the one hand to try to pretend that it is for law and order and then to continually try to undermine the courts of this country. Members of the Reform Party cannot have it both ways. Reform members would serve their constituents very well if they would explain how the system works and then wait for the outcome. I do believe the member would be doing a greater favour to his constituents than to stand up in this House day after day and exploit a difficult issue for pure political gain.

Mr. Gurmant Grewal: Madam Speaker, our current justice minister has been holding her portfolio for 601 days. She has been dragging her feet on the Young Offenders Act. She has been dragging her feet on important decisions she was supposed to

Supply

make. She has shown a lack of leadership on the important issues that this parliament and this country is facing.

Just now the hon. member on the other side pointed out that a wrong decision has been made. What is the member doing about it? Is he going to close his eyes and ears and just let it go as it is?

Why did 70 members on the government side write to the Prime Minister on January 20? Because they know that something wrong has been done. If something wrong has been done then we as the elected representatives of Canadians must stand in this House and work through our conscience and vote the way our constituents are telling us to vote.

How many Canadians want child pornography to continue? How many Canadians want their children in this situation? I have two teenage boys. God forbid if they were forced into this situation. How would I feel if the judge made a decision that would allow the pedophile out, he thanked the judge and then said "here are the pictures of your children"?

• (1705)

This is a very emotional issue. I know that members on the government side in their hearts know that they are wrong to oppose this motion. Let us forget about politics on this ground. We are not in an election mode. Let us look through the lens of issues. Let us do something which will make history in this country, which will make our children's future the best on the planet.

I ask all members, particularly the member who asked the question, if they agree that what is being done is wrong, then have guts. Do not sit in the House like a bag of sand. Work on your conscious and vote accordingly.

Mr. Bryon Wilfert (Oak Ridges, Lib.): Madam Speaker, I point out that what distinguishes our society from non-democratic societies is the rule of law.

There is no question that no one in the House today has indicated anything but abhorrence for the decision of the chief justice of the British Columbia supreme court. What seems to be at issue here with some members of the opposition—

The Acting Speaker (Ms. Thibeault): I am afraid I must interrupt the hon. member but the time for questions and comments has expired. The hon. member for Surrey Central has 10 seconds to reply.

Mr. Gurmant Grewal: Madam Speaker, I do not know what the question was but I am sure the member was talking about the rule of law.

We cannot have different laws for different people. Yesterday we debated Bill C-49. In this situation we cannot make a law in the House which will not serve Canadians—

The Acting Speaker (Ms. Thibeault): Resuming debate, the hon. member for Oak Ridges.

Mr. Bryon Wilfert (Oak Ridges, Lib.): Madam Speaker, as I was indicating, we have a rule of law in this country. Very clearly the law is in effect even in British Columbia. It has been pointed out by other members of the Supreme Court of British Columbia that the ruling of Justice Shaw is not binding on them.

To use section 33 is a very drastic step. It is one that is available. It has only been used twice. It has been used by two provincial governments. In both cases it was after every legal recourse had been exhausted. This is not the case in this situation.

Members of the opposition referred to the fact that some members signed a letter to the Prime Minister urging him to consider the notwithstanding clause or other equivalent effective measures. I would suggest that the Minister of Justice responded very quickly. The government has taken the extraordinary step of intervening in the appeal of the decision of the British Columbia Court of Appeal in order to defend the law, a law which this government believes will be upheld.

Let us make no mistake. The fact is that members of this party urged the Prime Minister to take action. Action has been taken and very swiftly.

This government, and I think everyone in the House, supports the protection of our children. It is absolutely paramount to every member here. There is no monopoly on that issue. It is for that reason the government has decided to act and to act quickly, not to wait if it ever goes to the Supreme Court of Canada, but to take immediate action.

This government believes that the existing law on the possession of child pornography is constitutional. I clearly oppose the decision. It is an abhorrent decision. But I have faith in the rule of law. I do not believe that anyone should be allowed to possess, produce or distribute child pornography. Let us make no mistake.

• (1710)

The fact is there is a process. If governments start to react to court decisions, two things are going to happen. I think the judges are going to be very careful about what they do and we will then question the independence of the judiciary. One judge has made a decision, a decision which we clearly oppose, but there is a process. The Minister of Justice has taken action.

There is no contradiction between the letter which is being brandished about by the opposition and what the government has done. Clearly members on the government benches have asked that action be taken. Action has been taken very quickly. I see no contradiction whatsoever.

We are clearly not giving nor will we give a blank cheque to child pornographers in this country. Therefore the decision to intervene is very important.

Children are our most valuable members of society and we will not tolerate any exploitation. Therefore the legal course of action is the appropriate one. We as parliamentarians write the laws. When this law was passed in 1993, it was passed unanimously by the House of Commons. I have faith that the law which was passed in 1993 will be upheld and it will be upheld by the British Columbia Court of Appeal.

I have no doubt that the action the minister has taken has clearly indicated that this government is prepared to stand behind the law which this parliament enacted. Canadians clearly want to see the government take action. I know from the comments I have heard that Canadians realize that action through the process of the law has been taken.

The rule of law is critical. That is what distinguishes ourselves from other forms of government. We do not have a politicized judiciary in the fact that we cannot simply say this is the decision we want. We have faith in the law of the land. I believe that law will be upheld.

In conclusion, we know clearly that child pornography degrades and victimizes young children. The Parliament of Canada and in fact the Supreme Court of Canada have indicated very clearly that the self-worth and the importance of children in our society is paramount. Therefore the decision by the government is the right one and I will be voting against this motion this evening.

Mr. Reed Elley (Nanaimo—Cowichan, Ref.): Madam Speaker, I think the government is on the horns of dilemma here. The dilemma is the ancient story of what came first, the chicken or the egg? In this case it is what came first, the people or the law?

It seems to me that in our democracy the people came first and they made the law. That means the people whom we represent in this House are the ones who decide whether or not the law is being applied correctly and whether it is a law that is just. That is where the real problem lies in this debate. The members across the way have not settled that dilemma.

I ask the member which came first, the people or the law?

The Acting Speaker (Ms. Thibeault): It being 5.15 p.m., it is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the business of supply.

Is the House ready for the question?

Some hon. members: Question.

• (1715)

The Acting Speaker (Ms. Thibeault): The question is on the amendment. Is it the pleasure of the House to adopt to amendment?

Some hon. members: Agreed.

Supply

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): Call in the members.

• (1745)

(The House divided on the amendment, which was negatived on the following division:)

(Division No. 309)

YEAS

Members

Abbott	Ablonczy
Anders	Axworthy (Saskatoon—Rosetown—Biggar)
Bachand (Richmond—Arthabaska)	Bailey
Benoit	Bernier (Tobique—Mactaquac)
Blaikie	Borotsik
Breitkreuz (Yorkton—Melville)	Brisson
Cadman	Casson
Chatters	Cummins
Davies	Doyle
Dubé (Madawaska—Restigouche)	Duncan
Earle	Elley
Epp	Forseth
Gilmour	Goldring
Grewal	Grey (Edmonton North)
Guarnieri	Hardy
Harris	Hart
Harvey	Herron
Hill (Macleod)	Hill (Prince George—Peace River)
Hilstrom	Hoepfner
Iftody	Jaffer
Johnston	Jones
Keddy (South Shore)	Kenney (Calgary Southeast)
Konrad	Laliberte
Lowther	Lunn
MacKay (Pictou—Antigonish—Guysborough)	Mark
Martin (Esquimalt—Juan de Fuca)	Mayfield
McDonough	McNally
McTeague	Meredith
Mills (Red Deer)	Morrison
Muise	Nunziata
Nystrom	Obhrai
Pankiw	Penson
Proctor	Ramsay
Reynolds	Riis
Schmidt	Scott (Skeena)
Solomon	Steckle
Stinson	St-Jacques
Stoffer	Strahl
Thompson (New Brunswick Southwest)	Thompson (Wild Rose)
Vautour	Wasylcia-Leis
Wayne	White (Langley—Abbotsford)
White (North Vancouver)	Williams—84

Supply

NAYS

Members

Adams	Alarie
Alcock	Anderson
Assad	Assadourian
Asselin	Augustine
Axworthy (Winnipeg South Centre)	Bachand (Saint-Jean)
Baker	Bakopanos
Barnes	Beamier
Bélaïr	Bélangier
Bellehumeur	Bellemare
Bennett	Bergeron
Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok)	Bevilacqua
Bertrand	Blondin-Andrew
Bigras	Bonwick
Bonin	Bradshaw
Boudria	Brown
Brien	Bulte
Bryden	Caccia
Byrne	Cannis
Calder	Caplan
Canuel	Carroll
Cardin	Cauchon
Catterall	Chan
Chamberlain	Chrétien (Frontenac—Mégantic)
Charbonneau	Clouthier
Chrétien (Saint-Maurice)	Collenette
Coderre	Copps
Comuzzi	Cullen
Crête	de Savoye
Dalphond-Guiral	Desrochers
Debien	Dhaliwal
DeVillers	Discepola
Dion	Drouin
Dromisky	Duceppe
Dubé (Lévis-et-Chutes-de-la-Chaudière)	Dumas
Duhamel	Eggleton
Easter	Finlay
Finestone	Fontana
Folco	Fry
Fournier	Galloway
Gagliano	Girard-Bujold
Gauthier	Godin (Châteauguay)
Godfrey	Graham
Goodale	Grose
Gray (Windsor West)	Guimond
Guay	Harvard
Harb	Ianno
Hubbard	Jennings
Jackson	Karetak-Lindell
Jordan	Keys
Karygiannis	Kilgour (Edmonton Southeast)
Kilger (Stormont—Dundas)	Kraft Sloan
Knutson	Lastewka
Lalonde	Lavigne
Laurin	Lee
Lebel	Leung
Lefebvre	Loubier
Lincoln	Mahoney
MacAulay	Maloney
Malhi	Marceau
Manley	Marchi
Marchand	Martin (LaSalle—Émard)
Marleau	McCormick
Massé	McKay (Scarborough East)
McGuire	McWhinney
McLellan (Edmonton West)	Mercier
Ménard	Milliken
Mifflin	Minna
Mills (Broadview—Greenwood)	Murray
Mitchell	Nault
Myers	O'Reilly
Normand	Paradis
Pagtakhan	Patry
Parrish	Perron
Peric	Pettigrew
Peterson	Picard (Drummond)
Phinney	Plamondon
Pillitteri	Provenzano
Pratt	Richardson
Redman	Rocheleau
Robillard	
Rock	

Saada	Sauvageau
Scott (Fredericton)	Sekora
Serré	Shepherd
Speller	St. Denis
Stewart (Brant)	Stewart (Northumberland)
St-Hilaire	St-Julien
Szabo	Telegdi
Thibeault	Torsney
Tremblay (Lac-Saint-Jean)	Tremblay (Rimouski—Mitis)
Turp	Valeri
Vanclicf	Venne
Wappel	Whelan
Wilfert	Wood—186

PAIRED MEMBERS

Gagnon	Longfield
--------	-----------

The Speaker: I declare the amendment lost.

The next question is on the main motion.

● (1750)

Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

And more than five members having risen:

● (1755)

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

(Division No. 310)

YEAS

Members

Abbott	Ablonczy
Alarie	Anders
Asselin	Axworthy (Saskatoon—Rosetown—Biggar)
Bachand (Richmond—Arthabaska)	Bachand (Saint-Jean)
Bailey	Bellehumeur
Benoit	Bergeron
Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok)	Bernier (Tobique—Mactaquac)
Bernier (Tobique—Mactaquac)	Bigras
Blaikie	Borotsik
Breitkreuz (Yellowhead)	Breitkreuz (Yorkton—Melville)
Brien	Brisson
Cadman	Canuel
Cardin	Casson
Chatters	Chrétien (Frontenac—Mégantic)
Crête	Cummins
Dalphon-Guiral	Davies
de Savoye	Debien
Desrochers	Doyle
Dubé (Lévis-et-Chutes-de-la-Chaudière)	Dubé (Madawaska—Restigouche)
Duceppe	Dumas
Duncan	Earle
Elley	Epp
Forseth	Fournier
Gauthier	Gilmour
Girard-Bujold	Godin (Châteauguay)
Goldring	Grewal
Grey (Edmonton North)	Guarnieri
Guay	Guimond
Hardy	

Harris	Hart
Harvey	Herron
Hill (Macleod)	Hill (Prince George—Peace River)
Hilstrom	Hoepfner
Jaffer	Johnston
Jones	Keddy (South Shore)
Kenney (Calgary Southeast)	Konrad
Laliberte	Lalonde
Laurin	Lebel
Lefebvre	Loubier
Lowther	Lunn
MacKay (Pictou—Antigonish—Guysborough)	Marceau
Marchand	Mark
Martin (Esquimalt—Juan de Fuca)	Mayfield
McDonough	McNally
McTeague	Ménard
Mercier	Meredith
Mills (Red Deer)	Morrison
Muise	Nunziata
Nystrom	Obhrai
Pankiw	Penson
Perron	Picard (Drummond)
Plamondon	Proctor
Ramsay	Reynolds
Riis	Rocheleau
Sauvageau	Schmidt
Scott (Skeena)	Solomon
Steckle	St-Hilaire
Stinson	St-Jacques
Stoffer	Strahl
Thompson (New Brunswick Southwest)	Thompson (Wild Rose)
Tremblay (Lac-Saint-Jean)	Tremblay (Rimouski—Mitis)
Turp	Ur
Vautour	Venne
Wasylcia-Leis	Wayne
White (Langley—Abbotsford)	White (North Vancouver)
Williams—129	

NAYS

Members

Adams	Alcock
Anderson	Assad
Assadourian	Augustine
Axworthy (Winnipeg South Centre)	Baker
Bakopanos	Barnes
Beaumier	Bélair
Bélanger	Bellemare
Bennett	Bertrand
Bevilacqua	Blondin-Andrew
Bonin	Bonwick
Boudria	Bradshaw
Brown	Bryden
Bulte	Byrne
Caccia	Calder
Cannis	Caplan
Carroll	Catterall
Cauchon	Chamberlain
Chan	Charbonneau
Chrétien (Saint-Maurice)	Clouthier
Coderre	Collenette
Comuzzi	Copps
Cullen	DeVillers
Dhaliwal	Dion
Discepola	Dromisky
Drouin	Duhamel
Easter	Eggleton
Finestone	Finlay
Folco	Fontana
Fry	Gagliano
Galloway	Godfrey
Goodale	Graham
Gray (Windsor West)	Grose
Harb	Harvard
Hubbard	Ianno
Jackson	Jennings
Jordan	Karetak-Lindell
Karygiannis	Keyes
Kilger (Stormont—Dundas)	Kilgour (Edmonton Southeast)

Private Members' Business

Knutson	Kraft Sloan
Lastewka	Lavigne
Lee	Leung
Lincoln	MacAulay
Mahoney	Malhi
Maloney	Manley
Marchi	Marleau
Martin (LaSalle—Émard)	Massé
McCormick	McGuire
McKay (Scarborough East)	McLellan (Edmonton West)
McWhinney	Mifflin
Milliken	Mills (Broadview—Greenwood)
Minna	Mitchell
Murray	Myers
Nault	Normand
O'Reilly	Pagtakhan
Paradis	Parrish
Patry	Peric
Peterson	Pettigrew
Phinney	Pickard (Chatham—Kent Essex)
Pillitteri	Pratt
Provenzano	Redman
Richardson	Robillard
Rock	Saada
Scott (Fredericton)	Sekora
Serré	Shepherd
Speller	St. Denis
Stewart (Brant)	Stewart (Northumberland)
St-Julien	Szabo
Telegdi	Thibeault
Torsney	Valeri
Vanclief	Wappel
Whelan	Wilfert
Wood—143	

PAIRED MEMBERS

Gagnon

Longfield

The Speaker: I declare the motion lost.

PRIVATE MEMBERS' BUSINESS

[English]

FISHERS' BILL OF RIGHTS

The House resumed from February 1 consideration of the motion that Bill C-302, an act to establish the rights of fishers including the right to be involved in the process of fisheries stock assessment, fish conservation, setting of fishing quotas, fishing licensing and the public right to fish and establish the right of fishers to be informed of decisions affecting fishing as a livelihood in advance and the right to compensation if other rights are abrogated unfairly, be read the second time and referred to a committee.

The Speaker: Pursuant to order made on Monday, February 1, the House will now proceed to the taking of the deferred recorded division on the motion at second reading stage of Bill C-302.

• (1800)

The mover of this motion is sitting on my left. The division will be taken row by row, starting with the sponsor of the bill and then

Private Members' Business

proceeding with those in favour of the motion beginning with the back row of the side of the House on which the sponsor sits.

After proceeding through the rows on that first side, the members sitting on the other side of the House will vote, again beginning with the back row. Those opposed to the motion will be called in the same order.

• (1810)

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

(Division No. 311)

YEAS

Members

Alarie
Asselin
Bachand (Richmond—Arthabaska)
Bailey
Bergeron
Îles-de-la-Madeleine—Pabok
Bigras
Borotsik
Breitkreuz (Yorkton—Melville)
Brisson
Canuel
Chrétien (Frontenac—Mégantic)
Cummins
Davies
Debien
Doyle
Dubé (Madawaska—Restigouche)
Dumas
Earle
Epp
Fournier
Gilmour
Godin (Châteauguay)
Guay
Hardy
Harvey
Hill (Macleod)
Jaffer
Jones
Konrad
Lalonde
Lebel
Loubier
Lunn
Marceau
Mark
Mayfield
Ménard
Meredith
Morrison
Nunziata
Obhrai
Perron
Plamondon
Ramsay
Riis
Sauvageau
St-Hilaire
Stoffer
Thompson (Wild Rose)
Tremblay (Rimouski—Mitis)
Vautour
Wasylcia-Leis
White (North Vancouver) —106

Anders
Axworthy (Saskatoon—Rosetown—Biggar)
Bachand (Saint-Jean)
Bellehumeur
Bernier (Bonaventure—Gaspé—
Bernier (Tobique—Mactaquac)
Blaikie
Breitkreuz (Yellowhead)
Brien
Cadman
Cardin
Crête
Dalphond-Guiral
de Savoye
Desrochers
Dubé (Lévis-et-Chutes-de-la-Chaudière)
Duceppe
Duncan
Elley
Forseth
Gauthier
Girard-Bujold
Goldring
Guimond
Hart
Herron
Hoepfner
Johnston
Keddy (South Shore)
Laliberte
Laurin
Lefebvre
Lowther
MacKay (Pictou—Antigonish—Guysborough)
Marchand
Martin (Esquimalt—Juan de Fuca)
McDonough
Mercier
Mills (Red Deer)
Muise
Nystrom
Pankiw
Picard (Drummond)
Proctor
Reynolds
Rocheleau
Solomon
St-Jacques
Thompson (New Brunswick Southwest)
Tremblay (Lac-Saint-Jean)
Turp
Venne
Wayne

Abbott
Adams
Anderson
Assadourian
Axworthy (Winnipeg South Centre)
Bakopanos
Beaunier
Bélanger
Bennett
Bertrand
Blondin-Andrew
Bonwick
Bradshaw
Bryden
Byrne
Calder
Caplan
Casson
Cauchon
Chan
Chatters
Coderre
Comuzzi
Cullen
Dhaliwal
Discepola
Drouin
Easter
Finestone
Folco
Fry
Gallaway
Goodale
Grewal
Grose
Harb
Harvard
Hilstrom
Ianno
Jackson
Jordan
Karygiannis
Keys
Kilgour (Edmonton Southeast)
Kraft Sloan
Lavigne
Lincoln
Mahoney
Maloney
Marchi
Martin (LaSalle—Énard)
McCormick
McKay (Scarborough East)
McNally
McWhinney
Mills (Broadview—Greenwood)
Mitchell
Myers
Normand
Pagtakhan
Parrish
Penson
Peterson
Phinney
Pillitteri
Provenzano
Robillard
Saada
Scott (Fredericton)
Serré
Speller
Steckle
Stewart (Northumberland)
St-Julien
Szabo
Thibeault
Ur
Vanclief
Whelan
Wilfert
Wood—161

NAYS

Members

Ablonczy
Alcock
Assad
Augustine
Baker
Barnes
Bélair
Bellemare
Benoit
Bevilacqua
Bonin
Boudria
Brown
Bulte
Caccia
Cannis
Carroll
Catterall
Chamberlain
Charbonneau
Clouthier
Collenette
Coppes
DeVillers
Dion
Dromisky
Duhamel
Eggleton
Finlay
Fontana
Gagliano
Godfrey
Graham
Grey (Edmonton North)
Guarnieri
Harris
Hill (Prince George—Peace River)
Hubbard
Iftody
Jennings
Karetak-Lindell
Kenney (Calgary Southeast)
Kilger (Stormont—Dundas)
Knutsen
Lastewka
Leung
MacAulay
Malhi
Manley
Marleau
Massé
McGuire
McLellan (Edmonton West)
McTeague
Mifflin
Minna
Murray
Nault
O'Reilly
Paradis
Parry
Peric
Pettigrew
Pickard (Chatham—Kent Essex)
Pratt
Redman
Rock
Schmidt
Sekora
Shepherd
St. Denis
Stewart (Brant)
Stinson
Strahl
Telegdi
Torsney
Valeri
Wappel
White (Langley—Abbotsford)
Williams

PAIRED MEMBERS

Gagnon

Longfield

The Speaker: I declare the motion lost.

Mr. Myron Thompson: Mr. Speaker, I rise on a point of order. Based on an earlier decision of a vote in the House, may I recommend we close this place and let the judges and courts run this country.

* * *

[*Translation*]

**EQUAL TREATMENT FOR PERSONS COHABITING IN
A RELATIONSHIP SIMILAR TO A CONJUGAL
RELATIONSHIP ACT**

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ) moved that Bill C-309, an act providing for equal treatment for persons cohabiting in a relationship similar to a conjugal relationship, be read the second time and referred to a committee.

He said: Mr. Speaker, it is with great pleasure that I rise to speak to this bill, since it is certainly a bill having to do with human rights. That is what we must remember. It is with this principle in mind that I hope to be able to count on the support of members of the House, whose consent I will seek to make my bill votable at the close of debate.

• (1815)

This is the third time I have tabled this bill. No one in the House can say I do not persevere. I sincerely hope that this time we will get approval because much progress has been made legally during the past five years. The paradox is that the courts have recognized same-sex couples and I think the time has now come for us, as parliamentarians, to take a stand.

There is a tradition in the House that partisanship is set aside when it comes to human rights. I see the parliamentary secretary nodding her head. It is my fondest hope that, when the debate is over, she will rise in her place and say, on behalf of her government, that she will support the bill, that the government will move ahead and that we will be able to engage in the necessary debate, as parliamentarians.

I am rather proud of what we have accomplished today because, a bit earlier, in the afternoon, there was a press conference attended by all political parties, with the notable exception of the Reform Party, but I have not given up. Knowing that it is through convictions, through words, through persuasion and debate, who knows but what the Reform Party may even come to the inescapable conclusion that men can love other men, that women can love other women and that it is possible for their relations to be genuine, authentic and personally enriching. Perhaps it will not be long

Private Members' Business

before we hear of individuals within the Reform Party caucus who have chosen this path.

That said, I wish to thank the four hon. members who supported the bill at our press conference a little earlier this afternoon. These were: the hon. member for Toronto-Centre—Rosedale, well-known for his legal expertise and as an enlightened spokesperson for the Toronto gay community; my colleague, the hon. member for Shefford—let me make it very clear, she is not homosexual, but being a democrat and a believer in human rights, she clearly understood that this debate was inevitable and that we had to take a position as parliamentarians. Then there was my friend, the hon. member for Burnaby—Douglas, a pioneer in his own time, a forerunner, one of the first to make a commitment to the recognition of same-sex partners.

What is in my bill? If passed, it proposes that, in each piece of legislation in which there is a heterosexist definition of spouse, there will also be a homosexual definition. In total, there are some 70 laws in which there is a definition of spouse. These include the Merchant Marine Act, the Income Tax Act, and the Criminal Code. The entire list totals 70.

What I would like the hon. members to understand today is that it would be terribly inconsistent, and a source of pride to no member of this House, to not pass such a bill. What inconsistency? The inconsistency of saying that we have passed various bills as parliamentarians which do not allow discrimination on the basis of sexual orientation.

I refer to the debate we had in 1995 when we amended the Canadian Human Rights Act and added an 11th prohibited grounds for discrimination—sexual orientation. What message did we send as parliamentarians to the people of Canada and Quebec?

The message was that we recognize that sexual orientation is no grounds for discrimination, that there are, in our society, people who are openly homosexual—men and women—and that this does not prevent them from taking their place in society. It does not prevent them from being committed in their professional environment. It does not prevent them from being involved in their community. It is another way, a very fulfilling way, to experience one's sexuality.

• (1820)

However, when we amended Bill C-33, we took another step that affected individuals.

I digress a moment to remind you that, in 1995, the only minister voting in favour of my bill was the Minister of Canadian Heritage, the member for Hamilton East. I thank her for being the only member of cabinet to step out and vote for my bill. I will never forget that, despite our differences, she is a woman of conviction. I

Private Members' Business

am sure that the entire community across Canada is grateful. I say this, because she is here and I think it should be mentioned.

That said, we recognized that we could not discriminate on an individual basis. The next step for us in Parliament is to recognize that we cannot discriminate on an emotional basis.

Men who love men and women who love women are in emotional relationships. They are building a common heritage. They make a commitment on the basis of feelings that are real, and this action must be expressed in legislation.

I would like to give you examples of what that means in concrete terms. This is no academic debate. This is no scholastic debate. This is not a theoretical debate. It is a debate about equality rights, about the full recognition of all citizens, as taxpayers, as committed members of society. It is about all dimensions of life, all dimensions of our existence.

I will, if I may, describe a number of situations that are discriminatory. For instance, there is the Employment Insurance Act. One becomes eligible for employment insurance because one has paid premiums. This is not charity.

In passing, I must say how heartless this government has been when it comes to the unemployed. What became of the just society that the government of Pierre Elliott Trudeau strove so hard for in 1968? If we put ten unemployed workers in a room, only four of them would qualify for benefits.

I know that the parliamentary secretary shares my indignation. This unspoken indignation must become vocal. That is the challenge.

That having been said, I return to the recognition of same-sex couples. I will give a specific example. Take someone who is on EI and who has been living with someone for three years, in Abitibi say, whose spouse is transferred for professional reasons to Montreal, the beautiful city in which my riding is located as everyone knows. There is a penalty. They cannot follow their partner. They are not eligible for benefits, as they would be in a heterosexual relationship. That is the first really concrete and pragmatic example.

Second example, the whole matter of pension funds. Pension funds are contributory. Every MP, every person who contributes to a pension fund, does so on the basis of a commitment. For example, if I died tomorrow, even though I have been with my partner for five years, he would still not be eligible for my pension. This is true for all public servants. This is the kind of situation that needs to be changed, because it is unacceptable.

Then there is the Immigration Act. Canada is a land of immigrants. We welcome 250,000 immigrants every year. Along with New Zealand, Australia and the U.S., Canada is one of the four

countries in the world with a tradition of immigration. As far as sponsorship goes, there is no formal mention of this in the act.

I see that the solicitor general, the minister responsible for prisons, is with us in the House.

● (1825)

I would like her to take a look at the amount of discrimination experienced by people who are imprisoned and are not acknowledged as spouses, and what this means when it comes to visiting rights for same-sex partners.

Mr. Speaker, I repeat, I am truly convinced that, if all goes well, we shall both see the new century in, me because of my youth and you because of your tenacity. The fact is that we could not contemplate changing centuries without resolving this problem of discrimination, because what is happening, I repeat, is that in 70 federal statutes, there is ongoing discrimination because this Parliament has not yet found a way to pass an omnibus bill.

I wish to oppose the government's strategy and I want to put it gently. I offer this government the opportunity to repair an injustice, because we are not mistaken in saying that there are two major categories of our fellow citizens who are still the brunt of social discrimination in 1999: the gays and lesbians and the poor. I will be introducing anti-poverty legislation in the coming weeks, but that is another debate.

The fact is, we as parliamentarians can pass the bill I propose, if we want, to permit full recognition. Who can say we are wrong in saying that all members of Parliament, whether they come from Nova Scotia, Ontario, Prince Edward Island, Quebec or elsewhere, have, within their borders and their ridings, fellow citizens waiting for this?

What a regrettable thing it would be for this Parliament to skirt this debate and allow the courts to decide in our place. I have nothing but respect for jurists. The member for Beauharnois—Salaberry, who kindly supported my bill, is one. I too am taking law courses—one a session. Whether or not I become a lawyer, I know that it is not up to the courts, the judiciary or judges to stand in for parliamentarians. It is very important that parliamentarians—I see the Solicitor General agrees with me, and I am delighted—very important—

Ms. Eleni Bakopanos: She is Minister of Labour.

Mr. Réal Ménard: She is Minister of Labour now? Congratulations.

I see that the Minister of Labour agrees with me, and I am convinced that we cannot forgo this debate.

I will give an example. A little under two years ago, the Public Service Alliance of Canada actively supported two individuals who filed suits before various common law courts. The result was the Rosenberg decision. This is without a doubt one of the most important decisions for equality rights, because it ruled that various provisions of the Income Tax Act were invalid and unconstitutional.

al, but not all the provisions concerning spouses. It could have gone further, but it ruled that paragraph 4 of section 252 was unconstitutional because it did not recognize the right to a survivor's pension for workers in that union. This is a tremendous step forward legally, but it was a step that parliamentarians should have taken.

My time is about to run out. I will save my conclusions for the end of the debate. I will wrap up for now by calling all parliamentarians to justice, to courage and to convictions, and urge them to allow a real debate, a real vote for the right to equality, the recognition of same-sex couples.

Ms. Eleni Bakopanos (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, Bill C-309, introduced by my colleague from the Bloc Québécois—for the fourth time, apparently—is, I am certain, a sincere attempt to settle a matter of vital importance for gays and lesbians in Canada, which is that there is currently no recognition of their relationships.

[English]

The bill proposed by my colleague from the Bloc Québécois is, I am sure, a sincere attempt to address an issue of significant concern to gay and lesbian Canadians; that is, the lack of recognition for relationships.

• (1830)

One of the values that Canadians consistently identify as important in our society is the protection of individuals, including gays and lesbians, from discrimination.

We heard from Canadians that discrimination is not to be tolerated. Furthermore, polling results clearly indicate the majority of Canadians support providing the same economic treatment for same sex couples as heterosexual couples.

Bill C-309 proposes to create that same treatment by redefining spouse for all federal legislation and purposes. That is the point unfortunately on which I disagree. We have also heard from the ports across Canada that discrimination is not to be tolerated.

In 1995 the Supreme Court of Canada said it was discriminatory to refuse benefits to same sex couples that were available to heterosexual common law couples.

The court felt that this limitation was justified but only for a time. Since that time other courts have seized upon the more recent supreme court case that suggests these justification arguments may no longer be sound.

We have a problem that needs to be addressed, a problem that relates to equality and the elimination of discrimination. We in this

Private Members' Business

government are committed to fairness. The question is how to bring about change responsibly and effectively.

We live in a diverse society and the Government of Canada must respond to the needs of all its citizens. For some time the government has believed the responsible course of action is to seriously examine its programs, policies and laws over which it has jurisdiction and take the appropriate steps to further equality.

The review of this matter has revealed that this issue does not lend itself to simple solutions or necessarily a single solution for all purposes.

We need to talk about more than providing similar benefits. There is clearly more to recognizing same sex couples than merely extending the same benefits available to heterosexual couples in federal laws and policies.

Fairness and equality for all Canadians requires that this matter be explored in relation to both benefits and obligations imposed by laws and policies.

My concern with Bill C-309 is that I am not convinced that we have fully explored the implications of a change to the definition of spouse sufficiently to know what will happen when each federal law has been modified.

Members may be aware of a recent charter challenge in the Ontario courts by a group that alleges the 52 federal statutes that refer to the word spouse or dependent are discriminatory because they do not incorporate same sex couples.

There are likely more than these 52 statutes and many more regulations and policies where the change to the definition of spouse proposed by Bill C-309 will have an impact.

There are also likely many other laws where there will be incidental or spillover effect. I must say also that it is not only the Minister of Justice who has to act but a number of other ministers within their jurisdiction.

Each of these statutes, regulations and policies must be carefully examined to see what is the most effective way of making changes. The one size fits all approach in this bill may not be appropriate in all circumstances, we feel.

There may be a variety of legislative approaches available. Some will make more sense than others in the context of each law and each statute and still provide us with a means of ensuring that same sex relationships are treated with fairness.

We must take the time to do this properly. This is not to say that the government has not already acted on some of these issues. For example, members will recall that the minister of immigration recently spoke of her new direction for immigration and refugee legislation.

Private Members' Business

She announced that in order to adjust to social realities and to ensure fair treatment under the legislation, the new directions are aimed to expand the class of individuals who may be sponsored in the family class and who may accompany an immigration applicant. This extended class will include common law and same sex couples.

Everyone recognizes the difficulties of this complex issue, that there are a number of ways of responding to questions being raised by Canadians. Whatever approach is chosen to ensure the relationships, we must carefully consider how to appropriately maintain a balance between entitlements and obligations, and between ensuring fairness in recognizing the realities of many Canadians while preserving the importance of the institutions of marriage to other Canadians.

• (1835)

This is not an easy task. As I said, is not only one minister who has to act but a series of ministers in the government.

I look forward to further debate on this issue after more careful consideration on how to balance competing considerations.

Mr. Grant McNally (Dewdney—Alouette, Ref.): Mr. Speaker,

Same sex benefits. These are a political hornet's nest bound to vex MPs, the public, the family values lobby and gay and lesbian groups alike. But honest debate is needed about what should be done and why. It is not in the interests of our political system to sneak this one through the back door, nor to duck it indefinitely, or they could all just go home.

This editorial comment was printed in today's *Ottawa Citizen*.

Indeed parliament must debate difficult questions, as we have done in the House today with regard to another issue, child pornography.

I cannot support Bill C-309 for a number of reasons which I will now outline.

This act calls for equal treatment for persons cohabiting in a relationship similar to a conjugal relationship. Later on in the act the following assertion is made: "The lives of homosexual and lesbian couples in Canada who cohabit in relationships similar to conjugal relationships are in many respects identical to the lives of heterosexual couples".

This bill is built on a misunderstanding of the nature of heterosexual relationships. Gay and lesbian relationships preclude the act of procreation. Granted, some gay and lesbian couples have children from previous relationships, but I am not talking about that point. Let me clearly state once again that heterosexual relationships by their very nature allow for procreation.

Family is the essence of any society. There is a compelling, universal public interest in the unique status of the family. Supreme Court Justice La Forest wrote in the *Egan* case:

[The heterosexual relationship] is the social unit that uniquely has the capacity to procreate children and generally care for their upbringing, and as such warrants support by Parliament to meet its needs. This is the only unit in society that expends resources to care for children and sustained basis.

Marriage has from time immemorial been firmly grounded in our legal tradition, one that is itself a reflection of long-standing philosophical and religious traditions. But its ultimate *raison d'être* transcends all of these and is firmly anchored in the biological and social realities that heterosexual couples have the unique ability to procreate, that most children are the product of these relationships, and that they are generally cared for and nurtured by those who live in that relationship. In this sense, marriage is by nature heterosexual.

Proponents of this bill might use the argument that childless couples cannot procreate as is the case with gay couples. To use this argument is to use an exception to the rule to generalize a particular conclusion. To state that some same sex couples have children, which is true, is also to use the exception rule to generalize a particular conclusion.

It can be safely asserted that the majority of heterosexual relationships such as married and common law individuals have the ability to procreate while homosexual couples do not have the ability to procreate within that relationship.

While this bill does not expressly state a change in the definition in marriage, it does assert that homosexual relationships are identical in many ways to heterosexual relationships. It also attempts to redefine the term spouse to include individuals who are of the same sex.

There is one glaring flaw in this piece of proposed legislation and that is the phrase "similar to conjugal relationships" which is never defined. It is referred to at least 10 times in this bill. If we are to infer a definition without actually hearing what was intended by the drafter of this bill, I think we are proceeding along a very tenuous path. I encourage my colleague to spell out exactly what is meant by that phrase as it is the underpinning of the entire bill.

• (1840)

It appears as though this bill is making the assertion that gay and lesbians should receive the same benefits as heterosexual or married or common law individuals by nature of their sexual relationships. This in and of itself, using the reasoning of the member presenting this bill, is discriminatory. Let me illustrate this by way of a personal story.

My mother is a widow as is her sister, my aunt. My mother and aunt have lived together for several months and could very well end up spending their lives together. Will individuals such as my mother and aunt be included in the definition same sex spouses as outlined in this bill? No, they will not. Why not? Because they are

not engaged in a sexual relationship. The assertions put forward in this bill are counterintuitive from any logical standpoint.

What about the argument that same sex couples contribute financially to a program from which they receive no benefit. On the face of it this seems to be a compelling and reasoned assertion. Let us examine such an assertion in closer detail. Those individuals who do not qualify for a public benefit still share in the public interest that it serves. Many dependant relations fail to qualify for family programs, yet the people in those relationships benefit from the children of others.

Childless seniors find their medicare, old age security and Canada pension benefits paid by other people's grown children. Other people's grown children maintain the economic infrastructure as a whole. If family type benefits are distributed to purely private social relations an enormously intrusive administrative effort will be required to determine who qualifies and who does not.

My colleague is committed to seeing change in this area and he has devoted a great deal of time and effort in his cause. I do not agree with his conclusions and cannot support his bill for the reasons I have outlined in my presentation.

Ms. Louise Hardy (Yukon, NDP): Mr. Speaker, I rise to support this bill. Bill C-309 is an attempt to attain equality, equality for a group that has been left out of the circle.

If this bill passes it would not mean that we would alleviate the fear gays and lesbians live under. It would not mean that we alleviate the discrimination they live under. It would only be an attempt to make sure they got some of the economic benefits that are available to other families. We are talking about people who could be our brothers or sisters or our children and for some of us our friends.

The Canadian Charter of Rights and Freedoms guarantees equality and guarantees that groups will not be discriminated against. It is about human rights. Even though the parliamentary secretary said there is no simple solution, and there never is, it does not mean we do not make an attempt to begin somewhere. When human rights compete with other interests they have to be balanced. Human rights should not compete with other interests. We should make every attempt to make sure the rights of our citizens are guaranteed not just in word but in law.

I also agree with my Reform colleague that this should not be slipped in through any back door and that we should be debating it openly. Being gay or lesbian is nothing to be ashamed of.

A lot of the discrimination is based on fear and it is unbiased. Heterosexual couples far outweigh homosexuals. They do not reproduce themselves. They come from heterosexual families. I do not know a single gay or lesbian person who is a threat to my

Private Members' Business

family structure. We need to recognize the benefit that they provide to our community both economically and culturally. They need to be recognized in law.

What we are after are more families that support each other. Heterosexual families break down regularly. It does not mean that the children will automatically be looked after. It leaves a lot of children out in the cold. I know lots of aunts and uncles who happen to be gay and lesbian who look after a lot of young children. They do not shirk their responsibilities to our society or their part in it.

As parliamentarians we do need the courts to tell us what is right and what is wrong. How many times do these issues have to go before the courts? How many times do the courts have to say that this is their right before parliamentarians act on it? Just because it is a more difficult issue, something that perhaps some people do not want to face, does not mean that we should not face it.

• (1845)

We were elected to debate and make decisions on difficult issues. I do not see this one as being difficult. I see it as being an issue of fairness.

What we have faced in the past is making decisions based on fear. But the fear of what? We are not the gay or the lesbian, except for a very few in here. So we are not in fear of being assaulted. We are not in fear of losing benefits. We are not in fear of being stigmatized. Therefore it is incumbent upon us to make a decision in favour of justice.

We should not be allowing fear to determine the lives of gay and lesbian people. We should not be letting it determine Canadian legislation.

I support this bill because I believe it is time to let fairness be our guide.

[*Translation*]

Ms. Diane St-Jacques (Shefford, PC): Mr. Speaker, before I begin, I would like to advise you that I am going to split my time with my colleague from Kings—Hants.

The Deputy Speaker: I regret to inform the hon. member that this will require the unanimous consent of the House, because it is a 10 minute speech.

Does the hon. member have the unanimous consent of the House to divide her speaking time?

Some hon. members: Agreed.

Ms. Diane St-Jacques: Mr. Speaker, I am pleased to rise today to take part in the debate on Bill C-309, which calls for equal treatment of persons cohabiting in a relationship similar to a conjugal relationship.

Private Members' Business

I must congratulate the hon. member for Hochelaga—Maison-neuve for this bill, the purpose of which is to guarantee homosexual couples in a common-law relationship the same rights as those conferred by federal legislation on heterosexual couples in the same type of relationship.

Before getting into this debate any further, may I point out that I am speaking for myself on this matter today. I am not claiming to be presenting the Progressive Conservative Party's position on this bill.

That said, I would like it to be known that I welcome the debate triggered by this private member's bill, because it provides us with an opportunity to manifest our openness to the changes that have taken place over the past 20 years in Canadian society.

Each of us can say that people's outlook has changed in this same period, to everyone's advantage. I will say right off that I see today's debate from the perspective of equity and human rights, principles I hold particularly dear because they form the very foundation of the society in which I grew up and developed.

In my opinion, the relationship of mutual obligation based on partnership is the most fundamental. We must therefore adapt our laws to the conditions of modern society. The principle of the equality of both parties and the right to the equal distribution of assets, the right to equal benefits and the right to share company and mutual respect have nothing to do with the politics or specific issues of sexual orientation.

On the strength of this principle, allow me to approach the subject before us today with a simple question: On what principle should we deny equality to homosexual couples living together?

After all, they pay income tax and contribute to the Canada Pension Plan like everyone else. I defy anyone to answer this question, because such a position is indefensible. It is a simple matter of equity.

We are living in a country whose highest court, national constitution and charter of rights have affirmed that homosexuals and lesbians are to enjoy equal treatment, respect and dignity. This court also stated that recognition of relations between homosexuals and lesbians is essential to this equality.

Several provinces have already taken steps to recognize the right to a pension, rights and responsibilities in the case of the breakdown of a relationship, and the right to adopt. However, much still remains to be done in the area of immigration and pensions, and in several other federally regulated areas, to end discrimination and inequity.

There is discrimination when the legislator refuses to grant a category of citizens rights that are available to another category of citizens. This is exactly what we are talking about when we refuse, as parliamentarians, to recognize same-sex couples.

I will therefore conclude by reminding members that I abhor all forms of discrimination, whether on grounds of sexual orientation or any other grounds.

• (1850)

I therefore urge my colleagues in the House to help advance people's thinking by rectifying this discrimination towards persons cohabiting in a relationship similar to a conjugal relationship.

[English]

Mr. Scott Brison (Kings—Hants, PC): Mr. Speaker, I would like to commend the member for Hochelaga—Maisonneuve for his courage in continuing to fight for the rights of all Canadians.

I believe in family values. I believe that every member of this House and in fact all Canadians believe in family values. We do not recognize necessarily that family values have to be a euphemism for a discriminatory policy against any member of society. In fact if we actually believe in family values we should be defending and recognizing the importance of the family for all members of society and we should be encouraging all members of society to live in supportive relationships. I believe that is the intention of the hon. member in bringing forward this thought-provoking and important legislation, to encourage all Canadians to live in supportive, long term relationships. Society would benefit from that kind of change.

There are those who would argue that the extension of rights to one group will somehow diminish the rights of another. There is absolutely no historical precedent to that effect. In fact there are historical precedents to the opposite effect, that when we deny the rights to any group within society we threaten and jeopardize the rights of all.

I would suggest that the populism brought forward by the Reform Party is sometimes very dangerous. The civil rights movement in the 1960s in the U.S. would never have moved forward if we were relying on public opinion polls and populism.

Parliament and the Government of Canada should lead. The courts have been fairly consistent in their interpretation of the charter of rights. Governments need to lead. We should not be dragged kicking and screaming into the 21st century.

Every member of this House should ask themselves the question periodically: Are we merely politicians or are we political leaders? Political leaders need to lead.

I would hope that the government sees fit to debate this issue. It should bring the issue forward and debate it in the House of Commons so that we can have a constructive debate about something that is going to be very important as we enter the 21st century.

I would like to quote in closing the Liberal member for Lac-Saint-Louis who said "rights are rights are rights".

[Translation]

The Deputy Speaker: I must inform the House that, if the hon. member for Hochelaga—Maisonneuve takes the floor now, he will wind up the debate.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Am I to understand, Mr. Speaker, that I have five minutes?

The Deputy Speaker: Yes.

Mr. Réal Ménard: Mr. Speaker, I will therefore share some concluding remarks with my colleagues.

A breath of fresh air has come from this side, which I welcome, as I know this is something that is being discussed within the Progressive Conservative Party. All this seems to be a good sign.

It must be remembered that, in 1990, when the first Egan decision was brought down, invalidating the Canadian Human Rights Act, the Conservative Minister of Justice, Kim Campbell, was the one who decided that the decision would be enforceable across Canada. I am certainly not mentioning this for any partisan purposes, but rather to point out that sensitivity to the promotion of human rights may be found in all political families.

We have become accustomed to being considered the lowest of the low by the Reform Party. I hate to say this, for I know there are some sensitive people on the Reform side. But as far as human rights are concerned, there is definitely much progress to be made.

It is unbelievable that the comparisons that have been made could be made. I come from a respectable family, whom I love. I love children. There is nothing to prevent me from forming a family, but when we refer to sexual orientation, we are referring to the preferred object of desire, which is what makes a person homosexual, or in the terms of the gay militants, that one is attracted to a partner of the same sex.

• (1855)

That has nothing to do with parenting skills. It has nothing to do with what sort of citizen one might be. It is the fundamental reason why we cannot accept discrimination. But we all know that the Reform Party is to this Parliament what silent films were to the movies.

I will close in the hope that we will have a real debate in future because, I repeat, it is the quality of citizen, it is people's commitment that is at stake.

I will give you an example in closing. When I came out as an MP in early 1993, I got a letter from a 16-year-old man, who was himself discovering his homosexuality. I would say that what gave me the greatest pleasure was the knowledge that I could help

Private Members' Business

someone, because this person felt he was not alone, that people in public life are homosexuals and can perform their duties perfectly honourably, as is the case in many other sectors.

Let us hope we have a real debate and that we can put an end to the one remaining form of discrimination. It is very important for me. We still permit discrimination against two major categories of individuals: the poor and the gays. We as parliamentarians cannot accept this situation.

That everyone has not reached the same level, and that people wonder why one man loves another or one woman another, I can understand. We have a duty to educate people. I know that the most militant among us know there is an explanation and that we have to educate the heterosexual community. But, our challenge as legislators is to have these two great communities live together in respect, tolerance and the promotion of the values of equity.

I close by saying that, if tomorrow someone told me I could take a pill to become heterosexual, I would not take it, because I belong to a community that is great, beautiful, generous and committed. I know that in my life, it will always be a beautiful thing.

I seek unanimous consent to make my bill a votable item and to send it to the Standing Committee on Justice.

The Deputy Speaker: I regret to inform the hon. member for Hochelaga—Maisonneuve that yesterday the House passed a motion preventing the chair from receiving any motion for unanimous consent of the House after 6.30 p.m. today. It is now past 6.30 p.m. and I regret to inform the hon. member that I am unable to receive such a request. Perhaps he could move his motion tomorrow.

Mr. Réal Ménard: Mr. Speaker, do you think that, if I were to seek unanimous consent tomorrow, I might obtain it, but that it is because we are in Private Members' Business that I am unable to obtain it now? I would just like to hear your interpretation in this matter.

The Deputy Speaker: My interpretation is that the motion passed by the House yesterday said very clearly that the Chair shall not receive a request for unanimous consent for any purpose after 6.30 p.m. The request can therefore not be received at this time. If the member wishes to move the same motion tomorrow during routine proceedings, the House will perhaps give its consent at that time. I can do nothing. I hope this is clear for everyone.

Mr. Réal Ménard: It is very clear.

The Deputy Speaker: Fine.

[English]

The time for the consideration of Private Members' Business has expired and the order is dropped from the order paper.

*Government Orders***GOVERNMENT ORDERS***[English]***FINANCE**

The House resumed from February 1 consideration of the motion.

The Deputy Speaker: Pursuant to the special order adopted on Monday, February 1, 1999, the House will continue with the consideration of Government Orders.

The hon. member for Kamloops, Thompson and Highland Valleys will have the floor for a 10 minute speech, followed by the usual questions and comments.

• (1900)

Mr. Nelson Riis (Kamloops, Thompson and Highland Valleys, NDP): Mr. Speaker, I am pleased to have an opportunity this evening to say a few words regarding the upcoming budget that we expect on or about February 16.

We all saw in the media in the last few days accounts from some speakers in Davos, Switzerland, where world leaders congregate annually to speculate and comment on the future of the world and the major issues of the day.

I noticed with interest that a number of the speakers referred to the unequal distribution of wealth in the world and the concern they had regarding the gap between the haves and the have nots, the increasing disparities and the pace of disparities occurring not only throughout the world between have countries and have not countries but within nations as well.

In the last few weeks in Canada we have heard a number of people comment on their concern regarding the gap between the rich and the poor. As a matter of fact I even recall the Prime Minister referring to the concerns that he had when evidence was presented to him on this growing gap.

It seems to me that as the finance committee toured the country and listened to Canadians from coast to coast to coast, one of the themes that came through loud and clear was that they wanted a level playing field not only for companies, not only for provinces, but for people so that Canadians, no matter what their backgrounds, no matter what their economic situation, no matter what their health and so on, would have an equal opportunity to develop into the citizens of Canada as they should.

Now that the government has surplus funds for the second time in many years, it is mandatory to take steps that would go toward equalizing and levelling the playing field for all Canadians. Whether youngsters are growing up in British Columbia, on an Indian reservation in Saskatchewan or in a small coastal communi-

ty in Newfoundland, they would have the same opportunities in life to develop into the citizens they wish to be.

Another thing that became clear as we toured the country were the number of people who cautioned us as a finance committee about accepting a simple solution to the economic problems of the country. We hear that today. We hear in the House day after day what I think are simplistic grand or macro solutions to the economic problems.

I remember when it was felt that if inflation came down to 1% or 2% the economy would pick up and get really hot. We all know that did not take place. If we could just get the interest rates down from those high levels of the teens and even beyond and into 4%, 5% and 6% levels it was said that would kickstart the economy back into life. That happened and the economy continues along in its sluggish fashion.

Then the deficit was the problem. The Tories had it up to \$42 billion and said that getting the deficit down to zero was the key point. We got the deficit down to zero and again the economy did not take off as in the Rostowian thesis. Now we hear that if we had mega tax cuts it would be the solution to kickstart the economy back to life. That is the new mantra.

I see the Parliamentary Secretary for the Minister of Finance is here. He will remember how unsuccessful Ronald Reagan was when he tried that in the United States. He made massive tax cuts, but did the economy of the United States bounce back into high gear economically? No way. The debt went up and the deficit went up. It did not turn it around.

I know some colleagues have been guilty of saying that full employment would be the solution. The solution is to have everybody working. As Jesse Jackson from the United States reminds us, when they had slavery in the south everybody was working. Slavery was slavery but they had full employment. Is that the kind of solution we want? Let us be cautious about coming up with a macro solution to the complex economic world we have inherited and are living in today.

• (1905)

I want to make a quick comment on foreign investment. I know foreign investment coming into a country is something that cannot be spoken against, that it has to be good for the country. Statistics Canada indicated the other day that the hundreds of billions of dollars of foreign investment which came into Canada and actually resulted in a new plant, a new factory or a new venture, was only 1.5%. The rest came in and was used for takeovers and that sort of thing, which I might add often costs us jobs.

Whether it is foreign investment, tax cuts, deficit fighting, inflation fighting, interest rate fighting or so on, they are simplistic solutions. We must not be seduced into accepting them as somehow the way to deal with this issue. The Tobin tax is another one we

hear about. We had a tax on international currency speculation. Therein lies a major solution.

The reality is that we need all these things together in some sophisticated matrix to create the kind of economic synergy that will get the economy moving again in the right direction so that people can have full employment with real, meaningful, sustainable jobs.

To do that there is one thing missing. I do not think a single person in the House of Commons today would say that as an individual he or she could have a successful life without any kind of plan, without any kind of goal, without any kind of strategy, and just bumble along day by day. Nobody believes that.

An hon. member: It is called rolling targets.

Mr. Nelson Riis: It is called rolling targets, as my friend said. Small, medium or large businesses need business plans before they can do anything. The first thing asked is whether there is a business plan and whether the elements of their old, new or renewed venture have been thought through. Organizations such as a boy scout club or the Red Cross and others need business plans. They need plans. They need goals and a strategy to meet those goals.

What is our plan as a country? We do not have one. We are a plan-free zone. We do not have plans in Canada. If we asked Canadians from coast to coast what they think the federal government's plan for the future of Canada was, we would get the wildest mishmash of commentary imaginable because we do not have a plan. Surely therein lies a portion of our success, a reason for our success, if we could bring the major stakeholders of our country together and develop a plan.

With all due respect to the Minister of Finance, who is setting health care policy? Is it the health care business? Is it the health care sector? No. It is the Minister of Finance seeking advice from his financial advisers who are basically deciding some of the fundamental health care policies of the country. We are waiting for the budget to see what the health care policy of Canada will be. This is wrong.

The same is true of education. Crucial to the knowledge based economy of the 21st century is having a decent educational training system from coast to coast to coast. Who is deciding basically on the new thrust or if there is to be a new thrust in education? It is the Minister of Finance and his political and financial advisers.

With all due respect, he knows a lot of stuff but I do not think he knows that much about health care or education. Therein lies the reason we need to plan. By planning I do not mean the Minister of Finance planning everything for us. The appropriate people should be brought together to come up with a plan that people can accept and move forward with.

Government Orders

Let us look at the successful economies around the world today, those economies with growth rates of 7%, 8% or 9%. I guarantee the one commonality in all those economies is that they have a plan. They have come together in one form or another and have a plan in terms of how they will grow their economy to create employment.

Simply growing the economy does not necessarily help people. It might help shareholders but it does not necessarily help people. We have to grow the economy to help people.

From our point of view health care should be a priority. We want to see at least \$2.5 billion put back into health transfers. Then we need a substantial down payment on repairing the damage done to social programs. I think all Canadians would agree with that. That is certainly what we heard during the finance committee tour.

• (1910)

The unemployment premiums must be spent on improving the employment insurance program, to say nothing of the aid package for the agricultural sector and the pay equity obligations that we must keep.

In terms of tax relief we are suggesting a 1% reduction in the GST as a way to provide tax relief for every citizen. Even children will benefit from a GST reduction. When kids go to buy their CDs or whatever they will benefit.

In closing, debt reduction is something we have to consider. We must not be overly aggressive at this point, but obviously it is something we have to pay attention to as well as a number of things on which we will comment later in the process.

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, one of the nice things about this place of debate is that semi-occasionally we settle down and start talking about things in a rational way and putting forward our views.

I want to say publicly—and I know it is a little risky for me to do this—that I have a lot of respect for the member who has just spoken. He does a fine job in articulating his views. I do not necessarily agree with those views, but he has a fine way of explaining them and communicating them. I would like to commend the member on that.

I have a question for him with respect to the grand scheme of things. I grew up in Saskatchewan. That is the home of what is now the NDP. I remember it when I was a youngster as the CCF, the Canadian Commonwealth Federation. I remember well listening to Tommy Douglas on the radio when I was a kid, as my dad did. Dad has never told me this, but I would not be a bit surprised if from time to time he voted NDP. I know there are a lot of people in my riding who used to vote NDP and finally saw the light and voted Reform.

Government Orders

This member seems to have a good perspective because of his years as a legislator, as an MP and as a good thinking person. Exactly what does he think about the nature of our debt?

If we look back 25 years we had no debt. Now one-third of our government expenditures goes toward paying interest on the debt. The member said that we should not be too radical in cutting the debt. Yet the fact of the matter is that we could increase our spending on programs and on things we value by 50% if we did not have the interest payments.

Would the member expand a bit on the whole concept of debt and interest payments and what that does to the country?

Mr. Nelson Riis: Mr. Speaker, I am pleased to respond to my friend's question in terms of the debt. I appreciate his mentioning the progressive policies that in a sense led the country in some ways over the years, coming from the province of Saskatchewan, to things like medicare and others.

When Tommy Douglas was the premier of the province he said they would not spend a whole lot on a number of programs until the debt was eliminated. That was a long time ago. Ever since Tommy Douglas said that there has been a pattern in Saskatchewan politics, and I think my friend would have to agree with me.

The NDP would come in, or the CCF before it, and would eliminate the debt. Then it would get on with delivering the kinds of programs to which he referred. As long as we are paying out those big premiums or debt payments to bankers or foreign bankers and others, we are not using taxpayers money to invest in social programs and the quality of life that Canadians want, or in this case Saskatchewan residents wanted.

His theory was to pay down the debt. For years and years there was an interesting historical sequence. As a Canadian historian I used to love telling my students about it in class. The NDP-CCF would be elected and would work hard over a period of time to pay off the debt, to get rid of the indebtedness. Then they would be kicked out of office and the Liberals would come in and bring the province under extreme indebtedness. The Liberals would be kicked out and the NDP-CCF would come in, wipe out the debt again, get all the books balanced, and then Tories and Liberals would be elected and whip up the debt again.

Today in the province of Saskatchewan we are debt free after we inherited a massive debt load as well as a number of other things from the previous Conservatives.

• (1915)

My friend is right. We have to pay down the debt. The question is how rapidly and this is where we may have a debate. I think my friend would say that we should put a fairly massive amount on

debt reduction. With all due respect to my friend, because I know he is serious when he says that, when in our country, the richest country in the world, the number one country by the United Nations standard in terms of the quality of life, 1.4 million children have to live in poverty, that is something we cannot ignore.

It requires action and action requires some form of financial outlay. I say yes to debt repayment. But let us not be so overly zealous in our debt repayment that we forget the children who are living in poverty today.

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, I will be sharing my time with my colleague, the hon. member for Markham.

I rise tonight to raise concerns that we in the PC Party share in relation to the upcoming budget. As many of my learned colleagues know, we in the PC Party share a common vision of how the country should proceed. We know the foundation to a solid future for our families and our children is entrenched in a nation that is economically strong. But to have a strong economy, we have to have an economy that is business friendly, an economy that makes it easier in which to do business than it is not to do business.

When I talk to business people from coast to coast they ask me about our stand on taxes. They want to know why the government will not reduce the level of EI premiums to \$2.00. They know the government is collecting approximately \$7 billion more than it requires. Why will it not lower it and put more money back into the pockets of that little man and little woman and back into the pockets of business people?

Every time businesses get a tax break they try to expand and create more jobs. We feel very strongly, and so do the people across Canada, that they should have had a bigger tax break than just bringing down the EI premiums to \$2.70. I have heard of saving for a rainy day but this is rather ridiculous when Canadian businesses are looking for a true sign from the government on tax relief.

As my colleague from the NDP has just stated, there is a growing trend in Canada which is very disturbing. That trend is poverty. The gap between the rich and the poor is widening more and more each day. I suppose many people wonder why. The real question Canadians should be asking is what is the government doing about it? What is its plan to combat the poverty gap in this country?

Many of us do not know and even more of us are concerned about the true facts. We live in a nation where children are going to school hungry. We have put so many programs together in my riding of Saint John, New Brunswick for these little children. Many volunteers are trying to feed the children. They cannot learn when they go to school hungry.

I remember when I was on the board of the Rotary Club. One day we were having a breakfast meeting at 7.30 in the morning. I heard

a noise and went outside. A little boy was going through the garbage barrel looking for something to eat. I asked him "When did you last eat, dear?" He said "I did not eat this weekend". We brought him in and we started a breakfast program right there at the Rotary Boys and Girls Club. It is still ongoing and it is growing. To think that we have to do this in Canada, that a child is going through a garbage barrel.

Youth unemployment is at an unacceptable level of 14.7%. Canadians are taking home \$400 less than they did in the previous two years. The personal debt level of Canadians has grown faster in the past 10 years than it has in any of the other G-7 nations. Consumer bankruptcies have reached a crisis level in Canada with over 85,000 last year alone. This is an all-time high for bankruptcies in Canada.

It is one thing for this government to have things which look good on paper but when people are hurting, ask them what they want and people will say that they want action. They do not want lip service. And they do not want to hear how wonderful everything is and how great everything is. They want action.

• (1920)

Let us look at the shipbuilding policy and the shipbuilding industry. In my city it was the Liberals who first put money into our shipyard for the first frigate contract that we had. Then the Conservatives put the rest of the money in. We have the most modern shipyard there is in the world and it sits idle. We had 4,000 men working in that shipyard. Now those men have left our city. We have had 10,000 people move out of Saint John, New Brunswick since I came up here on the Hill in 1993. They have gone to the United States to find work.

I am in absolute shock at what is happening. I asked the Minister of Industry to please bring in a national shipbuilding policy whereby our people back home could bid and could compete around the world for contracts. They bid on over 50 contracts, but they cannot compete because we are the only country in the world that has still adhered to that old, ancient OECD shipbuilding policy that has entered into many years ago. All the other countries have laughed at it. They have gone away from it.

No, they are not looking for subsidies. What they are looking for is a longer return payment program. But the government will always get its money. There are other things that they are saying, but no, they are not looking for subsidies.

The Liberal Party at its policy convention in 1993 adopted a motion to implement a national shipbuilding policy because the Liberals stated that Canada urgently needed one. Here it is 1999 and we have not received any national shipbuilding policy from the government, nothing. No meetings were held. There were no consultations with the industry officials. The industry officials

Government Orders

have come to the minister's office. They have asked for consultation and they have not received it.

We have to invest in our people. The government needs to put the people of this country first. It is done by cutting taxes and allowing this great nation to prosper. We need to increase the basic personal amount of indexed income to \$10,000 and give our low income earners a little break. It is no secret that if people have more disposable income they will spend it. Just think about it. If all a person has is \$10,000 a year, that person is not living in luxury, that is for sure.

The more we spend, the more money is put back into the economy and the more the economy grows, the more jobs will be created. The more the economy grows, more people are hired and more taxes are being paid in the system. The more the economy grows it is straightforward supply and demand economics. It is the way to go.

We in Canada are known for our kindness and compassion toward our people. I know it is difficult to govern, but when governing we must never forget about the little man and his family who works hard for an honest day's pay, and we never forget about the people who need the services that are paid for by all of us to use. We should never cut things unless the cuts are fair and equally distributed across the country.

Since the government took over in 1993 the Atlantic provinces have seen their transfer payments cut by 40% and we have only 8% of the country's population.

The government balanced its books on the backs of those who need the services the most. Perhaps that is why the Liberals were sent a clear message by the voters of the Atlantic region.

When it comes to health care those transfer payments that were cut have hit our hospitals extremely hard. We have heard about the horrors in the health care system in Quebec. Those same horrors apply to our people in New Brunswick and across the nation.

There is a need to bring back to those transfer payments those billions of dollars that have been taken away so we can educate our children, so we can keep our people here in Canada, not educate them and have them go into the United States, the doctors, the lawyers, the nurses, our people.

There is a great need here. We have to be responsible. I believe in good honest responsible government. I have always ran on that and I believe in it. I believe in people. I believe that when we are making cuts we have to look at the negative impact it can have on the lives of our people. I pray that that is what will happen when the budget comes down.

• (1925)

Mr. Jim Jones (Markham, PC): Mr. Speaker, I am pleased to speak today in the prebudget debate. It gives me a chance to outline on behalf of my constituents and as a member of the

Government Orders

Progressive Conservative Party a series of realistic achievable solutions to improve Canada's economy.

Despite the rhetoric of the finance minister and Liberals such as the member for Vaughan—King—Aurora who chairs the finance committee, the present economic situation is far from ideal.

Canada's unemployment rate stands at 8%, nearly double the age of the U.S., our number one trading partner. Meanwhile Canada's youth unemployment rate is almost twice the national rate.

Canadians took home \$400 less last year than they did two years ago and their after tax income has dropped 7.2% over the past decade. Personal debt levels also grew faster in Canada than in any other G-7 country over the past decade. Last year consumer bankruptcies reached 85,297, an all-time high. Never in Canadian history have more people gone bankrupt.

Those are just the figures relative to individuals. When we examine several key economic indicators, more weaknesses in our economy are uncovered.

Canada's productivity growth over the past 20 years has been slower than every other G-7 country. Canada also has the second highest debt to GDP ratio in the G-7. There is nothing for the Liberals to brag about. We already know, thanks to credible publications such as *The Economist*, that any economic growth during the Liberal government's term is because of the policies of former Conservative governments.

What is the actual Liberal economic record? It is a record of less real disposable income since the 1993 election according to Statistics Canada. It is one of a government that collected 38% more in personal income taxes during the past five years. With statistics such as these, it is hardly surprising that Canada's taxes are among the highest in the industrial world.

High taxes come at a considerable cost. They stifle economic development. They kill entrepreneurial initiatives. They discourage investment. Perhaps worst of all, they cause a brain drain, a trend that results in Canada losing a lot of its best and brightest to more favourable tax jurisdictions.

The brain drain inflicts plenty of damage on Canada's economy. A recent study by the C.D. Howe Institute estimated that for lost managers and professionals alone, the net cost to Canadian society from 1982 to 1996 was \$6.7 billion.

According to the United States Immigration and Naturalization Service, more than half of all permanent immigrants from Canada were admitted on employment based preferences. This means that over 8,300 highly skilled Canadians were granted permanent

residence status so they could fill important jobs in the U.S. economy. Another 44,000 Canadians were granted temporary work permits in the U.S. This must sound like a drop in the bucket for Canada's labour force of 14 million people but these people by virtue of American immigration rules are highly skilled and well paid more often than not.

The C.D. Howe Institute study found that six managers and professionals went south in 1996 for every one moving the other way. This is a major loss to Canadian companies and governments.

It is more than a corporate problem. The departure of thousands of highly skilled and highly paid Canadians also weakens our tax base and endangers the services supported by that tax base. That hurts everyone indiscriminately.

Before my colleagues on the Liberal and NDP benches start ranting and raving about making the wealthy pay, I would also like to cite some figures from Revenue Canada.

In 1995 more than 800,000 Canadians earned \$70,000 or more. This group represents just 4% of tax filers, 6% of taxpayers and 19% of total income, yet this relatively small group of Canadians contributes 31% of all federal tax and 35% of all provincial tax paid. This tiny group of Canadians paid more than \$30 billion in federal and provincial income taxes alone.

For every 1% of our high income tax earners who leave the country, some 8,360 emigrants, Canada loses more than \$300 million in federal and provincial income taxes.

Keeping in mind the U.S. government's immigration figures for 1996, that means the Canadian government lost more than \$1 billion in income tax revenue that year alone.

In short, Canadians from all walks of life and all income levels are paying a heavy price for our high income taxes. By significantly cutting taxes the Liberal government could help fill the gaping holes in the Canadian economy. The weak half hearted measures contained in last year's budget do not qualify as significant tax cuts.

• (1930)

We have seen the benefit of reducing taxes in my home province of Ontario. When the PC government was elected in 1995, Ontario had an economic basket case thanks to a decade of Liberal and NDP misrule. Thanks to the provincial PC government's ambitious plan of tax cuts Ontario with a third of Canada's population has accounted for well over half of the job growth in Canada for almost two years now.

Not only did cutting taxes help create jobs in Ontario, it had a positive effect on the province's financial situation which was in disastrous shape after Bob Rae's stewardship. The economic

growth that resulted from lower taxes increased the province's revenues. That fact should not be dismissed out of hand.

Yesterday in the House of Commons the member for Mississauga West, a former member of the Ontario legislature, mistakenly claimed that provincial tax cuts took money out of health care in Ontario. Nothing could be further from the truth. The fact is the Ontario government is spending \$1.5 billion more on health care than the government did in 1995, even with the \$1.1 billion cut in health and the \$2.7 billion cut in the CHST payments.

The Ontario record is clear: more money for health care, more money in the pockets of Ontario taxpayers, more tax revenues in the province's treasury thanks to economic growth resulting from tax cuts.

Liberals like my colleague from Mississauga West try to mislead people into believing there is a choice between more money for health care and tax cuts. It is as if the Liberals were convinced of the impossibility of walking and chewing gum at the same time.

Unlike the federal Liberals, the Harris Conservatives have made good on their promise with a stronger economy as a result. I can understand the Liberals and the NDP for that matter not wanting to discuss the economic successes achieved by the Conservative Government of Ontario. I would therefore cite an international example on the advantage of lowering taxes.

The chief economist of the investment dealer Nesbitt Burns, Dr. Sherry Cooper, highlighted the experience of the republic of Ireland, a country that cut taxes and saw its economy take off. Investors have been attracted to Ireland's low corporate tax rates that start as low as 10% versus Canada's approximate rate of 46%. Indeed the Irish economy is growing at almost double digit annual rates during the past two years. When was the last time Canada achieved such growth?

Another international case representing the benefits of low taxes is Finland. With the lowest corporate taxes in the OECD, Finland has real GDP growth of 6% and a sharply declining unemployment rate.

In case after case, example after example, the verdict is in. Tax cuts stimulate economic growth and economic growth creates jobs and generates revenue needed by governments to provide services. That is why we need real tax cuts in this budget. We need to reduce high unemployment insurance premiums. In 1995 the minister of finance called payroll taxes such as EI premiums a cancer on jobs. Yet the government insists on gouging employers and employees through the EI fund.

Perhaps my Liberal colleagues from the GTA should heed the warning of Elyse Allan, president of the metro council board of trade, who told the finance committee last fall that high premiums stifle private sector creation and reduce personal disposable in-

Government Orders

come. The actuary of the EI fund stated that premiums can be lowered to a rate of \$2 per \$100 of insurable earnings without being fiscally irresponsible.

We in the PC caucus agree with this independent, non-partisan recommendation. I doubt the minister of finance would move in this direction. After all, according to finance department documents released by the Canadian Taxpayers Federation, almost a third of the \$39 billion in increased federal revenues is directly attributed to bracket creep. As with high EI premiums, bracket creep is one of the cash cows of the minister of finance.

I urge the minister of finance to use this budget to bring in the broad based tax relief needed to develop our economy, improve our standard of living, stem the tide of our best and brightest leaving this country and set a vision for this country for the next millennium.

Ms. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, as a physician in the province of Ontario I feel quite sensitive to the hon. member's comments in terms of the CHST having been the problem. We know the reduction in the CHST has had one-fifth of the impact on health care spending as the tax cut in Ontario.

At the finance committee we heard from the Ontario Hospital Association: "The underlying problem is thoughtless mechanic tinkering with the system in nearly every province. The crisis is rooted more in faulty planning than demographics, finance or technology. The good news is that this management crisis can be fixed".

• (1935)

I suggest this upcoming election may be what we need in order to fix health care in Ontario. If you actually look at these so-called increases in the health care dollars that you are touting in the province of Ontario, a lot of that is actually the severance for fired nurses. You have to actually have a look at what you are saying. We know that we need accountability on this stuff. We actually need a real plan.

The Acting Speaker (Mr. McClelland): I remind everyone to address each other through the Chair.

Mr. Jim Jones: Mr. Speaker, I do not know where the hon. member is coming from. Let us look at the record of health care and what the Ontario government has done. Total health care spending for the fiscal year 1998 will be \$18.7 billion. That is the highest in Ontario's history and an increase of over \$1.3 billion since the PC government was elected. That is with a \$1.1 billion cut in transfer payments to Ontario by the Liberals. This increase in health care spending in Ontario occurred despite the federal level cutting \$2.7 billion in transfer payments to the people of Ontario. The Ontario government has put more into health care, education and social spending.

Government Orders

The federal government spends only \$125 per person in Ontario for health care while the Ontario government spends \$1,639 per person to meet provincial health care needs. In other words, for every dollar spent by the federal Liberal government on health care in Ontario, the provincial PC government spends more than \$13. I find it despicable that the Liberals like to espouse policy but do not put their money where their mouth is.

Ms. Sophia Leung (Vancouver Kingsway, Lib.): Mr. Speaker, my hon. colleague commented on brain drain. According to a C.D. Howe Institute report, I do not think high tax is the only cause of brain drain. It is not a determinant. Environment and quality of life are part of the reason.

The cancer research institute in B.C. was very happy to announce recently that two leading cancer researchers will return from the U.S. to start a new project called gene research. That is happy news and it is not necessary to go the other way.

According to statistics Canadian researchers and scientists sometimes do go to other countries. The number is around 10,000 but we have about 20,000 newcomers to fill that gap.

Mr. Jim Jones: Mr. Speaker, for every one person who comes back we have seven highly skilled people leaving. They are leaving because of the high taxes in this country. The proof is in the history of Ontario, that tax cuts do create jobs. Is it not ironic that it is a province with a little over a third of the population? Since September 1995, 487,000 new private sector jobs have been created in the province of Ontario. In the five year period of 1990 to 1995 we lost 500,000 jobs in the province of Ontario because of the policies of Bob Rae. For 1998 as a whole, Ontario job growth averaged a record 200,000 net new jobs, almost double the 101,000 annual pace for 1997.

Ms. Sophia Leung (Vancouver Kingsway, Lib.): Mr. Speaker, I will be splitting my time. I am pleased to speak today in the prebudget debate. As a member of the finance committee and an MP from western Canada, I have heard from many individuals and groups. It has become clear that Canadians want tax cuts and more health care funding. There are three main areas I would like to talk about, tax relief, health care and more funding for research and development.

• (1940)

A reduction in the tax rate will benefit Canadians. Our committee considered the level of reduction and how reduction should be distributed. We believe government priorities should be as follows. First, target tax relief to those most in need, including students, charitable organizations, children and Canadians with disabilities. Second, general tax relief starting with low and modest income Canadians. Third, increase general tax relief over time.

Based on recommendations from the finance committee last year the basic personal amount and the spousal amounts were increased for low income taxpayers. As well, the 3% general surtax was eliminated for many individuals. In combination those new measures reduced significantly the tax burden of the low and middle income taxpayer.

Now we can better afford additional tax reductions. Now that the tax measures aimed at the low and middle income Canadians have been introduced, the committee believes the government must begin to offer broad based tax relief.

It is only because the government acted responsibly in recent years and because Canadians from coast to coast have made substantial sacrifices that we should be in a position to implement tax reduction measures which will benefit all Canadians.

Our committee recommends that the next budget introduce personal income tax reductions for all Canadians. Further, we recommend that the government commit itself to future tax reductions by presenting a three year tax reduction plan.

We suggest that a temporary 3% surtax be completely eliminated in the next budget. The 5% surtax on high income earners should be eliminated gradually.

We believe the increase in the basic personal and spousal amounts in last year's budget should be extended to all Canadian taxpayers, not just those with low incomes.

The second area I would like to talk about is health care spending. We all agree more government resources should be devoted to health care. It should be the number one priority for government. Many individuals and groups expressed concern that the system may no longer be funded adequately. They argued that the federal and provincial governments should work together to ensure this.

The federal government should use some of the budgetary surplus to restore some of the cuts. We recommend a review of transfers to the provinces. Investing part of the surplus in improvements in medicare would demonstrate to Canadians the federal government's commitment to the medicare system and the principles of the Canada Health Act.

When cuts were made to the transfer payments many provinces simply made across the board spending cuts. We need strategies that ensure efficient and effective services are not eliminated. Increases should be justified by efficiency assessments of health care spending.

The committee is aware that as Canadian demographics change and the population ages, it is inevitable that health care costs will rise. We are concerned that the quality of health services could be undermined if funding is not increased. Increased investment

Government Orders

could be used to improve service delivery, investment in new technology and to reduce waiting lists.

• (1945)

The third area I would like to address is that we need more funding for research and development. We recommend an increase in funding for new research initiatives. Innovative ideas are essential to maintaining a successful and competitive economy. Research and development can ensure the highest quality of health care for Canadians. We need research projects to demonstrate better ways to provide home and community services and a drug delivery program.

At the same time as the population ages, innovative technology becomes more and more sophisticated and expensive. We must find ways to ensure that Canadians have access to the best medical treatment possible. Medical innovation is a way to do that. On a per capita basis, direct federal funding for health research and development is five times as high in the United States as it is in Canada.

In France spending on medical research has also increased much more rapidly than in Canada. Therefore the committee recommends that more resources be allocated to research and development.

In conclusion, Canadians recognize that the federal government has a role to play in making Canada prosperous. It must also be responsible for both fiscal and social policies. As the report demonstrates, tax reductions and health care spending are priorities for Canadians.

Ms. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, it is a pleasure to speak in three ways this evening, first as the member of parliament for St. Paul's, second as a member of the finance committee and third as someone who has fought hard for the protection of the Canadian health care system and who feels deeply that the confidence that Canadians have in that system is the most serious protection we have against the slippery slope to a two tiered system.

In St. Paul's we had a prebudget consultation of some of the opinion leaders and it was clear that they too felt there were three main things that we should be focusing on. They felt that debt reduction was imperative. It was clearly the priority of those people who were in attendance. The talk of debt reduction focused on how much should be spent on that and many mentioned how debt reduction would have a positive impact in a number of ways.

Almost everyone in attendance at the meeting spoke about social spending. While most discussed their priorities for the 1999 budget in terms of health care, medical research or employment spending, many cautioned that the instability of our economy in a volatile global environment necessitated prudence in any spending mea-

asures. They also felt that we should be cautious about raising spending expectations.

With respect to health spending, many of those in attendance expressed concerns about the growing gap between the rich and the poor, which we have heard a lot about. They expressed a desire to see the 1999 budget address the connection between poverty and health and preventive care. National standards were also mentioned as being health priorities. Health spending topped the social spending agenda for the people in attendance.

The other area was in research spending. While discussing social spending many mentioned the need to increase spending on scientific research and that this would be a very concrete investment that would have high returns. In fact some of them were specific in that 1% of public health dollars should be the target perhaps over a three or five year period.

Tax reduction was also a priority for some of the people in St. Paul's and some felt that it should be a major priority. Like debt reduction, many saw that the benefit of tax reduction would translate into improvements in other areas. The number one priority was to decrease personal taxes, especially for those who live in poverty. Some felt quite strongly that paying slightly higher taxes than some other nations, notably the one to the south, was part of living in a just and civil society. They placed tax relief after the spending initiatives.

• (1950)

In the finance committee we found that there were many, many thoughtful presentations. People talked about the brain drain, about the need for health care and research. There was a rather interesting presentation on the progress indicators as they change from the GDP. In fact in St. Paul's we had a town hall meeting on that subject in the past month, looking at some of the work of Marilyn Waring. We are very proud that as Canadians it is the first time StatsCan has been able to actually put the unpaid work of women into our census.

There were many external factors which those of us on the finance committee felt. Obviously there was the change in terms of the OECD warning us about debt reduction, as well as its admonition with respect to the necessary tax cuts.

Members felt that the rising tax burden of Canadians and the lack of disposable income was a problem, as we have seen disposable income, personal after tax income, fall steadily since 1990.

People were concerned about the UN, although we still are number one in human development. We felt the fact that we are 10th in human poverty was something we should look at. Obviously, we considered the conference board's concern regarding our standard of living and, again, the fact that our best and brightest are leaving to go to other countries.

Government Orders

We felt clearly that an increase in the personal tax exemption would be a good thing for almost all Canadians. This would take a certain percentage of Canadians right off the tax rolls. It would be of specific help for the working poor in terms of their disposable income.

There was one night in St. Paul's when we had a town hall meeting on bank mergers where there was one very vocal person who said "Don't give the provinces any more money for health care". This was unlike the hon. member for Markham, in that they felt that they could not be trusted in terms of what they would do with it.

That has been the major debate in this country regarding what we actually do about the CHST. I would like to remind the hon. member for Markham that in the Progressive Conservative election platform they were actually going to reduce the cash transfer to zero. I do not think that then they would feel that the federal government was giving zero to health care. We have to continue to remember that there is only one taxpayer. We have to figure out what it is that Canadians need in order to feel confident about the quality of health care in their country.

There are four things that are most important when dealing with health care and how important it is to Canadians. We must remind ourselves that unfortunately when the Canada Health Act was written the word quality was nowhere to be seen.

Although the five tenets of the Canada Health Act presumed high quality care, I do not think it could have presumed the sort of bargain basement care that has come about since people have not actually been accountable for how the money is spent.

The trends from hospitals to community care, doctor to multidisciplinary and a kind of evidence-based, best practices kind of care have not been dealt with appropriately in the follow-up to the Canada Health Act.

First, we have to recommit to the Canada Health Act. Second, we must begin to measure what the outcomes actually are in terms of the waiting lists and in terms of a real commitment to the information technology that is required to do that.

Michael Decter, who is head of Canadian Health Information, said in *Maclean's* in June that Canada had badly underinvested in health information and that we spend only 2% of our total health care budget on health information. He said that we would get much better value for our total health dollar if we increased this vital investment to 4%.

We have to know what we are doing. One of my concerns has been that when the Canadian Medical Association or anybody else continues their chant about underfunding we do not actually know where that money is going. People are continually concerned about

unnecessary surgery, antibiotics for virile infections and many other things.

In 1995 there was a paper called "Sustainable Health Care for Canada" done by Angus, Auer, Cloutier and Albert. It was very clear about what we have to be doing. We have to be dealing with the fiscal pressures on government, the lack of knowledge about the links between health care and help, the ethical dilemmas involved in rationing health care services and contradictory incentives built into the rules and regulations governing health care. They felt that those tensions were not new, but that we could not keep throwing money at the problem.

• (1955)

They felt that if we actually moved to best practices there would be \$7 billion worth of savings every year. In those days 15% of the public health care costs could be saved.

We should actually move to a more accountable system. Money will not be the problem. We need to have some sort of accountability, as we said, in terms of the Ontario Hospital Association saying this was really about mismanagement and not necessarily just about money.

We have informal standards in this country. When the B.C. cancer outcome rates are much better than the rest of the country we sort of see that as an informal standard. When Quebec's home care system is better than the rest of the country, viewed by experts, we see that as an informal standard that all Canadians expect.

We now have to find a way to have all three levels of government report to Canadians on a regular basis. It is not big brother checking up on the provinces. It must be, as the Minister of Health has said, a way for all levels of government to be accountable to Canadians about how their health care dollars are being spent, their tax dollars.

The fourth area has to be in research. As some of the people in St. Paul's have said, the idea of moving to a target of 1% of public health dollars for health care is a target that we should be shooting for.

The proposal for the Canadian institutes of health research is a good one and I am thrilled that we are starting to see things like population health, clinical and evaluative sciences, and primary prevention, as well as our amazing track record in the medical model of research.

I am hugely optimistic as we move into this next budget. It is a thrilling problem to have a surplus. I think that all Canadians thank the government for what it has done in a prudent fashion and I look forward to the budget.

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, it was a delight to serve with this member on the finance committee. Dare I say it, we

Government Orders

spent some numbers of hours together listening to witnesses, albeit on opposite sides of the table.

I was very interested in the member's comments. We heard the same things from the witnesses, that health care is indeed a very big concern among those people at least who came to our committee. Of course we are also hearing it in our ridings. I often get testimonials from people whose loved ones had to go to the hospital. They say "Hey, we do not know what the hullabaloo is all about because we had really good care". It is good to hear those stories on the other side.

I have a very fundamental philosophical question that I would like to ask the member who just spoke since she is a medical doctor and very interested in health care. She mentioned a deterioration of health care into a two tier system. I wonder how she would answer this question.

There are right now a fair number of Canadians who, because of their accumulation of wealth, are able to go to that part of the world where the best health care is available. I had a person in my riding not very long ago who fiddled around with Canada's health care system and finally went to the Mayo Clinic where he received a proper diagnosis of what his problems were. He had to pay for it of course, and fortunately he had the financial wherewithal to do it.

What should we really be doing so that we prevent this move to a two tier system? Should we legislate at the border? A person may not cross if their purpose of going into the U.S. is to look for health care in order to equalize it for everyone here? I think she would reject that. I certainly would.

I think if a person has the money and chooses so to spend it, that should be their choice, provided of course that they have earned the money by legal means. But we need to do something in this country so that people would not even want to go elsewhere. Under the present system that does not seem to be happening. It is getting worse and worse.

The federal government used to fund 50% of health care and used to have a really good insertion of funds for medical research, which is very good for medical services. That has deteriorated.

One of the things we heard over and over was about the exodus of our brightest people into the United States because of the research facilities that are available.

• (2000)

I would like a comment on the two tier system because I am very interested in it.

Ms. Carolyn Bennett: Mr. Speaker, people have always gone to the Mayo Clinic when there has been a conundrum up here and I think we will never stop that. It is important in terms of the choice of Canadians.

The hon. member must remind himself that sometimes we see specialized care from watching *ER* or other American television. Specialist driven care is not the best health care, as the member mentioned. We actually know in terms of research that we have good care in Canada where 50% of medical practitioners are family doctors and are good case managers. People do not end up with unnecessary tests. People end up being counselled in terms of prevention and stress.

We actually have a great system. We need to begin to look at accountability. We need to take time with Canadians to explain the options. We need affluent Canadians to stick up for our system. If we lose the confidence of the affluent people to speak up for our publicly funded system, we actually lose our best allies.

I would counsel anyone to have a look at the outcomes of some of the specialist driven things that have come from Harley Street. Going from specialist to specialist to specialist is not good care. We have a great system. Our family doctors are platinum trained. They are being recruited to the United States which ends up with a cost effective care that is actually managed care, not the kind of managed costs that is a concern in the HMO and managed care system in the United States.

I am hugely optimistic that we know how to do it here and that it is actually better care.

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, I was going to ask another question but I guess the time has elapsed so I will move right into the most important speech I have ever given. I had better not say that because maybe it would reduce the value of previous speeches.

I have many things to talk about. I travelled with the committee. We heard different witnesses. I took the occasion when we were in different towns to walk up and down the streets and talk to people instead of shopping.

I remember I talked to one man on the street in Saskatoon about what he thought was important in the budget. He happened to be a retired person. He said the thing that was killing him was taxes. He had put money away in RRSPs and was basically living in poverty because when he took some money from his RRSPs his expenses were very low and he had no deductions. He ended up having to pay \$2,000 a year in taxes and was hardly able to pay his bills. For him tax reduction was very important.

I heard mechanics who said their priority was to stop forcing them to use after tax dollars to buy their mechanic's tools. That seemed very reasonable to me. Every lawyer and every doctor in the country who sets up office, shop, lab or whatever uses the tools of their trade as an expense in setting up business. Yet the poor mechanic has to pay for his tools and equipment with after tax dollars. That was a priority.

I could go on and on, but I have chosen today to speak about debt. I talked a bit about it with the NDP member from British

Government Orders

Columbia a little earlier. I heard two distinct messages in the committee from different people which underlined to me that we adopt the thinking of the people to whom we speak.

We heard from certain people, mostly labour groups and so on, who suggested that we should not be paying off the debt. I find this very curious. It is as a result of what I will very carefully call fuzzy thinking. I think it is the fuzzy thinking of the NDP that somehow if the debt is paid off all we are doing is giving money to rich people because they are the ones who own the debt. That is how some of those people think. I strongly disagree with that.

• (2005)

I am surprised the NDP would not be pushing for debt reduction to the maximum as has happened with some fiscally responsible governments like the one in Saskatchewan. Although I hate to endorse the NDP in Saskatchewan, it has certainly been more fiscally responsible than some of the previous governments in that province. Let us take the label away and look at what happens to debt management and with the money.

I am in such a good mood today that I find it difficult to contain myself. I just gave a reluctant compliment to the NDP and now I will give a reluctant compliment to the Liberal government. Because the government could have increased the debt much more than it did, I will compliment it on reducing its spending by \$2 billion, increasing tax revenue by \$40 billion and resisting the temptation to spend the difference.

I congratulate the government because I know the Liberal way is to think of how to spend. When the next election rolls around I am sure we will see that particular characteristic of the Liberal creature come to the fore again. It is always nice at election time to roll out the goodies and buy the votes with taxpayers dollars.

This afternoon I hauled out a file on my computer. In 1996 I looked at the deficit, the amount by which we were overspending and adding to the debt. When I first came here the debt was \$420 billion. We had that infamous first year where the deficit was \$45 billion. After the Liberals took office they found that the bookkeeping of the previous Conservative government had given them the world record in having the largest deficit ever of \$45 billion. In one year the debt shot up to \$465 billion, the last legacy of what we had from the Conservative government.

Then under the federal government the Liberals reduced the amount of the deficit and bragged a lot about it. It simply meant that they were borrowing at a lower rate, that they were not borrowing quite as much. In 1996 I projected what would happen if the Liberals kept adding 3% to the debt every year. If they would have followed that pattern, according to my numbers the debt would now be about \$641 billion. We know that it is around \$580

billion. The fact that the Liberals resisted spending all this additional revenue deserves a compliment.

I give them that commendation, but that is the very last one. They did that mostly on the backs of the provinces and on the backs of the taxpayers. As I have already indicated, tax revenue has gone up fantastically. They are looking at a projected increase in tax revenue of around \$40 billion a year over what it was in 1993 when they first took office. There is a tremendous sucking sound when \$40 billion is taken out of the Canadian economy.

The federal government has reduced its own departmental spending by very little. It has done this on the backs of the taxpayers by taking increased tax revenue and on the backs of transfers to provinces. We all know that has been a huge item of debate and is really called downloading. It really has not done a very good job.

What is the impact of debt? Had we not stopped the 3% increase in debt per year, by the year 2010, which is no longer very far into the future, the debt would have grown to over a trillion dollars. That is something we cannot sustain if we want to provide services for our people, the whole purpose of government. People pay taxes in order to get services from government.

We are presently spending a tremendous amount on interest. It is our largest single expenditure item. Interest is due only to debt. There are two things that affect interest payments. One is the principal amount of the debt. The other is the interest rate.

• (2010)

The Liberals won the lottery. They happened to be in power during the years when world-wide interest rates were relatively low. I sometimes smile and snicker to myself when the Prime Minister particularly and the finance minister like to brag about low interest rates. Very frankly it has very little to do with them. They just happened to be at the right place at the right time.

If the interest rates increase, the interest payments on our debt increase dramatically. The fact that we now have a \$580 billion debt is something that I do not believe we should take lightly. We should look at paying it off.

We speak of a surplus. It is projected to be \$11 billion. Lately they have been cranking it down to get it to around \$7 billion. If we wanted to pay off that debt like a mortgage, in 30 years, the year I will turn 90, we would be out of debt if the following happened, if we posted a surplus of \$50 billion per year for 30 years against the debt retirement fund. That happens to be around \$3,500 per taxpayer per year.

When I ask taxpayers if they are content with the federal government borrowing so much money on their behalf that each month they have to pay \$300 in interest, they are not very happy.

Yet that is the fact. I would love for the government to reduce its indebtedness in order to reduce tax payments.

The Reform has a very distinct plan on how to achieve this. We propose that the surpluses be applied toward the debt. As that happens, we can pay the debt at an increasing rate because as we reduce the principal the interest payments go down. It also insulates us against the danger of escalating interest rates.

I am very sorry that my time has elapsed. It is hard to believe. I barely got my introduction finished. Hopefully there will be some discussion.

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Ref.): Mr. Speaker, I was interested in listening to the member. He previously asked questions of the Liberal member opposite. He outlined a philosophical difference which gives rise to the policy choices that are made. The choices that governments make eventually either hurt the population or free the population for prosperity.

Certainly we can see the disparity within Canada is not necessarily related to geography, resources and so on. A lot of the economic disparity between the regions of Canada has historically been related to the kind of provincial governments and the economic choices and incentives or disincentives that have existed.

Would the member further expand on his proposals, outlining from his philosophical view how Canadians would be more prosperous?

Mr. Ken Epp: Mr. Speaker, I subscribe primarily to this philosophical premise, and I admit it is a premise that is debated by economists who are much wiser than I am. We ship trainloads of money to Ottawa so that the politicians and the bureaucrats can turn around and distribute it. The premise I believe in because it makes sense to me is that instead of funnelling almost 50% of our gross domestic product, in other words the collective earnings of all of us, into government we would be better off leaving it in the hands of the people, of the families, of the businesses.

That would have a much greater impact on our economy. That money spread throughout the economy would produce jobs, demand for goods and services, and give all individuals more money than they have now.

● (2015)

I remember many years ago looking at my tax bill. At that time my tax bill was only about \$600 or \$700 a month. I was thinking of what I could do with \$700 a month. In the Reform plan we want to arrange government priorities and reduce wasteful spending so we can give that tax cut to businesses and individuals, so we can leave that money out there. That is the root of prosperity.

Government Orders

We will have greater prosperity if we stop robbing the people of the money they have earned. Let them spend it, let them build industries and businesses, let them hire people. This is even for people who are not in business, for ordinary families. If I offered a mom or a dad \$300 a month in reduced taxes, that is like earning \$600. Now you would have to earn an additional \$600 to have \$300 in your pocket. They say no when I ask them if they would decline that offer and they ask if I am paying off the debt. They are concerned about the debt and the interest payments we are making.

Mr. Paul Forseth: Mr. Speaker, I will continue on this theme. Canadians rightly look to government to provide peace and order and to do the collective things in society that we as individuals cannot do for ourselves. It is also accepted that government itself must be a strong and fair referee in the economic game. The difference between richer and poorer nations arises from the kinds of government they have. Politics matters. Governments can bring health or harm, prosperity or despair. It is all in the policy choices they make.

That is why I speak out on behalf of my community against many of the unwise choices that have been made by this government since 1993. Most important, I speak for the positive things that Canada could achieve if we had a more accountable, competent government. I speak of the need for tax relief in this context, especially when the Prime Minister this week agreed with Brian Mulroney about the wisdom of high taxes.

Canada's story is one of not fulfilling our potential when we have every basic advantage. Because we have had abundant natural resources and access to capital to develop infrastructure, we have been able to participate in the various technological revolutions. We have had some measure of success since Confederation despite our poor governments and their many misguided policies.

Successive Liberal and Conservative governments through ignorance and/or perverseness and by being wrongly cheered on by the NDP have left Canada in a plight far below what we are capable of in terms of caring for our people and bringing prosperity and freedom to all rather than just maybe most.

Governments set the climate for the economy and the right mix of policies over time can be very beneficial. But governments can quickly cut down years of steady progress by favouring their friends, violating the basic laws of commerce and unreasonably promoting a party reputation over needed national policy. So it can be said that the Liberals have shown themselves time and again not to be wise managers of the public trust. They continue to mistakenly act as if they can tax and spend Canada into prosperity.

A better mix is needed between those who create and those who reallocate, between those who earn and those who burn the people's

Government Orders

money. It could be said that at some point taxation even has a moral component of how right it is for a government to tax and control the financial affairs of Canadians. Although economic considerations can be complex, in our present situation it is all too obvious that Canada now needs significant tax relief.

The current arrangement needlessly hurts Canadians. It is obvious to any worker who knows what the government has done by seeing the deductions on his paycheque or the job that has been lost.

• (2020)

It is time that the average Canadian received a raise in pay this year, not by confiscating as much revenue from the economy and from paycheques. The Reform plan would give all workers in Canada a raise in take home pay this year.

The Liberals have hurt Canadians through unprecedented high tax levels instead of a better mix of spending control on government and a resolve to end economic discrimination. They also unreasonably cut health care instead of other things. We were then able to slowly stumble toward a fiscal surplus. Now we watch as the personal sacrifices that Canadian workers have made, who have spawned the surplus, evaporate under old style Liberal-nomics.

This year's Liberal surprise appears to be the changing in questionable size of the surplus. According to the Department of Finance's most recent pronouncement something unforeseen is occurring that has our \$10 billion to \$12 billion projected surplus shrinking to \$7 billion or less. What they are really trying to tell Canadians in the lead-up to the budget is that most of the money that was promised for tax reliefs in the upcoming budget has vanished from the government books. Over the past two years at the time in the business cycle when government spending historically should be restrained, this government still succumbed to blowing by its spending budget a cost overrun which also the usual habit of the NDP in my province.

The facts are clear. Any further delays in large scale tax relief in the upcoming budget will only be because this government refuses to stop its wasteful spending. The government keeps telling us how great things are while the standard of living continues to fall. An unwise high tax policy is strangling the economy.

The deficit has been reduced by hiking taxes and slashing health care while the government's spending levels remain the same or in some cases rise. An eight cent drop in the value in our dollar is somehow deemed good for business. The auditor general refuses to sign off on the books of Canada for the third year in a row because he believes the government's accounting numbers do not meet required accounting practice. A \$16.5 billion cumulative slashing of health and social transfers is called "saving and protecting health care". The head of government says "it is not the right thing

to do in a society like Canada to call for across the board tax cuts". That was a recent published quote from the Prime Minister.

Under the Liberals Canadians pay personal income taxes 56% higher than the seven leading countries and economies. In 1996 under the Liberals the average Canadian family paid a total tax bill of \$21,242 more than it paid for food, shelter and clothing combined. It pays even more now. Since the Liberals came to power in 1993 they have taxed back 155% of average wage increases. Under the Liberal government's watch this collective wealth of our nation has been devalued as our dollar sank to historic lows against the American currency. This result is the international judgment about the government's handling of our economy. Our \$580 billion net public debt costs us some \$40 billion a year to service and represents enough money to finance current health care payments for about 46 years. Yet this Liberal government still refuses to implement a serious schedule for debt repayment.

I am only allowed two or three minutes to summarize some of the proposals put forth by the official opposition in our 1999 prebudget submission to the Minister of Finance. I am saying that Canadians need tax relief this year. A wise mix of policies is needed that is more just and fair. Canadians need comprehensive tax reform beginning with a \$26 billion in total tax relief phased in over three years. We need to continue the simplification of the tax system and reduce the overall burden of taxation on Canadians by eliminating the temporary deficit reduction surtaxes. The 3% and 5% surtaxes were introduced to balance the budget. Now that the budget is balanced they must be phased out.

We should reduce the burden of taxation on low income and elderly Canadians by immediately increasing the tax free threshold basic exemption to \$7,900. Forcing low income Canadians to pay taxes and then transferring that money back in programs is really not wise. Leave more money in the hands of low income and elderly Canadians. Begin reducing high marginal tax rates and flattening the personal income tax system. Canadians pay a very high marginal tax rate at relatively low levels of income. We propose to fold the top two marginal rates into a single rate of 24% of income above \$29,000.

• (2025)

The reduction makes incentives to earn and invest. We must end bracket creep. Also we must remove the marriage and child care penalties in the tax system.

Currently Canadian families that choose to provide child care in their own home are penalized by a tax system that does not recognize the value of parent provided child care.

We propose to reduce the marriage penalty by increasing the value of the marriage equivalent amount to \$7,900. Further we propose the introduction of a refundable child care expense credit to replace the existing child care expense deduction. The credit

would be available to all parents, not just those who choose to have their children cared for outside of their own home. It is about ending discrimination.

In the medium term we propose to undertake fundamental tax reform with an objective of moving toward a flatter tax system. However, these changes would require major consultation with Canadians and would be subject to new realities.

Nevertheless we need such long term visions to begin to see what could be done to make economic breakthroughs for the country. We need to introduce a comprehensive debt repayment schedule that would reduce debt by \$19 billion over the next three years and by \$240 billion over the next 20 years.

The Liberals continue to pursue an ad hoc policy of reducing the debt with whatever happens to be left over at the end of year. This policy does not promote international confidence in the government's commitment to debt reduction.

We propose to introduce legislation that sets a fixed percentage of each year's surplus toward debt reduction with periodic deposits made to a national debt retirement fund.

The government should demonstrate restraint in federal spending by instituting a three year spending freeze in most discretionary spending. It would promote value for dollar audits.

These are some of the measures that would provide predictability for private sector business planning and be a massive stimulus to the economy. There is so much more but I have limited my comments to tax reduction, the economic sense of it and also that it is a moral imperative.

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, it is interesting that it is the Reformers who are debating with each other but I certainly like to talk about these things.

What a delight it is to see a party that actually has a plan. In a previous intervention we talked a bit about the necessity of having a plan. The federal Liberal government since 1993 has really not had a plan at all. It had rolling targets which basically said they would hit whatever they shot at. Point the gun anywhere and whatever we hit was what we were shooting at. This is no way to run a country.

One of the witnesses to our finance committee hearings made that as a very special point. It was mentioned to us that it would engender a great deal of economic optimism in our country if the federal government would set some realistic goals, state them and achieve them. That is much more encouraging to the economy than saying we will do the best we can and meanwhile build up a slush fund for an impossible election coming up.

Government Orders

I would like to have the member comment on one of the things he mentioned regarding accountability and spending money properly. One of the problems we have had is that the auditor general has not been willing to sign off on the books of the federal government because of some accounting practices that are not in keeping with those of the Chartered Accountants Institute of Canada and other authoritative accounting methods.

I would like to have the member's comments not only on what things are happening there but why that is wrong and why it is discouraging to Canadian people.

Mr. Paul Forseth: Mr. Speaker, typically governments when managing financial affairs would certainly like to minimize the public input so it increases their own discretionary decision power as to the regional grants they want to pursue.

One of the ways of reporting was to cover up their excessive spending in the accounting procedures, backloading so that money spent now really does not appear on the books until later.

• (2030)

When we have had the situation reversed and now have a bit of a surplus, the government to increase its own options has a tendency to backload things so that programs that are not yet spent are already charged against the books for this year. That is a typical government habit when it does not have a philosophical approach basically to have honesty in reporting and accountability to the community about the finances of the country.

One of the other interesting points that the auditor general has criticized the government for is the operational side of government departments. They still do not have modern accounting practices, what is called full cost accounting. Anyone in the private sector certainly tries to develop a business plan according to those modern standards. Governments are still in an old fashioned way reporting and developing their budgets in perhaps an unwise way that from year to year does not really represent the true costs of a particular activity.

Therefore it is very difficult for the average citizen or even an expert in the field to begin to analyse the question of what kind of value we are getting for the dollar spent. Would it have been better that we just not do that activity, contract some of it out, or develop a partnership with the private sector? It has a lot to do with managing vectors as to the efficacy of particular government activity and whether it is wisely spent.

Someone this month said that if regional giveaways and a government trying to pump up a region were possible and if that philosophy worked, and historically we can look at Atlantic Canada, then Atlantic Canada would perhaps be the wealthiest, richest and most prosperous area on the earth because since

Government Orders

confederation Atlantic Canada has received many subsidies. But that philosophy does not work.

We must have a position of truth in reporting and proper financial accounting practices. Certainly the Reform plan is prepared to do that.

Mr. Ted McWhinney (Vancouver Quadra, Lib.): Mr. Speaker, I will be sharing my time with my colleague, the member for Winnipeg North—St. Paul.

The preceding two speakers have conducted a dialogue which was interesting and amusing in some ways. I do not say that in any derogatory sense, but it seemed to be a philosophical discussion. I heard references to a moral imperative. I heard echoes of Max Weber and Tawney, but it reminded me of earlier views of economics and finance that they followed God given laws, a sort of theocratic conception.

I would suggest that the rules of economics are man made rules, or let us say person made rules in the age of political correctness, and they are developed and confirmed experientially. As William James or Dewey would say, truth is something that happens to an idea. It is confirmed operationally. That is the pragmatic definition of truth.

To get us further into this philosophical discussion I would have thought we were dealing with a paradigm shift, to use the trendy words of current commentators. We are moving from one era of economic thinking to another. Somebody said the end of history; I would have said the end of Keynesian economics.

The great charm of our finance minister is that he has presided over the ending at least for the time being, the death blow, of Keynesian economics, the concept that governments would throw away money, deficit spend and somehow the economy would come into healthy being. This may have been true in the 1930s and 1940s when Keynes was at his height but it is an error to take any thinker out of its particular space time dimension.

To his credit, the Minister of Finance has refused to become a prisoner of the past. It is not the end of history. It is the end in our time era of the concept that governments spend. We have leaner and trimmer governments. It is shown in the fact that when this government came to power in 1993 it inherited a \$42.8 billion annual deficit budget. We set as an objective to achieve budget integrity, a balanced budget by the year 2000. As we all know, the 1998 budget was balanced. What about 1999?

• (2035)

Our Prime Minister is fond of repeating a conversation he had with the prime minister of Norway at one of these economic meetings. He said to the prime minister of Norway, “We are going

to be balancing our budget”, and the prime minister of Norway said, “Good Heavens, I am sorry for you. Your problems will begin. The moment you have a surplus, everybody wants to spend it and you make a lot of enemies who find it difficult to resist”.

I think the key note of our present budgetary policy, what I would call the present conception of economic truth, is that fiscal integrity is the requisite of a sane society. We have gotten down our budget deficits to zero, we have a surplus and we must continue with responsible economics.

The recommendation that my constituents have made and which has been echoed by many of my colleagues is that the surplus in being used responsibly should be earmarked 50% for reducing taxation and amortizing the accumulated national debt, the suggestion is a 50:50 balance, and 50% for creative social programs. Putting money back into taxpayers’ hands is a way of getting taxpayers to invest in the future, to invest in new industries.

In British Columbia I think the dramatic impact on the economy has been the creation of the new industries, space technology, informatics, these areas. They are interesting because they reflect the contribution of science and technology and pure research.

I used the metaphor in earlier discussions in caucus in previous years of the economic miracle in Germany and Japan, the countries whose economies were shattered by defeat. Their industries were bombed out but they invested their first moneys in research on the basis that fundamental research does not yield rewards tomorrow but the day after tomorrow it may. Five or ten years down the road is when we become the leaders in the areas in which we have invested in pure research. The correlation between pure research and practical application in industry is there.

I think this is the explanation of the German and Japanese miracles. It is one of the things we have been able to sell to the finance minister: invest in research because that is where the jobs will come in the future and that is how to keep our best talent.

All of us I think are alarmed by the brain drain. We are losing our best and our brightest to the United States, to Germany and to other countries because taxes are too high. We have not spent enough on research facilities. We do not offer the stimulating research environment which for many people is better than take home pay.

Let us look at the problem of repaying student loans of \$50,000 or \$60,000. For a graduate student in one of the professional disciplines it may take a number of years to repay that in Canada but in the United States that sort of thing is repaid in a year or two with the salaries the graduates are getting.

I mentioned the correlation between fiscal integrity, balancing the budget, reducing taxation and spending money on research. I will utter another connection here, another link which takes us back to the earlier concept of economics as political economy. We

cannot separate economics from government. We have tended to forget it. We do not need a leaner, more modern system of government.

The pre-emptive concern with Quebec, which I do not criticize as a concern because it is all with us, but at the expense of other issues has prevented us from examining the rationalization of parliamentary and governmental processes. Too much antiquity is present in this chamber. One can worship tradition as an end in itself but tradition is simply a way of recording customs useful and productive in the particular time era. The dynamic of a tradition is adjusting it, upgrading it to new, changed social conditions.

• (2040)

Some of the more interesting developments that are occurring now are in a way a repeat of Prime Minister Pearson's co-operative federalism. The new term social union comes from another more dynamic federal system which is very modern.

It sometimes helps to have lost a war. You have to start from scratch. You build a new governmental system. The German federal system is much more modern than ours. The social union is basically an attempt to readjust federal, provincial and municipal relations, new approaches to tax power and its allocation. But here you get the issues. If you followed the European Union principle of *principe de subsidiarité* you would allocate to governments the things they do best.

I think in the new approach to the new post-Keynesian budget we will be concerned with modernizing the system of government, getting the provinces to co-operate. If they do not, though, the commitment is there. The federal government must spend money on research, must invest in our young people. It goes hand in hand with this business of lowering taxes, getting money back into the hands of productive and useful people so they will invest in creating the jobs and the infrastructure necessary to carry our economy safely into the new century.

Mr. Rey D. Pagtakhan (Winnipeg North—St. Paul, Lib.): Mr. Speaker, this is the time of year when what is in the federal budget becomes the focus of attention of most Canadians. They would like to know whether the national government will have addressed their priorities in the budget. They would like to know whether it will make a difference in their lives. It is in this context that tonight I bring to this House the interests and anticipation of my constituents who join other Canadians in their expectation that the 1999 budget, likely to be announced within weeks or days, will reflect their vision of this country as we head into the new millennium.

In the decade that it has been my privileged duty to serve in this House on behalf of the people of the former riding of Winnipeg North and now the riding of Winnipeg North—St. Paul and of

Government Orders

other fellow Canadians across the country, I boldly say the forthcoming budget will be the best of them all. We can set new goals for the kind of society we want. We know we now have an even greater capacity to achieve them. Indeed, we can look forward with confidence and greater optimism as we begin the last year of this decade.

That was not the case at the beginning of this decade. It was certainly not the case in October 1993 when Canadians decided they needed a new government to successfully confront the economic and social crises our nation faced.

There was the massive federal deficit of \$42 billion, escalating national debt, a double digit unemployment rate of 11.4% and economic stagnation in the country. Canada's social programs, including our most valued medicare and Canada pension plan, were on shaky ground.

Our future at that time was not something many would want to imagine. Understandably Canadians were worried, but they were equally determined to change things for the better. They elected a new government, a Liberal government. They supported the tough decisions that had to be made to bring back our future.

It was not an easy task, nor a task without pain. But working together with their new government, the Canadian people were resolved to succeed, and succeed they did. Hence they renewed their trust in this government in 1997. Today the national deficit is history. The public debt has been reduced for the first time since 1970 and low interest rates have been sustained for the longest period in three decades.

Canada's economy has been revived, creating 1.5 million new jobs since 1993. Canada is expected to lead the G-7 nations in economic growth throughout this year. The unemployment rate of 8% is at its lowest point this decade.

• (2045)

By 1997 the government was capable to commit \$12.5 billion as cashflow for the Canada health and social transfer, echoing the key recommendation of the national forum on health.

Not only was the government able to deliver on this commitment, it was able to increase last year's budget for the Medical Research Council to \$271.5 million and to announce new health care initiatives. I shall mention only two, \$150 million for the health transition fund and \$50 million for the Canada health information system.

The government has dedicated \$1.7 billion for the national child tax benefit program, \$2.5 billion for the Canada millennium scholarship fund and \$465 million over the next three years for the youth employment strategy. These are some of the initiatives that

Government Orders

speak of the government's record to date, achieved in just over five years.

For my home province of Manitoba, this record of achievement on the part of the federal government translates to 5.9% unemployment rate and \$5.3 million invested in the province through the Canada jobs fund between 1996 and 1998, and \$2 million more for this year and next.

Eighty-two million dollars have been transferred to Manitoba via the Canada-Manitoba infrastructure works program, \$2 million through technology partnership Canada, \$17 million through the western economic development program and \$24 million more via the Winnipeg development agreement.

Team Canada brought over \$3 million worth of contracts to Manitoba businesses, and the province received \$144.5 million of federal transfers through the Canada-Manitoba labour market agreement.

For social programs, \$260 million will have been transferred to Manitoba via the Canada health and social transfer by the end of the fifth year, starting 1997, not to mention the increasing amount received by the provincial government through tax points and additional amounts received by way of equalization payments.

Through the Medical Research Council's regional partnership program, the University of Manitoba alone as an example received over \$4.6 million in addition to 19 Manitoba projects whose funding will be finalized in the coming months.

Forty million dollars have been transferred directly to Manitoba children and low income families through the national child benefit program.

These are some of the joint federal-provincial partnership programs and new federal initiatives that have directly benefited Manitoba.

The Government of Canada has also allocated \$185 million for financial assistance relief for victims of the Red River flood and another \$15 million for flood prevention in the future.

What I have outlined as the federal government's record reflects our commitment as Canadians for one another's well-being, a true measure of Canadian citizenship.

We come to the help of our neighbours during emergencies, but we do not wait for calamities to show that we really do care for our fellow citizens.

This is precisely what the federal government has championed when it champions the need for a working federation, for the renewal and strengthening of our social union.

It is only when we speak of values such as are reflected in the record of this government that we can truly speak of Canada as a nation.

Canadians can anticipate that budget 1999 will be a budget that will focus on the health of our health care system, the crown jewel of our social programs. The Prime Minister has already made this assurance on record on more than one occasion. Budget 1999 will be more than about medicare only, critical and most valued as it is. The budget is about the entirety of Canada and the many government programs that touch the lives of all Canadians.

Therefore as a prebudget submission I would like to indicate to the House and to the government that my constituents would like the government to continue on its commitment to sustain a balanced budget, and reduce further the national debt and taxes.

This is premised on the belief that sustaining the fiscal house in order ensures the sustainability of our many valued social programs. Indeed this member is confident that the government is resolved to continue delivering the economic conditions necessary to secure and enhance our quality of life.

• (2050)

We have made great progress since 1993 when the government first received its mandate. We have continued on that great progress since 1997 when this mandate was renewed. We need to stay focused on what we can achieve together that matters to all of us and what we have achieved.

Indeed I am privileged to be part of the Liberal team whose government is resolved not to bring back the past now that we have again a secure hold on the future. This we must pledge for the future of our people, for the future of our country.

[*Translation*]

Mr. Odina Desrochers (Lotbinière, BQ): Mr. Speaker, I am very pleased to speak today in the debate concerning the prebudget consultation report, perhaps I should add as part of the new economic statement in December by the Minister of Finance to members of the Liberal Party of Canada on the Standing Committee on Finance.

The extensive cross-country consultations from Vancouver to Halifax, in which the committee heard from economic corporations, associations, unions and individuals who came to denounce government decisions, was no more than a tidy marketing operation conducted by the Minister of Finance's hacks to mask the truth about what was really going on in Quebec and in the rest of Canada. With the help of his Liberal accomplices, he preferred to write his own conclusions in an economic plan that will be part of his next budget, a sort of productivity covenant.

Like my colleague, the member for Saint-Hyacinthe—Bagot, I followed the consultations throughout the country and I never heard anything about this new "martinist" definition, which is very simplistic, another centralizing move by federal Liberals

Government Orders

whose sole goal is to meddle even more in the affairs of Quebec and of other provinces.

In recent months, the Liberal government has stepped up its political action, its partisan politics, acting out of arrogance and lack of compassion.

What are we to think of a government which is prepared to loosen its purse strings for the hockey millionaires, a government which is still refusing to compensate all Hepatitis C victims, a government which no longer respects its own constitution, but interferes increasingly in areas of provincial jurisdiction, a government which obstinately insists on making workers suffer, by maintaining an employment insurance program which now excludes 60% of those in our society who are unemployed?

What are we to think of such a government? It is a government that is totally disconnected from the economic realities of Canada and of Quebec, one that is headed by a Prime Minister more concerned with personal popularity than with governing the country, one who backs up his ministers of finance and human resources development, who thumb their noses at the workers by cutting employment insurance contributions by a mere 15 cents per \$100. There have been no major changes to the employment insurance program, nor do I expect to see the Minister of Finance offering any gifts in that area in his next budget.

In my area, in the Chaudière-Appalaches region, in Lotbinière, we still have to deal with two regional rates which do not reflect the socio-economic profile of the region. Lotbinière, the region I represent, is still subject to two regional rates which create wide differences when newly unemployed workers apply to the Department of Human Resources Development.

Allow me to demonstrate once again how flawed this system is. There are two unemployed people living in two municipalities only a few kilometres apart. Their applications for unemployment are not handled in the same way. One is entitled to 22 weeks, while the other is entitled to only 14.

Despite repeated pressure from the Mouvement des sans-emploi de Lotbinière, and other groups concerned with the rights of the unemployed, the Minister of Human Resources Development continues to tolerate this geographical and technocratic fiddling by a government which uses every means of manipulating public opinion.

• (2055)

Here is another example. Despite the repeated promises of the chair of the Standing Committee on Finance, who was to do everything to stop leaks to the media, we saw what happened last month. A few hours before the report on pre-budget consultations was to be tabled, large extracts of this working document appeared on Radio-Canada's *Téléjournal* at 10 p.m. However, at 9 p.m. on

RFI, Radio-Canada broadcast a report explaining how the Liberal government went about accumulating the employment insurance surpluses.

The message from the press conference, chaired by the member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, the Bloc critic for human resources development, caused the Liberals considerable embarrassment. But, surprise, at 10 p.m., the Bloc Quebecois press conference had been cut from the *Téléjournal* and replaced with an outline of the Minister of Finance's policy.

The federal Liberals became, in the month of December, experts in report leaks and figure and media tampering. The report on the unfortunate state of our hockey millionaires was leaked. The report on the results of the selection for the city to host the 2010 winter Olympics in Canada is another example, and there are many others. The Liberals' conduct in this House flew in the face of democratic principles and made a mockery of the rules on how committees should operate.

The Liberal government, which only holds power because of the majority in Ontario, is definitely becoming increasingly arrogant. We can never say it often enough. This government is arrogant, heartless and a threat to the social security of the most disadvantaged, those who got stuck with the bill for the government's drastic cuts in transfer payments for health, education and social programs.

Once again, the Liberals have taken the prebudget consultations and turned them into a partisan activity to promote their own election platform, instead of an exercise that honestly reflects the comments made at these public hearings.

But we knew this was what the Liberals would do. So, this year, the Bloc Quebecois did something new and travelled throughout Quebec to ask Quebeckers how they thought the Minister of Finance's budget surplus should be used. The leader of the Bloc Quebecois and his colleague, the member for Saint-Hyacinthe—Bagot, conducted a democratic exercise and tabled a report consisting of briefs from 26 members of our party. In this report, Quebeckers' demands focussed on the following: reimburse Quebec and the other provinces for health, education and social programs; substantially reduce individual income taxes, but target these reductions; improve the EI regime. The consensus of Quebeckers mirrored that of the majority of opinions expressed by stakeholders in other Canadian provinces.

What did the Minister of Finance do with these recommendations? He rejected them out of hand. The Liberals, who show no shame in diverting funds from the employment insurance fund, are trying to convince the public that doing so is a democratic and transparent act.

Government Orders

Since last December 2, every dollar contributed to the employment insurance fund goes to pad the Minister of Finance's surplus, and not to provide the unemployed with reasonable benefits. Today, February 2, 1999, the surplus in the employment insurance fund, accumulating at the rate of \$59 million a day, or \$2.5 million an hour, \$48,850 a minute, has already reached the level of \$3,658 million plus several hundred thousands. That is the truth.

In conclusion, the surplus in the federal budget will in actual fact be some \$12 to \$15 billion, regardless of what the Minister of Finance says.

• (2100)

Credible economists, for instance those at Mouvement Desjardins, agree with the Bloc Québécois forecasts.

I speak for the people of Lotbinière and of Quebec in calling for the Liberal government to at last respond to the many social and economic expectations of the people of Quebec. I fear, however, that the Minister of Finance, with his usual arrogance, will once again hit the sick, youth, women, the unemployed, and the middle class with his next budget.

Such is the tragedy of Canadian federalism at the present time.

Mr. Stéphane Bergeron: Mr. Speaker, I rise not to make a comment but to raise a point of order. Had I wanted to comment, I would have expressed my total support for the remarks by my colleague.

I would simply like to point out to you, as you have no doubt noticed, that the members of the Bloc Québécois will divide their presentations. My colleague from Lotbinière will be followed by our colleague from Sherbrooke after the period for questions and comments, no doubt to the great delight of our colleagues.

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, I am pleased to speak to the House today on the report by the Liberal majority on the Standing Committee on Finance. This report was reviewed and corrected by the Minister of Finance himself. It proposes a number of avenues for the upcoming budget.

The use of federal government surpluses has been a current topic for a number of months and will remain so for a number more, but for the first time in 30 years, the federal government has begun to have budget surpluses. This year's surplus will be considerable. It is still reasonable to say it will be somewhere around \$12 billion.

This considerable surplus belongs to taxpayers, and this is why the Bloc Québécois thought it vital to consult as many people as possible and let them give their opinions on the subject, especially since the government's consultation in Quebec was definitely limited.

Thus the process of consultation began with an information session by the leader of the Bloc Québécois and the finance critic,

the member for Saint-Hyacinthe—Bagot. Through August and September, the Bloc Québécois criss-crossed Quebec.

These quality consultations revealed three points of clear and specific consensus: first, the urgency for reinvestment in health care, education and social assistance; second, a reduction in the tax burden of individuals, specifically those in the low and middle income bracket; and, third, an improved employment insurance plan.

During the Bloc Québécois' prebudget consultation, I was in the middle of an election campaign in my riding of Sherbrooke. I therefore conducted the best kind of consultation of all, which is the door-to-door kind, at the same time. I met with ordinary people, and I also saw real tragedies, people with health problems and people living in poverty because taxes were depriving them of the basic necessities.

They were having problems with EI because of lower benefits and because of reduced accessibility as well. They were also dealing with the impact of federal government cuts in welfare. Employment insurance has become surplus insurance for the government and poverty insurance for those who pay premiums.

The federal government has room to manoeuvre, but the situation continues to deteriorate. All the finance ministers before the one we now have faced difficult situations, and several of them, despite their best intentions, had nowhere left to turn and had to make difficult choices that had a negative impact on the public.

• (2105)

Today, in view of the Minister of Finance's lack of compassion, I can only conclude that he is heartless and insensitive to people's needs.

As I said earlier, I sensed those needs, I saw them and was aware of them during the election campaign. To show that people think along the same lines as the Bloc Québécois, on September 14, I was elected as a Bloc member because of what was being said about how the surpluses ought to be used.

The federal government cut \$6.3 billion from transfer payments. It now says we must look to the future. But cuts to education are cuts to the future. And cuts to health are cuts to the future. Cuts to social assistance are also cuts to the future, as are cuts to employment insurance.

In my riding of Sherbrooke, there are three colleges and universities. Need I say what impact cuts to education have had? There is also a university health centre that is facing a \$15 million deficit this year. There are also the 55% of unemployed who are ineligible for employment insurance benefits, which means a shortfall of \$23 million for families each year.

Government Orders

The Minister of Finance feels no remorse when he impoverishes people and regions. He wants to use all the money he grabs from the most disadvantaged to intrude into areas under provincial jurisdiction. We know about the millenium scholarships; we know what is being planned in the area of health.

Let us look at health. The Prime Minister said that the one who collects taxes should be able to tell taxpayers what is being done with their money. Why is he saying that when this is an area under exclusive provincial jurisdiction? Do we know where the money spent by the federal government for the CIO, for federal grants or for renovations on the Hill—estimated at \$423 million but likely to reach \$1.4 billion—is going? Do we know what is happening with the hundreds of millions spent on accounting and computer systems? Is the government saying where this money is really going?

I sit on the Standing Committee on Public Accounts. Since September, I have read horror stories in two reports by the auditor general. If the federal government acted responsibly and cleaned up its management, there could be several billions in savings.

This is why the Bloc Quebecois is asking the federal government to give back to Quebec and the provinces what it has taken from them in transfer payments, to substantially lower taxes for real low income people—not for millionaires and ministers—and to improve employment insurance by increasing benefits and accessibility, because the employment insurance surpluses belong to those who have paid into the system.

I ask the Minister of Finance to show more compassion for the most disadvantaged and to reinvest in our social programs.

[English]

Mr. Ken Epp (Elk Island, Ref.): Madam Speaker, I listened with some interest to the member for Sherbrooke. We know that he is more recently elected than some of us, so he is moving into the scene of looking at what the Liberals are doing with the finances.

I have a question that is really quite different. He made mention of the transfer payments and claims there were transfer payments to which they were entitled that they did not get.

Does the member have any comprehension of how large those transfer payments were and what would happen if they got their way and left the country? I am sure he has heard this question many times, but I think it is one of the larger reasons why they should consider abandoning their plan of taking a big chain saw and floating themselves out into the Atlantic Ocean.

• (2110)

[Translation]

Mr. Serge Cardin: Madam Speaker, I did not grasp the meaning of the whole question, but I did get the gist of it.

There are transfer payments from the federal government to Quebec and to the other provinces, of course. The amounts are quite substantial and have an impact across Canada.

What I was saying just now, of course, addressed all of the provinces, and Quebec, but given the need to find the essential elements to demonstrate the human suffering which can result from such dramatic cuts, I did of course take my riding of Sherbrooke in particular as my reference, and the people of Quebec in general.

Now, Quebec contributes a great deal to the financing of the federal government, totalling about \$32 billion yearly. It is normal for Quebec and the other provinces to get back the transfer payments cut from them by the federal government, so that everywhere across Canada, obviously, they can reinvest in health, social programs and education. That is vital.

Those three elements are what will allow Canada and Quebec to develop in an increasingly happy future for everyone.

[English]

Mr. Ken Epp: Madam Speaker, I will be very explicit. I come from a province which has never received a penny in equalization payments. We have always paid in at the same rate as the Quebec people and maybe even a little higher. Yet they are great recipients of equalization payments. They are net gainers of anything between \$8 billion and \$10 billion a year.

I just wondered if the member would respond to that. Is he willing to say goodbye to that?

[Translation]

Mr. Serge Cardin: Madam Speaker, as far as I know, transfer payments and equalization payments are two different things. There will be a debate, moreover, on equalization payments in the coming days or weeks. Transfer payments are one thing, and equalization payments another. At present, my first concern is the transfer payments. In this regard, as far as I know, all of the provinces have been contributing since September 14.

[English]

Hon. Andy Mitchell (Secretary of State (Parks), Lib.): Madam Speaker, I am pleased to have an opportunity to take part in the prebudget debate. This is the fourth consecutive opportunity I have had since 1993 to participate in this debate and to have an opportunity to talk a bit about what my constituents have been saying through the prebudget consultation as well as about what I believe Canadians in general have been saying.

I begin my comments by congratulating the Standing Committee on Finance—and I see the parliamentary secretary is in the Chamber—for the job it did in travelling from coast to coast to obtain from Canadians their opinions about the upcoming budget.

Government Orders

As I am sure the people in the Chamber know and Canadians in general know, in 1993 the Liberal government under the directions of the finance minister took what was essentially a very closed process, a very non-transparent process in terms of budget consultation, and turned it into a very open process, one that begins with the finance minister's financial statement going through the process of finance committee examination across the country and then the debate we are having this evening. This is a very new process, a very sound process, and one that serves Canadians very well.

Like many of my colleagues in the Chamber, I have taken the process one step further and have had a prebudget consultation within my riding. In fact I held two particular sessions on November 27, 1998. The first took place at the council chamber in Bracebridge and the second took place later that day at the West Parry Sound Museum. I had the opportunity at the beginning of the prebudget consultation to send a survey out to every household in my riding. I wanted to give constituents who were unable to attend the forum the opportunity to provide input. Hundreds of my constituents took the opportunity to provide that input to me. I thank all those individuals and those who were able to come in person to the forums to provide their input and to be part of the prebudget consultations.

• (2115)

Constituents in my riding of Parry Sound—Muskoka established three specific priorities. They indicated a desire to see tax relief and reductions in the upcoming budget. They made note of the fact that there had been some \$7 billion worth of tax relief in the previous budgets over the past three years but they indicated the need to move further in that area. They specifically targeted the need to see those reductions as a priority in the area of income tax reductions. They talked about that reduction happening for lower and middle income taxpayers.

My constituents talked about the second priority of the need to reinvest in health care. When they talked about health care they talked about the need to ensure that when that was done through the process of transfers to the provinces there could be an assurance that those dollars would be used for health care and not for other purposes. They expressed a strong belief in the Canadian health care system, in a system that is publicly funded and universally accessible. They believe this has proven to be a very positive thing for Canadians over the last 30 some years. They want to see this continue and they clearly want reinvestment in health care.

My constituents talked loud and clear in both the consultations and the surveys about the third priority that we must never allow ourselves as a nation to go back to that situation we found ourselves in over the past 30 years. We must never go back to a situation of constantly spending more than we were taking in and constantly running deficits and building up the debt. They said that whatever

policy we undertake in this and future budgets we should not return to that type of scenario. They saw that in the long run as we provided prudent fiscal management that we would be able to pay down the accumulated debt both in real terms and in terms of a percentage of our gross domestic product.

Besides the specific recommendations we also discussed the fact that budget decisions are not made in isolation. They must be based on principles that guide how we govern this nation. I believe we have identified three primary principles which should govern the budget decisions the government is about to make.

As the first principle the federal government has as its responsibility the necessity to exercise sound and prudent fiscal management. It is a responsibility and a principle of government that we establish an economic environment that allows individual Canadians to pursue their own objectives and their own dreams. If we look back at the government over the past five years we will see that prudent management has allowed for Canadians to do that.

We have seen the lowest inflation rate that has existed in this country for generations and low interest rates. These types of economic indicators and achievements allow Canadians through lower mortgages and through protection of fixed incomes the ability to pursue their dreams and their financial objectives. It is government's role as a first principle to establish the economic environment that will allow Canadians to do that.

• (2120)

The second principle under which we must govern and make our budget decisions is we need to protect the Canadian social safety net. Canadians both in my riding and across the country have clearly established as one of our governing principles the need for a strong social safety net in Canada.

We believe in helping those who need help the most and we believe this responsibility should be shared by all Canadians. As Canadians we have collectively agreed that below a certain level we will not allow individual Canadians to fall. That is why we have a medicare system that helps Canadians who are sick. That is why we provide an income security system for those Canadians who have come to retirement age. It is why we provide assistance to ensure that Canadians can find food and shelter when they are in trouble.

When we look at the record of the government, whether it be the establishment of \$1.7 billion into a new child tax credit or our reform of the CPP to ensure it is there for future generations, these are the types of programs helping to ensure a strong social safety net.

The third principle on which our budget decisions need to be made is one of ensuring there is equality of opportunity. Regardless of where we live in Canada, whether we come from urban or rural Canada, whether we are wealthy, whether we are able bodied or

Government Orders

disabled, all Canadians should have an equal opportunity to their citizenship rights that come as being a citizen of this great country.

The people of my riding have established three specific priorities that they would like to see in this budget which are income tax reduction at the lower and middle income level, a reinvestment in health care, and an assurance that we will continue with the strong and prudent fiscal management and that we will not return to an era of deficit financing.

Mr. Jim Hart (Okanagan—Coquihalla, Ref.): Madam Speaker, I listened with interest to the member opposite and was very interested in his comments, particularly that he also has relayed the desire of his constituents to see comprehensive tax reforms through income tax reductions, something we support on this side of the House, and also a reinvestment for health care. Making health care a priority is on the minds of all Canadians.

I ask the member to comment on one other important part of the budget we face this time. I will address this issue later, but I would like the member to give his thoughts on the Canadian forces. The Canadian forces have severe quality of life problems with very low pay. We have been putting them under extra demands by sending them on a number of missions over the last six years. These missions have been on an increase while the resources have been on a steady decline.

Could the member comment on what the government can do to improve the quality of life to give the Canadian forces the equipment they require to carry out their missions and to increase their quality of life?

Hon. Andy Mitchell: Madam Speaker, in terms of government and as an individual member, there is great pride taken in the efforts, energy and the accomplishments of the men and women who serve in our forces.

The member addresses that one of our responsibilities as parliamentarians is to ensure that the men and women of our forces have the necessary equipment and resources to carry out their missions. That is absolutely essential. We have seen the minister of defence act in that respect in terms of trying to ensure we have the necessary search and rescue helicopters to allow the forces to carry out those missions.

• (2125)

We have seen him move in terms of attempting to obtain the submarines that will provide some of the equipment they need to do their mission. There is also the quality of life issues that the member talked about. There has been a parliamentary committee that dealt with that issue and made some strong recommendations in that respect. Obviously in the mix of establishing what our

financial priorities are, dealing with those issues in our armed forces has to be given active consideration.

That is a large part of what the prebudget debate is about. It is an opportunity for parliamentarians and for Canadians across the country to discuss those types of things they see as priorities. It supplements some of the other work that has been done in looking at the quality of life issues through the parliamentary process. I say how proud I am as a citizen and as a member of the House and as a member of the government of the work of the men and women who serve in the forces. There is an absolute need to provide them with the resources they need to carry out their mission.

Mr. Bryon Wilfert (Oak Ridges, Lib.): Madam Speaker, it gives me great pleasure this evening to speak in the prebudget debate. I will reflect my concerns and the concerns of my constituents in Oak Ridges.

Governing means that one has to make choices. Canadians have indicated consistently that they want to see additional dollars for health care. They want to see further tax reductions. They want to see further debt reduction.

The government under the leadership of the Prime Minister and the Minister of Finance has responded effectively to the economic situation in Canada. When the government was elected in 1993 we had a \$42 billion deficit. Through strong fiscal management, leadership and determination we now have balanced books, renewed economic consumer confidence and a strong growth rate. Success in eliminating the deficit has given us the financial ability to deal with other key issues.

Like many Canadians, I am concerned about future of medicare. This government is unequivocally committed to preserving Canada's publicly funded health care system. I support the recommendation of the Standing Committee on Finance that the federal government strengthen its involvement in the health care system by further increasing the cashflow by \$1 billion starting in 1999-2000. If the cashflow is raised by \$1 billion dollars the 1999-2000 total entitlements will increase by 6.3%. As a result when compared to 1998-99 we will have \$27.6 billion compared to \$25.7 billion. Provinces will have received \$4 billion extra by 2002-03. The total CHST entitlement will reach \$29.5 billion in 2002-03. I support additional funding for the proposed Canadian institute of health research. I support doubling research for health in Canada.

However, Canadians want accountability. Transferring millions of dollars to the provinces without some form of accountability and the ability to measure the quality of care needs to be part of the formula. Canadians want to know where those dollars are going. This is something we as a federal government should be committed to.

Canadians want further tax reductions. The government responded in the 1998 budget with a \$7 billion tax cut over three

Government Orders

years to low and middle income families. I support the elimination of the temporary 3% surtax. I also believe it is time to announce a timetable for the elimination of the 5% surtax starting with a 1% decrease this year.

The finance committee recommends and I support the 1998 budget measures that increase the personal and spousal amount by \$500 for low income taxpayers. I think it should be increased a further \$200, bringing to \$700 the amount of additional income that can be earned tax free. I support the view that this \$700 increase of the basic personal spousal amount be available to all.

• (2130)

I have had many calls and letters regarding the 20% foreign property rule. Canadian taxpayers want, and I believe should have, an increase by 2% increments to 30% over a five year period. I think this is the right thing to do. It will allow Canadians to achieve higher returns on their retirement savings and reduce their exposure to risk, which I believe will benefit all Canadians when they decide to retire.

Debt reduction is the third area that Canadians have signalled their support for. I have spoken many times about debt reduction in the House and I believe the government has a firm commitment to debt reduction and has a debt reduction plan in place. The government has made significant strides in debt reduction and this year the debt to GDP ratio was projected to be reduced slightly below 63% from almost 72% in 1995-96.

Leadership and commitment to Canadian values, governing with a social conscience and providing leadership on tough economic issues has been the hallmark of this government, whether the issue is homelessness, infrastructure or health care.

I believe that the government should continue the Canada infrastructure works program that was launched in 1994. We have a \$40 billion deficit in infrastructure. In Canada roads, bridges, sewer and water systems need to be addressed, in spite of the federal-provincial-municipal cost shared program which generated investments exceeding \$8 billion, with federal contributions of \$2.4 billion. It supported over 16,000 infrastructure projects. It created 125,000 short term and 10,000 long term jobs across this country. It is an excellent example of governments and the private sector working hand in hand. That is what Canadians want. That is what Canadians expect and that is what the government delivered.

The program assisted municipal governments in upgrading Canada's physical infrastructure and it promoted rapid job creation to accelerate the economic recovery.

I believe that this program was a good unifying model. It demonstrated a shared purpose and accomplishment among all orders of government. Sixty-three per cent of all projected funds

were for physical infrastructure, at 31% for water and sewer works and 32% for roads and bridges.

The program addressed environmental, economic competitiveness and job creation issues. The Silverman report, the finance department's evaluation and the auditor general's evaluation all indicated that it was a great success.

I believe that we need to develop a five year minimum strategy to national infrastructure and continue to work with our partners to eliminate this infrastructure deficit.

I also urge the Minister of Finance to consider making employer provided transit passes an income tax exempt benefit, similar to what already exists in the United States and western Europe. I believe this would eliminate as many as 300 million kilometres annually of urban automobile traffic within 10 years. It is also expected to reduce by 35% the expected growth in peak period travel in our major urban areas, as indicated both by the Federation of Canadian Municipalities and the Canadian Urban Transit Association. It will also help to achieve our Kyoto commitments.

Another area that I believe should be addressed is providing targeted tax relief for those Canadians who must bear large expenses as a condition of employment. Such is the case of mechanic's tools.

I know that the Minister of Finance must respond to many demands and many needs. This government has a five year mandate. Not everything was done last year. But we are going in the right direction. We are committed to keeping Canada's finances in the black, providing sound fiscal management that all Canadians can be proud of. The pace may not be as fast as some may like in some areas, but the goal is shared by all. The direction is clear and I believe that this budget will certainly address many of those key issues that Canadians have been calling for.

• (2135)

Mr. Jim Hart (Okanagan—Coquihalla, Ref.): Madam Speaker, I appreciated the speech of the Liberal member opposite. I am again very pleased to hear that there is another member in the House who believes very strongly that there should be comprehensive tax reform and that there should be more of an effort put toward health care in this country to revive our health care system. Debt reduction was another area that the member mentioned, as well as the social union. All of these are very important issues facing the government in this budget.

I am not trying to throw the member off his train of thought, but I would like to ask his opinion and get his comments on the Canadian Armed Forces. Over the past six years we have seen a decline in the Canadian Armed Forces. We have also seen an increase in commitments. Right now the forces are faced with a number of issues.

The defence minister has said that he has been trying in cabinet to get \$700 million to meet the quality of life issues that are facing members of the Canadian Armed Forces. As I see it, the problem is that the \$700 million, if he is successful in getting it, does not even meet the requirement of the \$750 million shortfall which the Department of National Defence already has in its budget. Really the \$700 million, if he gets it, is a moot point.

I have an idea. That is what debates are about, sharing ideas. I would like to get the hon. member's opinion on this idea. To meet the quality of life issues facing the Canadian Armed Forces there should be a Canadian Armed Forces service exemption. This exemption would be a graduated exemption, but it would give members of the Canadian Armed Forces an additional \$5,000 deduction from their income tax. They would pay tax on \$5,000 less per year, depending on their rank. The most benefit would go to the junior ranks of the Canadian Armed Forces, the privates, the corporals, the lieutenants and the captains.

If this was accomplished we would protect the integrity of the defence budget so we could continue with the much needed purchases of helicopters, armoured personnel vehicles, helmets, boots, clothing items and other equipment. We would also be able to deal with giving the Canadian Armed Forces personnel more expendable income through this creative and innovative way of dealing with the problem.

I was wondering if the member could comment on that. I know it is just a brief thumbnail sketch, but could the member consider supporting something like that?

Mr. Bryon Wilfert: Madam Speaker, I thank my colleague across the aisle for his comments and his question.

With regard to my hon. colleague's question with respect to the armed forces, I am intrigued by his suggestion. Yes, it was a thumbnail sketch. Yes, I would be interested in further elaboration on anything we can do to assist the Canadian Armed Forces, given the fact that some of the residential conditions that our armed forces live in are not acceptable.

The minister of defence has clearly indicated, both in caucus and I assume at the cabinet table, that we have to address this very important issue with regard to the living conditions of our armed forces.

We are asking our armed forces to do more. I do not believe that in this case we can do more with less. We have to provide the physical tools to do the job.

I believe that my hon. colleague's suggestion is worth further discussion. I would be interested in talking with him.

We need to look at innovative ways to make sure that if we are asking Canadian forces personnel to serve in dangerous fields

abroad they will know that at home their families have proper shelter and that they have the quality of life we would expect for our own families. Therefore I welcome the member's suggestion.

• (2140)

Mr. Eric Lowther (Calgary Centre, Ref.): Madam Speaker, I appreciate the opportunity to speak in the prebudget debate. There are a few points that I would like to bring to the attention of the House.

I would like to begin by saying that there are a number of voices across Canada that are calling for fair family taxation and these voices continue to increase every year. Meanwhile, we see a finance minister who has continued to ignore the voices of these families. In fact the changes he has proposed have actually made the situation worse.

Reformers have called for fairer tax treatment for families right from the beginning. I want to add to our voice the voices of many current think tanks and study groups that have reported on the impact of the current government's taxation policies on the family.

Let us consider what two recent independent studies discovered.

A recent 1998 Compas poll commissioned by Southam News and the National Foundation for Family Research and Education found that 90% of respondents felt that taxes being too high for parents with children is a more serious stress now than a generation ago; 82% of Canadians felt it should be a priority for the government to change the tax law to make it easier for parents with young children to afford to have one parent at home; and 78% felt that not enough respect for the efforts parents put into raising children is now more serious than a decade ago. Those are high percentages.

Even the December report from the Canadian Council on Social Development, which was titled *The Progress of Canada's Children: 1998 Highlights* called for reform of the tax system to make it more equitable for low and moderate family income earners.

There is another unique group of voices that is coming together to raise the volume on the call to fairness and family taxation. This new group, The Family Tax Coalition, is made up of 10 national family organizations, academics and financial experts.

Let me read their recommendations. These are national groups with tens of thousands of members right across Canada. This is their very simple set of recommendations that they have lobbied for independently for years, but have now come together as the family tax coalition. They state:

Tax concessions for the care of dependent children should be distributed equitably to all Canadian families. . . . Given this discrimination, most dual-income families with dependent children share common ground with single-income families. Tax fairness for all families must include these measures:

Government Orders

1. Base taxation on family income, through either income splitting or joint filing;
2. Convert the child care expense deduction into a refundable child tax credit for all children;
3. Make the spousal exemption equal to the existing personal exemption;
4. Give homemakers access to an independent RRSP.

Those were their four recommendations.

I would like to speak about the first one. One of their key recommendations for fair family taxation is the conversion of the child care expense deduction that we currently have into a refundable, and I emphasize the word refundable, child tax credit for all children.

Let me explain the refundable child tax credit option that Reform has long endorsed and championed. What this means is that when income tax is calculated there is a certain amount of tax payable. The refundable tax credit would be subtracted directly from the tax payable so that the hard dollars taken out of pockets would be decreased. This would be a direct advantage in hard dollars to every person who is paying tax.

What about the person who is not paying tax or has no taxable income? Because it is a refundable tax credit—and this is an important concept for people to grasp—it would be paid to the family that did not have any taxable income. In that way, it is equitable to all families. All families are given the credit. In certain cases where there is no tax payable, they would receive the refund.

• (2145)

Then the parents can determine what is the best option for the rearing of their children, whether it be institutionalized daycare or a grandparent or one parent staying at home. It recognizes that parents are the best ones to make the decision for their children rather than being biased in one direction or another by discriminatory tax policies.

All the voices of this coalition are consistent with that of Reform. The Reform Party has called for the current child care expense deduction program which rewards only third party child care to be replaced with the child care expense credit I have spoken about. It would provide a consistent benefit to all parents regardless of the type of child care chosen.

The key here is to let the parents decide. Leave the money with the taxpayer and let the parents decide. Reform has called for this for many years. Why? Because it is fair and it is what families want. The volume is getting louder.

Based on last year, the finance minister is determined not to listen. What did he do in the last budget? He increased the tax deduction incentive for receipted third party daycare. Again, he told those who care for their own children in their own home or with the help of an extended family member that there is no value in that. This is very troubling at a time when people are becoming

increasingly aware of how valuable family health is and the parental attachment to society's health.

The family tax coalition also called for the spousal exemption to be equal to the personal exemption. Today it is not. The spousal exemption is substantially lower. The current tax treatment sends a message that a stay at home spouse is less than a whole person.

This is why Reform has long called for equalization of the spousal exemption to the same level as the personal exemption. Year after year the call has fallen on the seemingly deaf ears of the finance minister. Will he continue to treat single income earner families unfairly and knowingly endorse a system that has the single income family paying almost a third more in income tax?

Unfortunately, it seems to me that this government is more inclined to fund child advocates who, after receiving funding for their programs, seldom seem to recognize that children live within families and that helping families through tax relief and equitable tax treatment helps the children.

In a recent Compas poll 92% of the respondents said that families with children today are under more stress than families of 50 years ago and 89% felt that divorce and family breakdown is now more serious.

Stress on families is high. Often financial stress is a key factor in family breakdown. What is the biggest budget item for the Canadian family? You guessed it, Madam Speaker. Taxation is the biggest item in the family budget. According to Statistics Canada, personal taxes make up the largest share of the household budget. It is greater than shelter. It is greater than transportation. It is far greater than food.

The C.D. Howe Institute report "Giving Mom and Dad a Break: Returning fairness to families in Canada's tax and transfer system" of November 1988 points out another way the finance minister ensures that he gets the most from families who pay the least.

Allow me to quote from the institute's report. "The take portion of Canada's tax system, the revenue raising part, assesses tax on an individual basis, while the give portion, the many spending programs associated with the income tax, calculates benefits on a family basis. Is this inconsistency defensible?"

The point here is that this government and the finance minister are determined to maximize taxes from families and minimize benefits.

I will wrap up with a few final comments.

• (2150)

The tax policy sends a message about what the government thinks is important. It is long overdue for the tax policy of this government to serve to strengthen families rather than to undermine them. In order to achieve fairer family taxation within

Government Orders

Canada's tax system, the government must make these changes in the next budget.

Mr. Ken Epp (Elk Island, Ref.): Madam Speaker, I really appreciate this speech and the approach that this particular party is taking, the party to which the member belongs. It is very refreshing to have a party that says let us do something that is financially sustainable and that is financially advantageous to those families who choose to care for their own children. That is just delightful. I have talked to a number of people who feel that this is the direction in which we should travel.

I would like the member to respond to one of the criticisms which we sometimes get on this, which is that we are trying to use a tax measure in order to direct and social engineer things the way we want them instead of letting the Liberal government social engineer the way it wants. I would like him to respond to that. I do not think it is an easy question but it is one which we often hear.

Mr. Eric Lowther: Madam Speaker, I would be glad to respond to that question. Probably one of the best ways to respond to that question is to refer to a recent report by the *Fraser Forum* which states that this study reveals that fully 48% of the yearly income of the average Canadian family is consumed by taxes visible and hidden. Canada's various levels of government claim to spend their tax revenues for the good of Canadian families but ultimately that revenue comes from families.

I would suggest to the member, in response to his question, that it is not social engineering. Families know their own needs much better than the government does and their administrative costs are much smaller. We would be far wiser to leave the money in their hands.

Mr. Jim Hart (Okanagan—Coquihalla, Ref.): Madam Speaker, I rise on behalf of the people of Okanagan—Coquihalla to participate in this prebudget debate. Many of my colleagues have touched on the important issues of health care funding and taxation which face the Canadian public.

Of course we have spent a considerable amount of time on this side of the House explaining the Reform Party's proposals to the government which include comprehensive tax reform, making health care a priority for Canadians and for the government, by reinvesting the dollars it has taken away over the years, and debt reduction.

The area which I have chosen to speak on tonight is the fourth one the Reform Party has put forward, which is reinvesting dollars in the Department of National Defence. I would like to focus my comments on the Liberal government's reduction of the Canadian armed forces over the past five-plus years.

The Canadian armed forces have gone through decades of decline and are now at a crossroads. The Canadian government can

choose one of two paths for our once proud forces. The first of course would be to continue the budget cuts and personnel reductions leaving Canada's armed forces with little more than a constabulary force. The second path would be to take a road that has yet been travelled by Canadian governments by giving the Canadian armed forces the resources and funding they require to meet the challenges of a modern armed forces in the 21st century.

Before we get too far on this I would like to cover some of the history since the 1993 election of the Liberal government when it comes to defence policy. In 1994 shortly after its election the government set up the Special Joint Committee on Canada's Defence Policy, the first comprehensive parliamentary review of Canada's defence policy.

The special joint committee, which I was a member of, was an all-party committee. Members from every party in this House took part as well as the Senate. We were tasked with answering the following question: What principles, purposes and objectives should guide our government in setting Canada's defence policy in a rapidly changing world?

• (2155)

At that time defence spending was at \$11.6 billion and it supported 73,200 regular force personnel. The government was facing a further \$7 billion in spending reductions in the 1994 budget. In light of that the special joint committee made a number of important recommendations to the government.

First, the special joint committee recommended that the Canadian armed forces should not be reduced below 66,700 personnel and that they must maintain a core budget of at least \$10.5 billion in 1994-95 dollars. That was inclusive to fiscal year 1998-99.

Second, the committee stated unequivocally that any cuts below the recommended minimum would mean less equipment or less capable equipment, delays in purchasing of necessary equipment, and this one is very important, the inability to fulfil policy objectives of the federal government including the defence of Canada, less training for personnel and too few personnel.

The Liberal government's response to the special joint committee was the Minister of National Defence's 1994 white paper on defence. Within the white paper the government admitted that Canada's defence policy commitments and national interests could only be fulfilled through the maintenance of multipurpose combat capable forces that are able to fight alongside the best and against the best. While making this admission, the government failed and continues to fail to give the Canadian armed forces the necessary number of personnel and material resources to fulfil the white paper commitments.

The government reduced the size of the regular force to 60,000 personnel. That is 6,700 less than the 66,700 recommended as a

Government Orders

bare minimum by the special joint committee. The defence budget was also reduced from \$10.5 billion to \$9 billion, a serious reduction in purchasing power for badly needed new equipment. One might ask what is the result.

This year chief of defence staff General Baril said: "We possess a limited capability for deploying our forces often on short notice to meet international crises. The limitations are in the areas of troop movement and lift capability, intelligence gathering and the ability to effectively lead or co-ordinate multinational operations".

I would like to stress that. Canadians really have to hear that and let it sink in because the chief of defence staff, the top general in the Canadian armed forces is saying that our armed forces have limitations in troop movement, getting them to an area where they are needed and also getting them back from an area where they were needed. Our armed forces have limitations when it comes to intelligence gathering which is a very important aspect for military operations. The chief also says that we have limitations in the ability to effectively lead or co-ordinate multinational operations.

That is very serious stuff facing the Canadian armed forces. And it is not because our troops are not well qualified. They are. It is because the resources of the Government of Canada have not been put into this very important area. All of this is at a time when our Prime Minister boldly committed what little armed forces we have left to military combat in Kosovo just the other day.

As obsolete equipment is not replaced, the problem of rust out of equipment occurs. In April 1998 the Auditor General of Canada reported to the House on the state of the Canadian armed forces equipment. He expressed grave concern that the deterioration of equipment was preventing the Canadian armed forces from fulfilling Canada's defence policy, the same defence policy that was written just a few years ago in 1994 by the Liberal government.

• (2200)

In terms of the army the auditor general pointed out that operationally it had not kept pace with technology to modernize its equipment, leaving it vulnerable to threats of low level and mid level operations. Its infantry and armour could be detected, engaged and defeated long before it was known that the enemy was even present. The auditor general unequivocally stated that the money for capital funding would decrease even further due to the high maintenance and operating costs of servicing aging equipment.

Here is the question. What should the Liberal government do to reverse the decline in the Canadian Armed Forces? I have some suggestions and some advice for the government this evening. First and foremost it must tackle the serious quality of life issues plaguing the forces and its personnel.

Since the Department of National Defence is facing a \$750 million shortfall this year, the defence minister's much publicized attempts to acquire \$700 million in funding is a moot point. What we need are creative solutions.

I propose that the Government of Canada create a Canadian Armed Forces service exemption of \$5,000. The service exemption would be a graduated income tax exemption with the greatest benefit in favour of the lower ranks, the lowest paid members of the Canadian Armed Forces. The service exemption would increase spendable income for our troops. It would give them more money in their pockets without cutting into the defence budget and would protect capital projects and personnel levels in the Canadian Armed Forces.

Then the Liberal government must inject at least another \$1 billion into defence spending so it approaches the \$10.5 billion recommended by the special joint committee. This additional funding should be used to purchase badly needed equipment including ship borne helicopters. In the long term DND should be provided with stable funding so that defence planners can plan an attainable force structure.

Our forces play a meaningful role in world affairs. They must have air and sea lift capabilities and be prepared to acquire integrated battlefield technologies demanded by the high tech revolution in military affairs. If the government continues to cut defence spending or refuses to allocate more resources to defence in the future, it must revise its defence policy so it is consistent with the reduced capabilities of the Canadian Armed Forces.

Committing our forces to sovereignty protection, collective defence within NATO and international peacekeeping-peace enforcing without adequate resources is not only bad policy but is unfair to the proud men and women serving our country in Her Majesty's Canadian Armed Forces.

Mr. Eric Lowther (Calgary Centre, Ref.): Madam Speaker, I appreciated the comments of my hon. colleague. I am not an expert in this area but I have high regard for our military and the great men and women who serve our country so admirably. It is a point of pride for all Canadians but particularly Canadian men and women on the frontlines in the armed forces.

The hon. member did not touch on one area. I wonder if he would be willing to comment on it. We often see our military called into service and action on the national scene in natural disasters such as the recent snowstorm in Toronto. There is even reference now to the Y2K issues and leaves being cancelled. Everybody appreciates their efforts and there are all kinds of accolades when it is over for the photo ops.

I am concerned about what the member revealed today on the treatment of these honoured individuals when it comes to pay, compensation and respect for the service they give and what will

happen if we jeopardize the service these people provide to Canadians at home when we are facing natural disasters. I wonder if he could comment on that.

Mr. Jim Hart: Madam Speaker, I thank the member for his question. The defence budget is allocated for training personnel to make them effective. We had them in my area of the Okanagan fighting forest fires. We have seen them in action during the floods. Even the mayor of Toronto called on the Canadian Armed Forces for snow shovel activities this winter. Our Canadian Armed Forces should be in the public eye. They should be able to respond to disaster situations at home.

• (2205)

I encourage the member to continue to talk about that very important subject. We do not see enough of our Canadian Armed Forces personnel from coast to coast to coast because of base closures, militia reductions across the country and reservists who are no longer there. The latest numbers show that we probably have more young people in Canada's cadet activity with some 70,000 than we have regular force members serving the important needs of Canadians. That is a disaster and I would like to reverse that trend.

I strongly urge the government to look at increasing the budget and at creative solutions like the Canadian Armed Forces service exemption so Canadians can be proud of members of the air force, the navy and the army at home and abroad.

I urge all members of the House to urge the government, as I will be doing and have done over the past five years, to look at that issue very seriously. Once the military is gone we will not be able to replace it. It is something we have now that we can be proud of. It is an institution like the RCMP which encourages national unity. We are proud of the work our men and women do. I want to make sure we do not take a step back too far and lose what we once had as a proud tradition of the country.

Mr. Ken Epp (Elk Island, Ref.): Madam Speaker, since the Liberal members are not getting into the debate I find it is my prerogative to ask questions on their behalf.

This is a question I think one of the government members would probably ask the member. If he is so eager to increase the basic exemption for members of the armed forces, because presumably their salaries are so low that they cannot make ends meet, why not extend it to everybody as the Reform Party is proposing?

Mr. Jim Hart: Madam Speaker, I believe all Canadians across the board should receive a tax break on their income tax. I will focus in on it for a minute because it is very important.

Government Orders

People within the Canadian Armed Forces have unique careers. Eleven people died in Bosnia and helicopters have gone down. It seems like a couple of times a year we hear about deaths in the Canadian Armed Forces. That is very sad indeed. It is the only type of career I can think of where people actually sign a contract and say that they are willing to lay down their lives for their country.

A service exemption would recognize the fact that people are expected to lay down their lives if required. Although Canadians should all enjoy an exemption, special recognition should be given to the proud men and women serving our country.

Mr. John Williams (St. Albert, Ref.): Madam Speaker, I am also glad to participate in the prebudget debate. The Minister of Finance will be bringing down a budget in a few short weeks. We will find out what the news is and this time we expect it will be a fair amount of good news. We can somewhat predict what the minister will say.

We anticipate a surplus for the year ending March 31, 1999. For the first time in many years we will see the cumulative debt Canadians have hanging around their necks, courtesy of the Liberal and Tory governments over the past 30 years, being reduced albeit by a small amount.

We can anticipate some new and long overdue investment into health care, something the Reform Party has called for on many occasions. We can also anticipate some tax cuts by the Minister of Finance when he introduces the budget in a couple of weeks.

• (2210)

These three things all sound great, but let us look at the history of how we got here. We will enjoy the rhetoric of the Minister of Finance on budget day and the great plaudits and accolades he will receive for these great announcements.

The debt currently stands at \$580 billion that we have accumulated over the last 30-odd years. It may come down by \$10 billion or \$15 billion for the year ending March 31, 1999, a small amount. While the debt is coming down, and fortunately interest rates are now low, one-third of the taxes we as Canadians pay the federal government go to pay the interest on the debt. In many ways that is why we feel we are overtaxed. For every dollar we pay the federal government, we are only getting 67 cents back in services. We are being short-changed. We feel we are being ripped off because we are not getting value for our money.

How many people go into a store, for example, and voluntarily pay \$10 for something that is only worth \$6.67? They would say "That is too expensive. I do not want that. It is a rip-off". So it is with federal taxation. For every \$10 that we pay in taxes we only get \$6.67 back. That is why we feel overtaxed and ripped off.

Government Orders

I know we have accumulated this debt, but it was accumulated through mismanagement and promises that governments were prepared to deliver services to Canadians without raising taxes at the appropriate time. I remember the famous words of former Prime Minister Trudeau who said "Don't worry about the debt. We owe it to ourselves". We owe \$580 billion and the interest cost is \$40 billion or more a year. That is just to pay the interest. That is over \$1,000 per year in federal taxes for every man, woman and child to pay the interest on the debt. That is why we feel we are not getting value for our money.

Let us bear that in mind when the Minister of Finance stands to take great credit for paying down the debt that started back in a previous Liberal administration when the prime minister said "Don't worry. We owe it to ourselves".

The minister will take great pride in the fact that he will start putting some new investment into health care. We say it is long overdue. Not only is it long overdue. Let us remember that this government consistently cut its commitment to health care in the years since it was elected in 1993. It has hung on to the five principles it keeps ranting and raving about including public administration of health care but at the same time has refused to put in the investment required to sustain the health care Canadians want and Canadians demand.

When health care was first introduced the federal government said it would pay 50% of health care costs. This was laudable. Everybody thought the government would live up to its commitment. Then we found that the 50% became 40% and the 40% became 30% and the 30% became 20%. Some 20% of health care costs are now being paid by the federal government.

Now that the tide is likely to turn the Minister of Finance will make a new contribution to health care. Then everybody will sing his praise about what a wonderful job he is doing. Surely let us recognize that he is only undoing the damage he has done over the last number of years by cutting health care.

Waiting lines are getting longer. Research is underfunded. The list goes on and on. Let us also remember that when the Minister of Health says more money for health care it is not more money. He is putting back a small fraction of what he took out in the past.

Then of course we will see tax cuts too. Tax cuts are laudable. Everybody thinks tax cuts are great. I would just ask the Minister of Finance to think about the relationship of the debt to the GDP. It is much like a mortgage to a person's income. If the mortgage comes down and the payments come down accordingly, one feels a bit better off. If one's salary and income go up and the mortgage stays the same, one also feel a bit better off. As far as the federal government is concerned the mortgage is our total federal accumulated debt and our income is the gross domestic product of the

nation. If we can raise the gross domestic product of the nation and keep the debt the same, we will feel a bit better off.

• (2215)

I would ask the minister of finance to think about that when he is talking about tax cuts. The tax cuts focus on improving the productivity of this nation. The productivity of our workers is falling behind the rest of the OECD countries. If we can raise the productivity of our nation we as individuals will then feel more affluent and better off and our standard of living will improve.

Therefore I would hope the minister of finance when he is thinking tax cuts focuses on productivity growth. While that gives tax relief to Canadians it also gives us more affluence and the opportunity to earn a higher income. Surely that is what we want as Canadians.

We also want to think about job creation. While the government talks about the great achievement of bringing unemployment down to 8%, we think of our neighbours to the south where it is 5%. Surely if we are talking tax cuts we should be talking job creation. Job creation is not just a simple number of 11%, 8% or 5%. We are talking about people's lives. We are talking about people's futures. We are talking about their hopes, their dreams, their aspirations to buy a house and pay the mortgage, their aspirations to start a family and to take their place in society. We are talking about our young people who find they have Mcjobs rather than real jobs and give them the opportunity for a real career for prosperity and for something that they can look forward to and say "it is great to be a Canadian because I have a future". Many young people today do not have that.

I would hope the minister of finance would think about that when he is talking about tax cuts. The tax hikes that we have had over the last number of years have strangled that opportunity for our young people. They have destroyed their opportunity.

When I advertised for people to work for me in my parliamentary offices I was shocked to find that many people with one and two university degrees who have been in the workforce for a number of years have restaurant jobs, low paying jobs, not career jobs because they cannot get a start. When they cannot get a start they suffer, their families suffer, Canada suffers, our economy suffers, our tax revenues suffer and the whole cycle gets into a negative spin.

Surely the minister of finance knows that tax hikes over the past years have killed the future for many people and I would hope he would start to undo that in some small way.

The debt has to remain the same and if we can grow the GDP by giving opportunity and hope for our young people in real jobs, then we will feel more in control and the ratio of the debt to our income will start to drop and things will start to improve.

Government Orders

These are the types of things that we are going to see in the speech, but it is not just all good news. As I pointed out, the mess we are in has to be undone slowly.

There is one other thing that we will not find in the budget. It is unfortunate that we will not find it in the budget, but it is also the waste and the mismanagement of government that soaks millions of dollars out of taxpayer pockets for zero return.

Recently in the public accounts committee which I chair we dealt with social insurance numbers. Social insurance numbers are a small thing. Everybody has one. The vast majority use it to file their tax return and give it to their bank so they can report their T-5. But the auditor general pointed out that millions of dollars of fraudulent activity is being done through the use of the social insurance numbers because no one has bothered to update the security of social insurances for 35 years.

The auditor general pointed out that one person who had 72 social insurance numbers was collecting child tax credits by the hundred, all because the government did not think that social insurance numbers are no longer a way to identify who you are when you pay taxes but now a methodology of identifying who you are so you can collect all kinds of benefits from the government. It is a ripoff in the millions of dollars, waste, mismanagement and unaccountability.

• (2220)

We heard a speaker talk about the military and how underfunded it is. We had the chief of defence staff before our committee again because the auditor general pointed out that the military was buying helicopters that did not meet the simple specifications of what it wanted. They had to lift a certain amount of weight such as artillery and move it to the front in the case of a battle and they were not capable of lifting what they were designed to lift. They could not get off the ground, yet we were spending millions of dollars buying helicopters that could not do the job they would be required to do. Bad decision making by the bureaucrats and by the government is no excuse for wasting taxpayer money.

National defence is involved in technology in a big way. The assistant auditor general said a couple of years ago that it was not at the leading edge of technology but at the bleeding edge of technology. We were paying hundreds of millions of dollars to fill up this highly sophisticated equipment. Now we find that the military is at the bottom of the heap when it comes to Y2K preparedness. No doubt we have been spending all this money developing all these systems and forgetting the Y2K computer problem and the year 2000 is approaching, so let us make sure that it is Y2K compliant. These types of things are inexcusable.

With regard to Indian and northern affairs, a consultant said it would take \$26,000 to fix the problem that a reserve had with its

water supply. This is not a large amount of money as far as the government coffers are concerned but we have now spent \$2.3 million, not \$26,000, and we still have not provided a new water supply rather than fixing the old one which is perfectly capable of being fixed. For \$2.3 million we still do not have enough water and we do not have the quality of what it was when we started to fix the problem. It may cost a few more million rather than getting the consultant to fix it for \$26,000.

I shake my head at that kind of waste, mismanagement and unaccountability. Unfortunately we will not hear that in the budget speech. We will not hear the minister talk about it, yet the public accounts committee finds that waste, mismanagement and unaccountability are endemic through the government. Millions or perhaps billions could be saved. Taxpayers could be better off if we had good management in the federal government. The answer lies there and I would hope the Minister of Finance would take these issues seriously and deliver not just lower taxes but good government to Canadians because they deserve no less.

Mr. Ken Epp (Elk Island, Ref.): Madam Speaker, it is a pleasure to share the floor with my hon. colleague from St. Albert.

He has done a great job in highlighting government waste. Instead of asking him a question I will simply congratulate him for his very hard work and dedicated efforts toward the task. I am sure there are over 1 million people watching this on CPAC. We really appreciate CPAC and the work it does in helping communicate important things from the House of Commons to the people of the country. I would encourage everyone to go to the website of the hon. member for St. Albert. They can enter www.reform.ca and then click on "Go to Members", find that member and go to the home page. The member has an excellent home page on his website highlighting all the different ways in which we as elected officials have the responsibility to keep accountability on behalf the taxpayers.

• (2225)

I often think of this when I have to spend money in my office budget as a member of parliament. I never want to lose sight of this thought in my head when I am authorizing an expenditure. That is, this represents a taxpayer's hard work and the taxes they have to pay for say, a whole week or whatever it is, however much money I am spending.

I wish we could develop that kind of thinking in all the people who work on behalf of the taxpayers, not only elected officials but all the civil servants.

Certainly our friend, our colleague from St. Albert, is making such a tremendous contribution in this regard. I simply want to commend him. I probably embarrassed him by saying this.

Government Orders

Mr. John Williams: I would just like to acknowledge the compliment, Madam Speaker, from my colleague and good friend from Elk Island for his very kind words indeed.

I think he speaks on behalf of all Reform Party members, indeed all the opposition members. Our role as opposition is to hold the government accountable.

Sometimes a partisan debate gets a little heated at times but our constitutional role is to hold the government accountable. We on this side have a responsibility to ensure that the people on that side are governing this nation to the best of their ability. I hope I also in a small way have made a contribution to this great country of ours.

Mr. Tony Valeri (Parliamentary Secretary to Minister of Finance, Lib.): Mr. Speaker, I begin by thanking the members who contributed to this debate. It is certainly a great opportunity for members to reflect what constituents are thinking in their ridings. Collectively it really reflects what Canadian priorities are in varying degrees.

I want to spend a few moments and point out what I consider to be the obvious. Canadians who are watching this program might not realize that the budget process itself under the Minister of Finance has been very open and transparent. It is really an exercise that some years ago was conducted behind closed doors with a lot of secrecy.

Now we have a process where we are engaging Canadians in the debate. Members of parliament are going back to their ridings and holding town halls on what should be the budget priorities for the government.

It is by encouraging and engaging members and Canadians that the whole budget process has certainly become a much more effective one.

Tonight's debate reflects many different views. Some members in this House talked about what their constituents have been saying to them. Some of them said that the government now needs to invest in program spending substantially.

Other members have said freeze program spending at its current level. Other members have said to cut taxes substantially right across the board. Others have suggested that any tax cuts remain something that is targeted, more moderate, focusing on lower and middle income Canadians.

Others have said to cut EI premiums more substantially and members again have said we need to reinvest more money into the employment insurance program. Others have said to pay down debt substantially and other members have said we need to pay down debt but we need to be quite cautious and we should not be too aggressive. There are other priorities.

Economists from right across this country have provided forecasts and some insight into where the Canadian economy is going. They have rarely developed any sort of consensus. There is as much disagreement among the economists themselves, again depending on the model they use.

I think it is important to note that this debate is possible because as a country we finally managed to turn the corner. We have turned the corner from an era of deficits to an era of surpluses. We have turned the corner from a time when we were continually increasing the debt to a time where we are now decreasing the debt; a time where program spending was being cut to a time where we are now talking about reinvestment in Canadian priorities, reinvestment in health care and reinvestment in education.

• (2230)

The last number of speakers talked about reinvestment in the military and the importance of supporting our Canadian armed forces. There is agreement that there is a need to look at the quality of life that members of the Canadian armed forces are experiencing.

The focus is now on how we allocate this fiscal dividend. What do we do with the money that we have? Estimates have varied. I would like to make a few points about the actual amount. Economists have come forward and I have heard over the last couple of days figures ranging from a \$6 billion, \$7 billion to a \$15 billion to \$20 billion surplus per year.

It is important that I comment on the accusation that the \$9.7 billion surplus recorded in the first eight months of 1998-99 points to a very large surplus at year end. That is not exactly true.

The surplus is expected to increase in December. That is when revenues are typically strong. But a simple extrapolation of the remaining months of the fiscal year would be highly misleading. We know that monthly deficits are expected in the final quarter of this fiscal year. Why? Because we know that the recently announced reductions in the employment insurance premium are effective January 1. That will have an impact on the final surplus number.

Revenues are typically depressed in January due to the payment of GST low income credits and refunds. We know that corporate income tax returns are expected to be down significantly in the February-March settlement period. Exchange funds earnings which are reported in March will also be significantly lower. Personal income tax refunds pertaining to the processing of the 1998 tax returns will further depress revenues in March 1999.

The income tax relief measures that were announced in the 1998 budget will take effect. These measures will cut personal income taxes as well, so we have a reduction in government revenues again.

Government Orders

These factors will all serve to bring the underlying surplus for 1998-99 below that recorded in 1997-98. It is important that Canadians realize and understand this and that members of parliament also understand that we cannot simply extrapolate a surplus of one month and take it throughout the entire year. Like businesses, we do have a cash flow and we have a cycle throughout the year so that revenues go up and revenues go down. In the end we will have to wait for that final number. There are additional pressures in this final quarter that will impact on the final number. While the surplus may be less than that recorded in 1997-98, this government will continue to build on past successes.

I have heard from members of the Reform Party, members of the Bloc, members of the NDP and from members of the Conservative Party that we need to focus on Canadian priorities. The Standing Committee on Finance toured the country asking Canadians what they would like to see in the upcoming budget. I believe the government will reflect what those Canadian priorities are because we know that budgets are much more than balancing numbers. Budgets are about people.

We will continue to reflect those Canadian priorities. We will continue to maintain a balanced approach. We will continue to follow through on the plan that we have adopted since coming to office. I know that the members of the NDP throughout the debate this evening commented on the fact that there is no plan that this government is following.

I want to reiterate that since coming to office there has been a plan, there continues to be a plan and what we are seeing is the successes of that plan. We now have a balanced budget. We are going into a surplus. We are reinvesting in Canadian priorities. We are providing tax relief. We are paying down the debt.

• (2235)

We are certainly doing that prudently. We are ensuring that we do not jeopardize the successes Canadians have experienced. We want to do more. We would certainly like to do everything we can, but we do not want to jeopardize this and neither do Canadians want to jeopardize our success and be too extravagant. We have lived for some 30-odd years with continued deficits and continued increase in debt.

We are committed. We have faced many challenges before. We have had to make tough choices. Government is about making choices. I think that the budget will certainly reflect choices that Canadians can agree with and certainly support.

I reiterate that this particular exercise is certainly a very useful one. I thank members who participated in this prebudget debate in ensuring that the government and the Minister of the Finance had the opportunity to hear their input. I certainly welcome any questions that may be addressed to me.

Mr. Ken Epp (Elk Island, Ref.): Madam Speaker, I have one quick question for the parliamentary secretary. Obviously, because he is in the inner group I am sure he has much better information than we do. I wish he would enlighten not only me but other members of my party, other members of the House and perhaps the Canadian public.

When the finance department of the Government of Canada does its projections, surely it is aware of these different aberrations that occur every year. He mentioned a list of things, income tax refunds, the reduction in the EI premiums and so on. He did not say anything about the increase in the CPP premiums. He forgot that one but I will just add that on his behalf.

When the finance department with all the brilliant minds in the world and all the Y2K ready computers does its fiscal projections, surely it must take all that into account. Can he enlighten us on that, please?

Mr. Tony Valeri: Madam Speaker, I will address the CPP point first. The reason I did not address the CPP premium increase was because the CPP premiums do not flow to government revenues. They flow outside of government revenues, whereas EI contributions do flow to the bottom line of government. Any time we make any sort of change on EI premiums, it does impact on the bottom line. That would reinforce the point the hon. member made that Canada pension plan premiums do not flow to government revenues. That is why I did not make reference to that.

When the finance department works out its numbers, it does take into consideration the things I mentioned. I was addressing the number of individuals out there who were extrapolating a surplus of one month throughout the whole year without taking into consideration the reduction in revenues that flow into governments in the last quarter of the fiscal year.

It is important to note that any time there is an initiative on the part of the government, a reduction in EI premiums or the fact that corporate earnings are going to be less than they were the year before and when the corporations file in the last quarter of the fiscal year, the revenues flowing to government are less. All of these adjustments in the final quarter need to be factored in to what will be the underlying surplus.

What we were hearing through to the end of 1998 was that because the federal government was running a \$9.7 billion surplus over eight months of the year that the final surplus should be extrapolated to be \$18 billion or \$20 billion because of the \$9.7 billion figure. However, when one takes into consideration what in fact happens in the last quarter, that \$9.7 billion goes down rather than increases.

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, I would like to commend the parliamentary secretary for being the last dog here as it were on the government side. He is a very lonely

Government Orders

advocate of the government's policy this evening but a persistent one nevertheless.

I have a question for the member for Stoney Creek. When he speaks about the government's purported success in balancing the fiscal budget, I think all Canadians will admit, as do I partisanship notwithstanding, that some credit is due this government, but I say only some credit.

• (2240)

Would the member not admit that about three-quarters of the deficit reduction to date is attributable directly to higher revenues, a large portion of which is attributable to higher tax rates partly through bracket creep, partly through the CPP payroll tax and other things such as the capital taxes on businesses.

Would he not furthermore admit that the percentage of cuts in the CHST for health care to the provinces was far higher than were the actual cuts to the government's own operating budgets for its departments?

Would he not fairly admit that revenue increases were the principal source of deficit reduction and that the government for whatever reason chose to cut health care transfers to the provinces to a far greater degree than it cut its own program spending here in Ottawa?

Mr. Tony Valeri: Mr. Speaker, again I will address the CPP question. Because CPP does not flow to government revenues, when references are made to the CPP payroll tax, it is actually an inaccurate statement. Those revenues do not flow to the consolidated revenue fund.

With respect to the increase in revenues, certainly the vast majority of the increase in revenues is as a result of increased economic activity. Certainly it is the same experience I often hear the members opposite talk about, of how the increase in revenues of the Ontario government comes from increased economic activity. It is the same logic.

It has often been said that we need to address the personal income tax challenges we face in the country, that personal income tax is uncompetitive when we compare it to other G-7 countries. We have started to make progress in that area. We have made a commitment to continue in that area to make it more competitive and deal with the issue of bracket creep by increasing the basic exemption. Certainly we realize that and want to ensure we can do that in a very sustainable fashion.

We do not as a government want to make any commitment with respect to tax reductions where we would find ourselves two, three or four years down the road having to reverse a tax decision because the government found itself without enough revenue and had to go back into a deficit. That certainly is not a policy of this

government. We want to make sure that anything we do on the tax side is sustainable.

With respect to the reduction in the CHST, certainly the members opposite when they do make reference to the reduction in the CHST, they always make reference to the cash portion of the transfer. They should also make reference to the tax points which continue to grow in transfers to the provincial governments.

We can talk about where we have been but the impact of this debate is really to be focused on where we are going. It is only because of the hard work of Canadians and the commitment of Canadians in supporting the government in making the decisions it has had to make that we are now talking about what should be done and how the government should allocate a surplus.

[*Translation*]

Mrs. Suzanne Tremblay (Rimouski—Mitis, BQ): Mr. Speaker, despite the late hour, I am happy to have the opportunity to intervene in the debate on the pre-budget consultations.

There are three parts to my intervention. First, a review of the main Bloc Québécois demands, then, an overview of the ad hoc consultations in my riding last September and, finally, an outline of the funds needed to meet the most pressing needs in the area of Canadian heritage.

Over the fall, the Bloc Québécois responded to the government's call and carried out wide ranging consultations in the ridings it represents to find out people's budget priorities. Then the Standing Committee on Finance visited Canada to find out people's wish list. Then the Liberals released a report that disappointed us a lot because it did not reflect people's expectations.

• (2245)

I would therefore like to review the main priorities of the Bloc Québécois, which are the priorities it heard from its own audiences.

In the area of health care, the federal government must return the billions of dollars it cut. By doing so it made it extremely difficult if not impossible for the provincial authorities to manage health care, which is under their jurisdiction. The Minister of Intergovernmental Affairs says the government respects the Constitution. Let us see that in action.

In the matter of employment insurance, I believe that everyone is aware of the drama being played out from coast to coast. The last to recognize and sense the misery and poverty all around us appear to be sitting opposite. The Minister of Finance must realize that the employment insurance reform has gone too far and created perverse effects.

They must review the rules for eligibility. For example, a young student in police science leaves his job because he has to do a stint at the police institute in order to graduate. He has no choice as to

Government Orders

when his placement there will start, because the institute calls the young Cegep graduates.

At the end of it, while he is waiting to find a job, he is denied employment insurance benefits because he is alleged to have left his job voluntarily. This is a flagrant injustice that must be corrected.

Benefits must be reviewed. The government has come up with a system—no doubt the target it hit was not the one it had in mind—but it wants to penalize seasonal workers such as those in our region who naturally fish only during the periods they are authorized to do so by the government. They are not even free to take their boats out when they wish. This is partly due to nature, of course, but also to the regulations of the Department of Fisheries and Oceans, which tells them when they must fish.

It is therefore wrong to penalize these workers year after year, by depriving them of 5% of their income over a maximum of five years. Statistics Canada tells us that, in the Lower St. Lawrence region right now, 68% of unemployed workers are receiving benefits of this type, which are reduced year after year, and this number will rise to 80% next year.

If the minister was laid off every summer when the House rose and saw his income drop every year, he would undoubtedly be the first to want to review his own punitive policy, which is merely driving the poor deeper into poverty.

EI premiums must also be cut. At least, that is the conclusion reached by anyone who gives thought to how the EI fund can best be used. There is too much money in the fund.

Right now, the government is accumulating surpluses and seems to be unaware that these surpluses do not belong to it. Moreover, the government has a duty to use them solely for the purpose for which they were collected. What is the point of the government's continuing to accumulate money when the people are in desperate straits?

As well, the conditions for maternity leave need to be re-examined, for these have changed a great deal recently, and in a way are impacting on the birth rate in Canada.

If the Minister of Finance were to announce a tax cut, he would also have to raise the basic personal exemption, index the tax tables, and lower taxes for the low and middle income groups.

The second point in my speech is an overview of the ad hoc consultations carried out last September in my riding.

The people of Rimouski—Mitis were no exception to the rule as far as the key priorities are concerned. They want the federal government to return the money to Quebec so that it may be

reinvested in health and education. They are also calling upon the federal government to cut personal taxes.

• (2250)

Another important point they raised was their concerns about the realities of the employment situation in the region, which continues to be a problem, and they want to see the budget surplus used to help create jobs.

The public is keenly aware of the social problems needing attention in the region, and calls for greater social justice between individuals and between regions. Perhaps unemployment has decreased everywhere in Canada, but not in the lower St. Lawrence region where my riding is located. Over the past five years, the unemployed have seen \$83 million less in employment insurance. It will be understood that, under these circumstances, when that much money disappears from the pockets of those who could be spending it, this is anything but good for the regional economy. In fact, it is very harmful.

I then took the time to look at what could happen to us, and what we needed from Heritage Canada, the area I am mandated to monitor the most.

Here I will set out a principle to which the Bloc Québécois attaches much importance: public administration and accountability of all funds devoted to the arts.

Recently, a task force proposed the creation of a film fund. It was obvious that one of the key elements in this planned creation of a fund was a kind of robbing Peter to pay Paul. We will go nowhere in the arts if we deprive the NFB and Telefilm Canada of the means to operate properly in this area.

If the Minister of Canadian Heritage wants to take the lead and create a fund for films, the government must, in the upcoming budget, put out the same financial effort it did when it created the television fund by becoming a major financial partner in creating and renewing cable companies' funds.

The government must act the same way and invest new money in this area. It should not ask the organizations it funds to give up part of their budgets to create this fund, since organizations such as Telefilm Canada or the National Film Board would have a hard time recovering from more cuts.

The Minister of Finance must pay serious attention to the complaints made year after year by artists and consider the major problems it must resolve in the area of taxation.

In this next budget in particular, the minister must finally provide a clear and definite response to a request the Bloc Québécois considers legitimate, namely, that of spreading artists' income over a number of years so the rich ones compensate for the

Government Orders

lean ones, because most of our artists earn less than people who live below the poverty line.

The government must also re-establish some justice for the francophone and Acadian communities. This is the year of the Francophonie. The rate of assimilation across Canada is 40%. The government must put words into action by assuming its moral obligation to return budgets for francophones to their 1993 levels at least.

In closing, I remind the government that it must listen to the people, hear the distress calls from all over and meet the expectations expressed instead of trying to sell the people on the Liberal program, which is long out of date.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, it is with a surplus of energy that I wanted to wind up the day by adding my comments to those of my Bloc Québécois colleague, and especially to speak about the main challenge for members of this Parliament, which is the fight against poverty.

• (2255)

Members would have to agree that this government has little to say, little to offer and little to suggest when it comes to the fight against poverty. And yet what a paradox that is. Back around 1968, Pierre Elliott Trudeau, a Liberal, urged Quebecers to continue the Quiet Revolution in Ottawa; his goal was to build a just society.

Forty years later, we can only observe that there have never been so many poor Canadians as there are today. Of course, it could be said that poverty is a question of adjusting the available manpower to the manpower required. This would be to ignore the fact that we are faced with a government that is deliberately setting out, through its policies, to create poverty. There is not a single parliamentarian of any experience who will not admit that the government has created poverty with its EI reform.

It takes some nerve. Despite all the imperfections of the labour market when left to its own devices, and not content with destroying the social safety net, the government decided to deliberately create poverty and exclude people from the social safety net by means of EI reform.

This calls for two comments. How is it that Canada is allowed to be one of the only OECD countries that does not contribute to its public EI scheme? By what principle should the Canadian government, in contrast to workers and representatives of employers' associations, be exempted from contributing to the EI regime?

What is most tragic about all this is that we have never seen a weaker ministerial deputation. We have never seen a ministerial deputation as lacking in ambition and as spineless as this bunch, for whom anything is fine as long as the party line prevails.

I think it must be made very clear: there is a deliberate desire on the part of this government to create poverty. If ten unemployed people were collected at random from here and there in Canada, it would be found that barely four of that ten could qualify for what is supposed to be a protection for workers.

Were there any voices raised by the government majority calling upon the Minister of Human Resources Development to improve his reform? This is a man of letters, a man who writes, who publishes, a wise and knowing man. The problem is, he is not a man who listens. He is a man lacking in sensitivity, one who is unable to stand up to his public servants in order to finally propose some corrective measures to improve a reform which has, and I say it again, deliberately created poverty.

I would like to share with you my feelings of outrage when I saw and heard the minister responsible for Human Resources Development, I shall not say his name, on RDI last Monday.

• (2300)

He was plugging his book, which had just been released. It is called "Pour une politique de confiance". Confidence—I would like to see the minister come down to the lower St. Lawrence region, to Hochelaga—Maisonneuve, to Gaspé, to central Quebec, and tell the unemployed, whom he has deliberately excluded from his policy of social protection, that they must have faith in the future.

The biggest paradox is that there was the minister on television with his stylish suit, telling RDI viewers that there was something worse in society that exploitation: exclusion. As a Liberal minister, he is suddenly aware that this is a society which excludes some of its members.

He should have realized that before and not contributed himself, through the policies he proposed as a member of this government, to the exclusion of people. This is my first example of someone speaking from both sides of his mouth.

The second subject I wanted to raise is the problem of unsuitable housing, which is of concern to those facing financial difficulties. To all intents and purposes, the various governments that have succeeded each other since 1992, both the Conservative and the Liberal one in place, got totally out of public housing.

According to the evaluation by FRAPRU—a very credible activist group in Quebec that has developed expertise in government policy and especially in analyzing social housing issues—and according to the latest census, more than 1,670,700 households in Canada spend over 30% of their income on rental accommodation.

There is a problem because the definition that should be applied to poverty ought to take into account the portion of a person's budget that goes to housing. It is generally agreed that an individual spending over 30% of income on rent is likely to be in the

disadvantaged class, spending a disproportionate amount of his income on public housing.

Has this government been sensitive to this since 1993? Has it proposed measures to help these people with housing problems? Absolutely not. Not only did it follow the example of the Conservative government, but it is now negotiating—and I say negotiating, although it is not really negotiating—so it can transfer \$1.9 million to the provinces to manage the rental housing stock.

Negotiations are under way, but the approach is ill-conceived, to say the least, because not only does the government want to transfer a responsibility that it should never have had, but the rental housing it wants to transfer will need major repairs in the years to come. So the government does not want to transfer to the provinces the equivalent funds that would enable the provinces to look after social housing, which is their constitutional responsibility, as they see fit.

Historically, because it has always resisted, as it should, the federal government's invasive policies, Quebec has received on average 19% of the available funds since it has taken part in the social housing shared cost program. Quebec, however, has 29% of the people who need such housing. Quebec is responsible for 25%—its demographic weight—of the federal government's revenues.

• (2305)

This represents a distortion that provincial negotiators tried to get the federal government to understand, but in vain, because the federal government was not interested.

This brings me to the conclusion—because I think that is where I should be headed—that we need anti-poverty legislation. I repeat that there are two broad categories of people still being discriminated against in our society: homosexuals and those with low incomes.

You can count on the Bloc Quebecois, on the Bloc Quebecois whip and on the member for Hochelaga-Maisonneuve, to make a suggestion in the House in the near future for anti-poverty legislation that we hope will meet with the favour of the members across the way.

[*English*]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I am pleased to rise in the House tonight to speak to the prebudget debate.

I would like to echo the comments made by my colleague from the Bloc who talked about the need to have an anti-poverty law in

Government Orders

Canada. I think that is something that should be a real priority for this government.

The Liberal government loves to boast about its fiscal record on battling the deficit, but the government is much less comfortable talking about the social deficit it has created in the process.

Today Canada stands accused in the court of world opinion of fighting the deficit on the backs of the poor. In its report on Canada the United Nations committee on economic, social and cultural rights expressed its deep and grave concern on 25 issues relating to Canada's treatment of its most disadvantaged citizens.

In the words of the committee chair:

I would not be surprised to hear about these things from a developing country. But, in a very well developed country like Canada, with so many resources—the degree of homelessness and poverty is really quite shocking.

It needs to be pointed out that Canada was a signatory to the UN covenant on economic, social and cultural rights which lays out the basic foundation for equality and rights, and which should be the law that my colleague just spoke about, the basis on which we could eliminate poverty in this country.

If we were to read the finance committee's majority report on its prebudget consultations we would wonder if it was talking about the same country.

The Liberals claim in their majority report that “As its finances have improved over the past five years, the government has introduced several new programs designed to help build a strong and compassionate society”.

That sounds very wonderful. In fact the Liberal members on the finance committee think that Canada is in such good shape that the best thing the finance minister could do in his upcoming budget is to give huge tax breaks to Canada's upper income earners.

Is this the same country that the UN committee condemned for exacerbating poverty and homelessness during the time of strong economic growth and increasing influence? Yes, it is.

Last year, with a balanced budget in sight, we were supposedly on the cusp of a golden age. After years of budget cutting and zero inflation policies, the big question before the committee was how to spend the fiscal dividend. In fact the finance minister was delighted to announce a new fiscal milestone every time he stood up. As it turns out, the fundamentals are weaker than they have been since the 1930s, and the 1990s are shaping up to be a lost decade.

In fact per capita GDP has not risen through the decade. Real living standards have declined for a majority of Canadians and are at desperation levels for the growing numbers of poor.

Government Orders

While governments retreat behind slogans about market discipline and fiscal responsibility, the reality is that in our local communities health care bleeds to death from a thousand cuts.

More than half a million more children have fallen into poverty and students seeking education are pushed into a lifelong debt, if they can afford it.

The training system in the country is awash in chaos and confusion.

The majority of the unemployed are denied benefits, while a surplus of \$20 billion accumulates in the government accounts.

• (2310)

Canadian farmers are killing their livestock rather than facing complete ruin trying to market them.

On the streets of our largest cities homelessness has been declared a national disaster. That is the reality that is facing a growing number of Canadians today.

Meanwhile, out in the market economy, the top 10% of income earners have increased their share of national income by a factor of 15. Today those folks earn 314 times the income of the bottom 10% of Canadians, up from 21 times in 1973.

It is in this climate that the Business Council on National Issues urged the finance minister to make the courageous choice and support major tax cuts for those earning up to \$150,000 a year. It is in this climate that the Liberal majority on this committee is now pushing tax cuts for upper income Canadians as the number one priority for government spending.

Last year one of the finance minister's proudest boasts was that he had cut government spending back to 1949 levels. The impact of this year's recommendations will be to lock in downsized government, to promote private wealth while the public sector deteriorates, and to ignore the genuine needs of Canada's poor and unemployed whose lost benefits have paid for the finance minister's budget. It is my constituents in Vancouver East and in other low income communities who have paid the price for the government's attack on low income Canadians.

Last December the finance minister called child poverty a national disgrace. He said that the elimination of child poverty should be a great national objective. That is very worthy. He said it should be on the scale of the battle to reduce the deficit. But to date there is no indication that the federal government plans to do anything to ease the financial burden on poor people.

Later in 1998 two major reports condemned the federal government for its record on child poverty. The Canadian Council on Social Development noted that the number of food banks operating in Canada had doubled in the 1990s. The National Council on Welfare reported that only 17% of single parent families, the

poorest of the poor, will get the so-called child tax benefit. Overall only 36% of poor families will get any benefit from this much wanted government solution to child poverty.

Despite the finance minister's supposed concern and the fact that our justice minister calls poverty our most glaring human rights problem, the new government approach to child poverty has done absolutely nothing. What the government really wants to do is define poverty out of existence.

According to StatsCan we have 1.5 million children and some 3.8 million adults living in poverty under what we call the low income cut off, which is the commonly understood poverty line in Canada. By changing the definition, essentially dropping the income floor by about 20%, governments could remove 1.8 million people with the stroke of a pen, including 500,000 children, from the nation's poverty rolls.

The government likes to say that the child tax benefit—and we have heard this so many times—is designed to improve benefits for low income families with children, to reduce the depths of child poverty and to promote attachment to the workforce. What the government does not say is that the poorest of the poor are denied the benefits, those on welfare. The government does not say that because of clawbacks the child tax benefit effectively denies benefits to roughly half a million poor families on welfare.

It does not say that parents unfortunate enough to lose their jobs will be made poorer by cuts to employment insurance benefits and will likely be denied benefits in training. It does not say that its newest approach to reducing the depth of poverty for families might be to drop the floor by over \$6,000, handily reducing the depth of poverty by two-thirds.

What is needed is not a new definition, but a real commitment by this government in this budget to set targets to reduce unemployment and to set targets to reduce poverty for all Canadians living below the StatsCan unofficial poverty line.

If the Liberal government had a shred of sincerity about addressing poverty it should expand the program, end all the clawbacks and index the benefits to the cost of living.

A week or so ago I concluded a national tour across Canada on homelessness in this country. One of the things I learned from housing activists and anti-poverty activist in places like Toronto, Moncton, Winnipeg, northern Manitoba, New Brunswick and in my riding of Vancouver is that more and more people are feeling the impact of the abandonment of the national housing program by the federal Liberals since 1993.

• (2315)

This is one of the true tragedies in this country. One of the real causes of growing inequality and poverty is the lack of housing and

increasing homelessness. The government must take real measures on this in the budget. We have seen this situation in Toronto. Although there are many Liberals from Ontario who are hearing a lot about what is going on in Toronto, we have a national disaster on our hands when it comes to homeless and lack of adequate housing.

In this budget we expect and demand to see an investment by the federal government to get back into the provision on the supply side of housing and work with the provinces to ensure that there is indeed a national housing plan. Canada is the only industrialized country that does not have a national housing plan.

I would just like to say a few words about health care because that too, like homelessness, is a growing crisis. The crisis in health care is evident in the growing numbers of Canadians who are losing confidence in the system. In May 1991 over 60% of Canadians rated the system as excellent or very good. By 1998 less than 30% of the population could support that claim.

Canadians are growing skeptical because they look around and experience a system in crisis. They know there are longer waiting lists and delays in treatment, crowded emergency rooms, lack of beds, nursing shortages, diminishing access to care, higher drug costs and the list goes on and on.

On a cumulative basis \$15.5 billion in federal cash transfers have been withdrawn from the system since 1995-96. Privatization is increasing as well. For example, essential tests such as the MRIs in Ontario are increasingly being made available to the well who can pay for them rather than the sick who need them.

The New Democratic Party believes that health care has to be a number one priority. Our prescription for health care is to reinvest \$2.5 billion into health care in the upcoming budget, to restore funding to the health protection branch, to conduct an independent audit, to stop the slide toward private for profit health care by reinforcing and enforcing the principles of the Canada Health Act and to convene a national summit on health.

I would like to move now to another key issue before us in terms of this budget debate, the EI fund. This year the government expects to bring in \$7 billion more in EI premiums than it pays out in benefits. On a cumulative basis we know this now has resulted in a \$20 billion surplus while over 900,000 unemployed Canadians have no income support, no access to training and very little prospect of finding new jobs as the economy contracts.

It is clear that government raided the funds to pay down the deficit and that it apparently intends to continue to do so. Meanwhile, less than 40% of the unemployed are receiving benefits today, only 31% of unemployed women and only 15% of unemployed youth.

Government Orders

As part of my tour across Canada on homelessness I talked to unemployed workers who were living in shelters. I remember one young man who gave me his last EI slip for \$121. When I told him about the \$20 billion surplus and how that really belonged to the workers of Canada, he asked me why he could not get access to that fund for training, to find work and to get help because he did not want to be in an emergency shelter.

What right does the government have to take that money from unemployed workers in Canada? Those funds should be used for retraining, to expand the benefits and to help the unemployed.

But apparently the Liberals see nothing illegitimate about taking that money and using it to subsidize debt repayment, nothing corrupt about seizing it to fund a tax break geared to upper income Canadians. It is precisely because the government cannot be trusted to manage the fund that New Democrats, along with other opposition parties, called for the UI premium account to be separated from overall government revenues as of April 1, 1999 with an independent commission made up of worker and employer representatives.

• (2320)

Theft and misuse of EI funds must be stopped. There is no question about that.

Pumping millions of dollars of spending power back into the hands of Canadians through the EI fund by expanding the benefits and the coverage in some of our poorest communities and regions would strengthen local demand, assist provincial governments coping with increasing welfare caseloads and, more important, would put food back on the tables of the jobless, restore their dignity and bring new integrity to the government's fiscal accounting.

That is what the Liberals and the finance committee should be fighting for. Instead, the central message of the Liberal majority report spending proposals is "the time has come for personal tax reductions directed at middle and higher income Canadians". Their report calls for a flattening of the progressive income tax by presenting a three year tax reduction plan at a cost of tens of billions of dollars. They call for the elimination of the 3% surtax on incomes over \$65,000. The cost, \$1.05 billion.

They call for a timetable for eliminating the 5% surtax that applies only to the very high earners. The cost, \$650 million. The list goes on and on.

The above plan amounts to tens of billions of dollars of tax cuts depending on how phase-ins are structured and a strong reduction of the tax burden on those who clearly can afford to pay.

Clearly the committee is not interested in the glaring fact that after tax inequalities are increasing in this country or that the poor are falling further and further behind.

Government Orders

New Democrats are concerned about the vast number of Canadians who are being excluded from the Liberal's frame of reference. Do these people even exist anymore to the Liberal government?

Our approach would be to rebuild our deteriorating social infrastructure with health care at the top of the list; restore the unemployment insurance program to the working people of this country; address the glaring issues of inequity around us by addressing the shocking levels of poverty and the widening gap between rich and poor and growing discrimination against the unemployed; to provide proper and timely relief to Canadian farmers devastated by the drop in commodity prices; and to introduce tax relief for all Canadians, as finances permit, with an increase in the GST credit and a 1% tax reduction rate to generate new jobs.

As the Canadian government brings down its last budget before the millennium and as the world celebrates the 50th anniversary of the international declaration of human rights, December 10, 1998, a fitting tribute to the occasion would be a recommitment from this government and from all parties to the standards and rights that we pledged for all our citizens and a budget that starts to address the serious lapses that are a major blot on this country's reputation in the world community.

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, I thank my colleague for Vancouver East for her remarks. She articulates a very serious concern about poverty, child poverty and its social consequences. Whether she believes it or not, all members of the House share her concern. We may disagree on the remedy but we all share the concern.

However, one often hears from this hon. member and members of her party statistics and figures about 1 in 4 Canadian children living in poverty and a huge percentage of the adult population living in poverty. She went on to suggest that the government somewhat cynically could change these numbers by redefining poverty.

I would like the member to comment on this issue because I think it is not a flippant one, it is a serious one. If we want to solve the problem, we need to know what the problem is. We need to define it. We need to know what we are dealing with and that means getting a proper and accurate measure of poverty in Canada.

My understanding, and the member could correct me if I am mistaken, is that the poverty measure to which she refers is actually not the poverty measurement at all but is rather the low income cut off measure of Statistics Canada, LICO.

• (2325)

I am sure she could confirm for me that the low income cutoff is calculated as a relative percentage of family expenditures on

necessities such as food, shelter and clothing. This is calculated as a percentage of the average family expenditure on these items.

In other words, would she not agree that as a relative measure it would be literally and mathematically impossible to ever eliminate poverty or substantially decrease poverty in Canada as long as there is any degree of income disparity? Would she not therefore agree that absolute poverty as it is understood in common language and common parlance by common folks is not measured by the LICO? Would she agree that it might be helpful to come up with a fair definition of what the basic necessities of life are while understanding there are contingencies, differences by region et cetera?

Would she agree that the case she and other social advocates make would be stronger, more compelling and convincing if Canadians could really define the number of folks who really do go without the basic necessities of life, if we could get beyond a relative measure of poverty which is a permanent measure because it will always exist as long as there is even an infinitesimal income inequality?

Ms. Libby Davies: Mr. Speaker, I thank the hon. member for his very serious question. To have a fair definition is something advocates and anti-poverty activists would agree with. The UN report, in addressing its comment to Canada on its performance under the UN covenant on social, economic and cultural rights, actually raised this question and challenged the government to work with anti-poverty organizations to ensure there is an accepted and fair definition around poverty measures in Canada.

It is true that the LICO has been used by Stats Canada as an unofficial poverty measure in Canada for decades. The danger here is that there is a very high level of cynicism in the population that the purpose of this exercise is not to help people who are living in poverty. It is to simply politically recast the question, redefine what we mean by poverty so we can attempt to somehow eliminate what is a growing political problem.

I work with anti-poverty activists in my own community and across Canada. There is great fear and skepticism that is what this exercise is about. The exercise is being led by the Fraser Institute, which wants to move us to a kind of criterion and measure that would see a huge drop in how we would define the number of people living below the poverty line. It is called the absolute poverty measure.

The reality is there are people paying 40% to 60% of their incomes in rent. No matter how we define it, they are living in poverty. They are living in a homeless kind of environment. Single parents making minimum wage, parents trying to survive on EI payments or parents whose EI payments have run out are living in poverty.

At some point it gets to be a very academic exercise. To be optimistic, if there were a genuine effort by the government to

Government Orders

work with people who know what poverty is about and to have an inclusionary process then there would be some discussion. There is so much skepticism and fear about what the government is attempting to do through this exercise that we will see a lot of people resisting any attempts to change the LICO.

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, in this prebudget debate we have heard every aspect of fiscal policy conceivable addressed. Many of my colleagues have quite adequately spoken to our critique of the government's misplaced fiscal priorities with respect to taxes, health care and debt reduction. We have also articulated our view about different priorities to place greater emphasis on health care, tax relief and debt reduction.

• (2330)

While I recognize the Reform Party is fallible, nevertheless we have worked hard as an opposition party, harder than any other opposition party that I am aware of in my political experience to present constructive details on substantive alternatives to the government on fiscal policy.

In that respect we have released a lengthy paper "Taxes and Health Care: A Critical Prebudget Submission of the Official Opposition", of some 60 pages, that complements the paper we released last year "Beyond a Balanced Budget" which analyses in some detail the fallacious claims of the government to fiscal prudence. It goes into some detail into offering the kinds of tax relief we would like to see, ideas like legislated debt reduction, legislated balanced budgets and an increase in health care funding by reallocating spending from lower priority areas. I encourage people interested in these issues to give us a call and receive a copy of this paper.

The government has claimed that it is about to provide tax relief to Canadians in the upcoming budget. I am more than a little skeptical when I hear the comments of the Right Hon. Prime Minister who in 1996 said in response to a question on whether he preferred across the board tax cuts: "I do not think it is the right thing to do in a society like Canada". He did not believe it was right to provide Canadians with tax relief in a society like Canada.

I do not know what he meant by that, but perhaps we got further clarification last week when the Prime Minister was at the economic summit in Switzerland and said that he agreed with the previous Conservative government's policy of steeply raising taxes in the midst of the 1991-92 recession.

This was the same Prime Minister who as Liberal leader castigated the then Conservative government for having raised taxes, for having deindexed the tax system and putting into play the vicious logic of bracket creep. He criticized that same Conservative government for having introduced the goods and services tax and for having raised taxes on corporations, businesses and individuals

through the various 3% and 5% so-called high income surtaxes. That very same Liberal leader who six or seven years ago went across the country criticizing the then government for raising taxes, we now discover, secretly admired the deadly tax and fiscal policies of the then government.

It does not surprise us when we look at the record of his own government, a government which is rhetorically committed to the notion of tax relief but has committed itself to a policy of tax increases. We know, as the hon. parliamentary secretary admitted in questioning earlier this evening, that about three-quarters of the fiscal progress, the deficit reduction achieved in the government's mandate is attributed to revenue increases.

A fair chunk of that is attributable to higher tax rates through the pernicious, invidious tax of bracket creep which sucks about a billion additional dollars out of the pockets of middle income Canadians every year; through the \$10 billion 72% increase in CPP payroll taxes, the single largest tax increase in Canadian history; and through some 36 other tax increases levied by the government on individuals and businesses. Yet the government still claims that it is committed to tax relief.

• (2335)

The government has perpetuated in Canada a shrinking standard of living, a shrinking level of disposable income. Never before in Canadian history have individuals worked harder and longer. Never before have we had more families with both parents earning two or more incomes. Never before have we had individuals, according to Statistics Canada, working longer hours and longer work weeks under greater pressure reflected in many of the social problems we are experiencing. Never before have we had Canadian families earning more in gross pre-tax dollars.

Yet, while people are working harder to get ahead, they are falling behind, not because of their own lack of effort and diligence and fortitude, but because federal tax policy keeps taking more of what they earn. We now have the atrocious situation where Canadian middle class families have seen their after tax disposable incomes on the decline for over 15 years, working harder year after year to try to get by economically and falling further and further behind. They are powerless to change it because only the government has the ability to undo the damage.

That is why the OECD says that Canada has the worst record among its 26 member nations with respect to per capita GDP growth, the worst record in terms of standard of living. Imagine that a country that ought to be the most prosperous, the most productive nation in the world given our enormous resources, human and natural, finds itself falling further and further behind. Relative to our G-7 partners, the personal income tax burden in Canada is a full 56% above the average. The corporate income tax

Government Orders

burden in Canada is 9% higher than the average of our G-7 partners.

If we were to roll back the personal income tax burden to the level where it was when the government took office in 1993, it would require an \$8 billion reduction in federal income taxes. Canada has the highest property tax burden in the OECD. We have the highest total tax burden in the G-7 when we remove social security taxes, with a total tax burden 28% higher than the average of our major six economic partners, a whopping 48% higher than our single major competitor, the United States, where we conduct 85% of our trade.

In 1996 the average Canadian family paid a total tax bill of \$21,242 or 46% of income. The average family was paying 46%, not the high income families. It was more than they paid for food, shelter and clothing combined. However in 1981, in constant dollars, the same family paid only \$11,000 and change in taxes.

In the first six months of 1997, just a couple of years ago, governments in Canada took 67% of the increase in the personal income of Canadians. Of every \$3 in additional income received by Canadians that year, governments took \$2, leaving one for the individual who earned them. Since the government took office the average Canadian has lost 155% of the increase in real income to taxes.

These may sound like just figures and statistics to you, Mr. Speaker, but I know you have a heart and understand the very real frustration many people feel because they work harder and yet fall further behind and the government takes two and a half times the actual increase in their real income.

The top marginal tax rate in Canada kicks in at about \$60,000 Canadian, whereas in the U.S. the top tax rate kicks in at about \$420,000 Canadian. This is an enormous discrepancy. When the Americans tax the rich they are taxing people who earn over \$420,000 Canadian. When we tax the rich we hit middle class people who earn over \$60,000, and hence such an enormous drain of human capital from our country in the brain drain. As I mentioned the CPP is going up, consuming any relief we see on employment insurance premiums and then quite a lot again. That is why we are proposing an ambitious program of tax relief which would provide an average taxpayer with an annual \$1,300 pay raise and more than \$2,500 for a one income family of four.

• (2340)

I would like to focus for a moment on a particular issue that is of increasing concern to me. That is the question of the inherent unfairness in the tax system for families who make the choice to raise their children at home. I cannot understand for the life of me why the government would adopt such a policy. It is not a partisan matter as the government is continuing the policy of the previous Conservative government. It is a policy which says that if Canadian

families decide to make an economic sacrifice to forgo a second income and have one of the two parents stay at home most of the time or all of the time to raise young preschool children, they will be penalized. On the other hand, if they decide to raise their children in part through third party institutional day care and go off to earn the second income or extra income, they will receive a benefit from the federal government.

This is an absolutely perverse social and fiscal policy. It gets Canadian families all wrong because the vast majority of Canadian families want to have the option to stay at home and raise young children.

I know some members from other parties will say that this view is just some antiquated neanderthal view of Reformers who do not understand that the state of the family has changed and so on and so forth. I would submit that it is those folks who do not understand the nature, the desires, the longings and the dreams of Canadian families.

I refer to public opinion research recently undertaken on the issue. Compas Research recently did a poll indicating that 92% of respondents say that families with children today are under more stress than families 50 years ago. Most Canadians attribute this increase in the level of stress to economic pressure and consequently the impact the stress has on family breakups, rates of domestic violence, divorce, child abuse, et cetera. Many of the social pathologies with which we attempt to deal in our criminal justice system and our social programs are caused by economic stress in families.

What about the family tax burden? Eighty-two per cent of Canadians, not Reform Party members, felt it should be a priority for the government to change the tax law to make it easier for parents with young children to afford to have one parent at home. Eighty-two per cent is about as close as we get to unanimity in public opinion polling. Seventy-nine per cent felt it should be a priority to allow couples with children to pay lower taxes by filing joint income tax returns. Nearly eight out of ten Canadians say "Let us file our taxes jointly so that we are not discriminated against if we are a single earner in our family". Eighty-one per cent felt it should be a priority to change the tax law to make it easier for families to take in and care for elderly parents.

To quote the pollster, he summarized it by saying that by an overwhelming margin Canadians wanted governments to slash the tax burden on families. They call for more favourable tax treatment of families supporting the elderly, joint tax returns and especially adequate cuts in family tax burdens to allow one parent to stay home with the children.

It is not the only interesting finding. We have seen that other polls have reached similar conclusions. Ninety per cent in a Compas poll indicated that a family setting was preferable to day care when raising a preschool child. Again it was not some crazy

Government Orders

ideological agenda but the near unanimous majority of the Canadian people.

• (2345)

A 1991 poll conducted by Decima Research of working women indicated similar findings: 70% said that if they had the choice they would stay at home to raise their children as opposed to 27% who said they would rather work outside the home.

By a margin of seven to three Canadian professional working women say they would rather have the choice if they could afford it to stay at home and raise their preschool children.

What happens when these very same families look at the tax code? What do they see? They see that if they give up that second income and the father or mother decides to stay home with two or three young children and raise those kids at home, they will be forgoing the child care tax deduction. That deduction is available to people who take their kids out to third party institutional day care. The government increased it in the last budget. I think it amounts to \$7,000 per preschool child. That is a huge subsidy that family is giving up. At the same time it is giving up the second income.

Similarly, if that father stays home while the mother is working, he will only be able to claim a spousal tax deduction as opposed to the full personal amount. The spousal amount is \$2,000 less than the full personal amount.

If the same family were to divorce and reconstitute itself as a common law couple, then both parents could claim the full personal amount. That is a penalty against marriage, while the child care deduction is a penalty against rearing children at home, which 90% of Canadians and 70% of professional women would like to do. It makes no sense. It really is bizarre.

All sorts of credible organizations have spoken to this issue. The National Foundation for Family Research and Education, an organization on whose board I once served, has publicized the results of some very interesting academic research. After having conducted a lengthy meta analysis of child rearing researchers Violato and Russell in their 1994 paper on the effects of non-maternal care in child development concluded that non-parental care for more than 20 hours per week has a negative effect in three areas of social pathology, social-emotional development, behavioural adjustment and bonding. Furthermore, 20 hours per week of non-parental care such as institutional daycare has a minor negative influence on the cognitive realm, learning. These are significant findings.

They are telling us that the explosion we have seen in our society in the past three decades in youth and teen suicide, the second highest level per capita in the developed world, the explosion in youth violent crime which has increased by 150% since 1986, all the related pathologies and social problems can at least partly be

traced to the increase in non-parental care which this parliament chooses to subsidize through the child care deduction and other similar inequities in the tax system.

These subsidies add up. Let us imagine a scenario where a married couple has two wage earners. The husband earns \$40,000 and the wife earns \$20,000 per year and they have a relative who takes care of the kids. They pay a combined total of over \$6,000 in federal income tax.

A similar couple across the street with one income earner bringing in \$60,000 will pay \$10,000 in income tax. That is \$4,000 more than the two income family. That is a significant difference.

Finally, a two income couple earning \$60,000 and paying for third party care outside the home will have to pay \$10,000 less in federal taxes than the single income family raising their children at home.

• (2350)

In effect, couples who choose to marry legally and raise their children at home seem to be signing a guarantee of tax discrimination when they put their names on their marriage certificate.

What then is the solution? The solution is very simple. The solution is for parliament to decide to allow the practice known as joint filing of tax returns so that single income families can split right down the middle the income of the one main earner, thereby moving their total taxes into a much lower marginal rate and allowing them both to claim the full personal exemption.

This would make an enormous difference in the taxes paid by single income families. Another major change would be to create equity in the child care system by converting the current deduction into a refundable credit which would be very progressive. It would be available to all families, regardless of how they choose to raise their kids, whether at home or through institutional care, and regardless of their income.

I close by inviting the government to look much more closely at the need for family tax fairness. I know that in the last parliament the member for Mississauga South had Motion No. 30 passed which called for the same kind of tax treatment that I am proposing. It was actually passed in this House by a majority of members.

There is a consensus in this parliament and a consensus in this country. There is no good reason to continue to discriminate against Canadian families working so hard to do best by their children.

Mr. Tony Valeri (Parliamentary Secretary to Minister of Finance, Lib.): Mr. Speaker, I think it is only proper that I take the opportunity to comment on what my hon. colleague has said.

Government Orders

I really want to focus on the budget plan. The member made reference to it in his opening remarks. The opposition party has gone to great lengths to provide an alternative to the upcoming budget. I really want to focus on that area.

When I reviewed the plan that was released, essentially what I found was that a lot of the promises were really based on some widely optimistic revenue assumptions.

When one combines the optimistic revenue and naive expenditure assumptions, it really results in a very unrealistic picture of future budgetary surplus. If one were to look at a three year period and go out to 2001-2002, they are actually predicting surpluses of about \$30 billion to \$35 billion.

That is actually much more optimistic than the private sector forecasters which is what the government uses in order to build its budgets. We go to the private sector. The private sector provides a consensus of what these forecasts should be and that is what we build into the actual budget.

The Reform plan assumes a revenue growth on average of 5.5% for the next three years. It is almost two times the private sector consensus. It also ignores the cost of maintaining existing programs like old age security and equalization.

There are other incremental costs of maintaining other existing programs. The member has not in any way included economic prudence in the revenue forecasts. That means that if the economy turns out ever so slightly worse than what was predicted, the plan is derailed.

The question is how to deal with the impact of a slower economy based on these overly optimistic assumptions. Either programs have to be cut or taxes have to be increased. Which is it?

Mr. Jason Kenney: Mr. Speaker, I can understand why the member would regard the assumptions we have made as being unrealistically optimistic given that his government has followed a deliberate policy of under projecting growth in order to politically manage the political aspects of the surplus problem.

Clearly the Minister of Finance does not want his spendthrift Liberal colleagues such as the distinguished lady who manages the heritage department grappling for dollars in a pinata contest for the next Liberal leadership.

I am sure he has a hard time getting to sleep imagining what would happen if he were to tell his cabinet colleagues the real truth about the surplus.

We know from his treatment over the last two or three years that the government has overshot its surplus projections by an enormous amount. I do not think it is an entirely bad thing. I think it is good that the government has used very conservative projections.

• (2355)

I think that for political purposes it has been a prudent approach generally. I also think it is good to include a contingency amount, as this government has done, of \$3 billion a year.

In constructing our own projections we consulted with all the private sector forecasters and indeed the government's own forecasts and we chose assumptions for future growth which is slightly less than the average projection among private sector economists.

Furthermore, we did include a contingency provision. I am trying to find the precise amount. I will have to take that under advisement and get back to the hon. member. However, we did include a contingency amount and we did try to select projections for growth, inflation, employment and revenue growth which were reasonable and prudent.

The point is well taken. We can have an argument I suppose about whose projections are more prudent but I think frankly ours are more accurate. In the last two or three years the projections that Reform has made have been closer to the actual outcome than those made by the government in its own budget documents.

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, this is purely a comment. This sounds like Bryan Williams. It is midnight here. Back in Alberta it is only 10 o'clock and in B.C. it is 9 o'clock. However, I think it is very appropriate for us to say a special thanks to the pages, to the staff who have helped here, the officers of the clerk, Mr. Speaker, certainly the Liberal representation here today and the interpreters without whom we would be lost. I just want to say thank you very much to everyone for doing that.

The Deputy Speaker: I know all hon. members are very pleased the debate has come to an end. In spite of the enjoyment we have all had in the proceedings this evening, I know we are all looking forward to the real event. The debate will follow on that no doubt shortly.

[*Translation*]

It being 11.55 p.m., the time provided for debate is over. Pursuant to order made Monday, February 1, 1999, this House stands adjourned until 2 p.m. tomorrow, pursuant to Standing Order 24(1).

(The House adjourned at 11.57 p.m.)

CONTENTS

Tuesday, February 2, 1999

Library of Parliament

The Speaker 11245

ROUTINE PROCEEDINGS

Government Response to Petitions

Mr. Adams 11245

Petitions

Property Rights

Mr. Breitreuz (Yorkton—Melville) 11245

Family

Mr. Breitreuz (Yorkton—Melville) 11245

Health Care

Mr. Breitreuz (Yorkton—Melville) 11245

Human Rights

Mr. Breitreuz (Yorkton—Melville) 11245

Nuclear Weapons

Mr. Adams 11246

Taxation

Mr. Williams 11246

Divorce Act

Mr. Harb 11246

Questions on the Order Paper

Mr. Adams 11246

GOVERNMENT ORDERS

Supply

Allotted Day—Child Pornography

Mr. White (Langley—Abbotsford) 11246

Motion 11246

Mr. Strahl 11246

Mr. White (Langley—Abbotsford) 11246

Mr. Strahl 11248

Mr. White (Langley—Abbotsford) 11248

Mr. Reynolds 11248

Amendment 11250

Mr. Lunn 11250

Mr. Reynolds 11250

Ms. Bakopanos 11250

Mr. Lunn 11252

Ms. Bakopanos 11252

Mr. Bellehumeur 11252

Mr. Bryden 11254

Mr. Bellehumeur 11254

Mr. Lunn 11254

Mr. Bellehumeur 11254

Mr. Blaikie 11255

Mr. Szabo 11256

Mr. Blaikie 11256

Mr. Breitreuz (Yorkton—Melville) 11256

Mr. Blaikie 11257

Mr. MacKay 11257

Mr. Blaikie 11257

Ms. St-Jacques 11257

Mr. MacKay 11258

Ms. St-Jacques 11259

Mr. Bailey 11259

Ms. St-Jacques 11259

Ms. Hardy 11259

Ms. St-Jacques 11259

Mr. Cadman 11259

Mr. Bailey 11261

Mr. Cadman 11261

Mr. Brison 11261

Mr. Cadman 11262

Mr. Lunn 11262

Mr. Nunziata 11263

Mr. Lunn 11263

Mr. Reynolds 11263

Mr. Lunn 11264

Ms. Blondin-Andrew 11264

Mr. Herron 11265

Ms. Blondin-Andrew 11265

Mr. Forseth 11265

Ms. Blondin-Andrew 11266

Mr. Hill (Prince George—Peace River) 11266

Ms. Blondin-Andrew 11266

Ms. McLellan 11266

Mr. Lunn 11268

Ms. McLellan 11268

Mr. Strahl 11268

Mr. Nunziata 11268

Ms. McLellan 11268

Mr. Nunziata 11268

Ms. McLellan 11269

Ms. Meredith 11269

Mr. Bellehumeur 11270

Ms. Meredith 11270

Mr. White (Langley—Abbotsford) 11270

Ms. Meredith 11270

Mr. Stinson 11270

Ms. Meredith 11270

Mr. Abbott 11270

Mr. Szabo 11271

Mr. Abbott 11272

Mr. McWhinney 11272

Mr. Abbott 11272

Mr. DeVillers 11272

Mrs. Ablonczy 11273

Mr. DeVillers 11273

Mr. Nunziata 11274

Mr. DeVillers 11274

Mr. McWhinney 11274

Mr. Forseth 11276

Mr. McWhinney 11276

Mr. Konrad 11276

Mr. Adams 11277

Mr. Konrad 11278

Mr. Kenney 11278

Mr. Adams 11278

Mr. Nunziata 11278

Mr. Konrad 11279

Mr. Lowther 11279

STATEMENTS BY MEMBERS

The Late Frank Low-Beer

Mr. McWhinney 11280

Child Pornography	
Mr. Stinson	11280
International Development Week	
Mr. Malhi	11280
Nordicity	
Mr. Adams	11280
Job Creation	
Mr. Iftody	11280
The Late Wiarton Willie	
Mr. Hill (Prince George—Peace River)	11281
John Davidson	
Mrs. Barnes	11281
Heart Month	
Mr. Serré	11281
Annie Perrault	
Mr. Cardin	11281
Child Pornography	
Ms. Meredith	11282
Canada Jobs Fund	
Mr. Lavigne	11282
The Late Alan John Simpson	
Ms. Lill	11282
International Development Week	
Mrs. Guay	11282
The Late Wiarton Willie	
Mr. Jackson	11283
Song for the Millennium	
Mr. Jones	11283
Poland	
Ms. Parrish	11283

ORAL QUESTION PERIOD

Child Pornography	
Miss Grey	11283
Ms. McLellan	11283
Miss Grey	11284
Ms. McLellan	11284
Miss Grey	11284
Ms. McLellan	11284
Mr. Reynolds	11284
Ms. McLellan	11284
Mr. Reynolds	11284
Ms. McLellan	11284
Social Union	
Mr. Duceppe	11284
Mr. Chrétien (Saint—Maurice)	11285
Mr. Duceppe	11285
Mr. Chrétien (Saint—Maurice)	11285
Mr. Gauthier	11285
Mr. Chrétien (Saint—Maurice)	11285
Mr. Gauthier	11285
Mr. Chrétien (Saint—Maurice)	11285
Ms. McDonough	11285
Mr. Chrétien (Saint—Maurice)	11285
Ms. McDonough	11285
Mr. Chrétien (Saint—Maurice)	11286

Child Pornography	
Mrs. Wayne	11286
Mr. Chrétien (Saint—Maurice)	11286
Mrs. Wayne	11286
Mr. Chrétien (Saint—Maurice)	11286
Mr. Lowther	11286
Ms. McLellan	11286
Mr. Lowther	11286
Ms. McLellan	11287
Health	
Mr. Brien	11287
Mr. Chrétien (Saint—Maurice)	11287
Mr. Brien	11287
Mr. Chrétien (Saint—Maurice)	11287
Justice	
Mr. Kenney	11287
Ms. McLellan	11287
Mr. Kenney	11287
Mr. Chrétien (Saint—Maurice)	11288
Bell Canada	
Mrs. Lalonde	11288
Mr. Manley	11288
Mrs. Lalonde	11288
Mr. Manley	11288
Aboriginal Affairs	
Mr. Scott (Skeena)	11288
Mrs. Stewart (Brant)	11288
Mr. Scott (Skeena)	11288
Mrs. Stewart (Brant)	11288
Employment Insurance	
Mr. Crête	11288
Mr. Pettigrew	11289
International Conference on Population and Development	
Ms. Folco	11289
Ms. Marleau	11289
National Defence	
Mr. Hart	11289
Mr. Eggleton	11289
Mr. Hart	11289
Mr. Eggleton	11289
Employment Insurance	
Ms. Vautour	11289
Mr. Pettigrew	11289
Ms. Vautour	11290
Mr. Pettigrew	11290
International Olympic Committee	
Mr. Muise	11290
Mr. Massé	11290
Mr. Muise	11290
Y2K Problem	
Mr. Bellemare	11290
Mr. Massé	11290
Immigration	
Mr. Benoit	11291
Ms. Robillard	11291
Poverty	
Mrs. Gagnon	11291
Mr. Martin (LaSalle—Émard)	11291

Business Development Bank

Mr. Solomon	11291
Mr. Manley	11291

Fisheries

Mr. Herron	11291
Mr. Anderson	11291

Foreign Affairs

Mr. Pratt	11292
Mr. Axworthy (Winnipeg South Centre)	11292
The Speaker	11292

Points of Order**Question Period**

Mr. Pettigrew	11292
---------------------	-------

Aboriginal Affairs

Mr. Scott (Skeena)	11292
--------------------------	-------

Question Period

Mr. MacKay	11292
------------------	-------

Justice Robert Flahiff

Mr. Bellehumeur	11292
Mr. Boudria	11293

GOVERNMENT ORDERS**Supply****Allotted Day—Child Pornography**

Motion	11293
Mr. Lowther	11293
Mr. Szabo	11293
Mr. Lowther	11294
Mr. Robinson	11294
Mr. Lowther	11294
Mr. Alcock	11294
Mr. Breikreuz (Yorkton—Melville)	11295
Mr. Alcock	11296
Mr. Konrad	11296
Mr. Alcock	11296
Mr. McKay	11296
Mr. McNally	11298
Mr. McKay	11298
Mr. Duncan	11298
Mr. McKay	11298
Mr. Kenney	11298
Mr. Kenney	11299
Ms. Catterall	11300
Mr. Kenney	11301
Mr. Casson	11301
Mr. Pankiw	11302
Mr. Casson	11303
Mr. Wappel	11303
Mr. Casson	11303
Mr. Szabo	11303

Business of the House

Mr. Boudria	11305
Motion	11305
(Motion agreed to)	11305

Supply**Allotted Day—Child Pornography**

Mr. MacKay	11305
Mr. Szabo	11306
Mr. Wappel	11306
Mrs. Ablonczy	11307

Mr. Wappel	11307
Mr. Grewal	11308
Mr. Wappel	11308
Mr. Turp	11308
Mr. Grewal	11309
Mr. Telegdi	11309
Mr. Grewal	11309
Mr. Wilfert	11310
Mr. Grewal	11310
Mr. Wilfert	11310
Mr. Elley	11311
Amendment negated	11312
Motion negated	11313

PRIVATE MEMBERS' BUSINESS**Fishers' Bill of Rights**

Bill C-302. Second reading	11313
The Speaker	11313
Motion negated	11315
Mr. Thompson (Wild Rose)	11315

Equal Treatment for Persons Cohabiting in a Relationship Similar to a Conjugal Relationship Act

Bill C-309. Second reading	11315
Mr. Ménard	11315
Ms. Bakopanos	11316
Mr. Ménard	11316
Ms. Bakopanos	11317
Mr. McNally	11318
Ms. Hardy	11319
Ms. St-Jacques	11319
Mr. Brison	11320
Mr. Ménard	11321

GOVERNMENT ORDERS**Finance**

Motion	11322
Mr. Riis	11322
Mr. Riis	11323
Mr. Epp	11323
Mr. Riis	11324
Mrs. Wayne	11324
Mr. Jones	11325
Ms. Bennett	11327
Mr. Jones	11327
Ms. Leung	11328
Mr. Jones	11328
Ms. Leung	11328
Ms. Bennett	11329
Mr. Epp	11330
Ms. Bennett	11331
Mr. Epp	11331
Mr. Forseth	11333
Mr. Epp	11333
Mr. Forseth	11333
Mr. Epp	11335
Mr. Forseth	11335
Mr. McWhinney	11336
Mr. Pagtakhan	11337
Mr. Desrochers	11338
Mr. Bergeron	11340
Mr. Cardin	11340
Mr. Epp	11341

Mr. Cardin	11341
Mr. Epp	11341
Mr. Cardin	11341
Mr. Mitchell	11341
Mr. Hart	11343
Mr. Mitchell	11343
Mr. Wilfert	11343
Mr. Hart	11344
Mr. Wilfert	11345
Mr. Lowther	11345
Mr. Epp	11347
Mr. Lowther	11347
Mr. Hart	11347
Mr. Lowther	11348
Mr. Hart	11349
Mr. Epp	11349
Mr. Hart	11349

Mr. Williams	11349
Mr. Epp	11351
Mr. Williams	11352
Mr. Valeri	11352
Mr. Epp	11353
Mr. Valeri	11353
Mr. Kenney	11353
Mr. Valeri	11354
Mrs. Tremblay	11354
Mr. Ménard	11356
Ms. Davies	11357
Mr. Kenney	11360
Ms. Davies	11361
Mr. Kenney	11361
Mr. Valeri	11363
Mr. Kenney	11364
Mr. Epp	11364

MAIL  POSTE

Canada Post Corporation/Société canadienne des postes

Postage paid

Port payé

Lettermail

Poste-lettre

03159442

Ottawa

If undelivered, return COVER ONLY to:

Canadian Government Publishing,

45 Sacré-Coeur Boulevard,

Hull, Québec, Canada, K1A 0S9

En cas de non-livraison,

retourner cette COUVERTURE SEULEMENT à:

Les Éditions du gouvernement du Canada,

45 boulevard Sacré-Coeur,

Hull, Québec, Canada, K1A 0S9

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

Also available on the Parliamentary Internet Parlementaire at the following address:

Aussi disponible sur le réseau électronique «Parliamentary Internet Parlementaire» à l'adresse suivante :

<http://wwwparl.gc.ca>

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Additional copies may be obtained from Canadian Government Publishing, Ottawa, Canada K1A 0S9

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.

On peut obtenir des copies supplémentaires en écrivant à : Les Éditions du gouvernement du Canada, Ottawa, Canada K1A 0S9

On peut obtenir la version française de cette publication en écrivant à : Les Éditions du gouvernement du Canada, Ottawa, Canada K1A 0S9