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OFFICIAL REPORT
(HANSARD)

Monday, January 27, 2003

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, January 27, 2003

The House met at 11 a.m.

Prayers

● (1100)

[*Translation*]

BUSINESS OF THE HOUSE

The Speaker: The hon. member for Lac-Saint-Louis has informed me in writing that he will be unable to introduce his motion during the hour provided for private members' business on Monday, January 27, 2003.

[*English*]

It has not been possible to arrange an exchange of positions in the order of precedence. Accordingly, I am directing the table officers to drop that item of business to the bottom of the order of precedence.

[*Translation*]

Private members' hour will thus be suspended and Government Orders will begin immediately.

* * *

BOARD OF INTERNAL ECONOMY

The Speaker: I have the honour to inform the House that Michel Guimond of the electoral district of Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans has been appointed as a member of the Board of Internal Economy, replacing Pierre Brien of the electoral district of Témiscamingue.

GOVERNMENT ORDERS

● (1105)

[*Translation*]

CRIMINAL CODE

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.) moved that Bill C-20, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act be read the second time and referred to a committee.

He said: Mr. Speaker, this is the first speech of 2003. I would, of course, like to begin by extending to you and all the members of your team my best wishes for this new parliamentary year. I would also like to extend best wishes to all my colleagues.

Here we have the opportunity to express ourselves in what is probably the finest democratic forum in the world. Not only is this an incredible opportunity, but also a duty. I believe that there have always been fine and constructive debates in this House aimed at ensuring our ability to continue to work together to build Canadian society. With that in mind, I again extend to all of my colleagues my best wishes for our continued constructive work together.

● (1110)

[*English*]

I am very pleased today to begin the second reading debate on Bill C-20, an act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

The government's commitment to the protection of children is clear and strong. As stated in the Speech from the Throne, we believe that Canadians have a collective responsibility to protect our children from exploitation in all its forms, including sexual exploitation.

We have therefore introduced Bill C-20 in order to reform the Criminal Code, to increase penalties for abuse and neglect, as well as to provide more sensitive treatment for children who participate in criminal justice proceedings as victims or witnesses.

The bill proposes a package of criminal law reforms that address five key components: first,strengthening the child pornography provisions to respond to continuing concerns; providing increased protection to youth against sexual exploitation by persons who would prey on their vulnerability; strengthening specific sentencing provisions related to offences committed against children, including abuse and neglect, to ensure that sentences better reflect the serious nature of these offences; facilitating testimony by child victims as witnesses and other vulnerable persons through a number of measures that include providing consistency and clarity regarding the use of existing testimonial aids, and by providing that child witnesses are competent witnesses; and creating a new offence of voyeurism to address in defined situations surreptitious viewing or recording of others in situations where there is a reasonable expectation of privacy.

[*Translation*]

This package of criminal law reforms is based, in large part, on extensive consultations with provincial and territorial governments, as well as with the general public.

This shows how much the current government values the collaboration of the provincial and territorial governments, which share responsibility for the criminal justice system with the Government of Canada. It also shows the current government's commitment to ensuring the participation of Canadians and obtaining their opinion on current issues.

With regard to the merits of Bill C-20, I would first like to point out that it includes a preamble. Although this is not without precedent, it is nevertheless an exception with regard to the majority of bills introduced in this House. We have included this preamble for a very specific reason, which is to stress the importance of the issues addressed in Bill C-20, namely, the protection of the most vulnerable people in our society, our children, from all forms of exploitation, including child pornography, sexual exploitation, abuse and neglect.

[*English*]

Child pornography is an issue on which the government has demonstrated leadership both domestically and internationally by taking strong and effective measures to better protect children from this form of sexual exploitation.

Hon. members will recall that last July new offences came into effect that addressed the misuse of new technologies, including the Internet, to sexually exploit children. These new offences include transmitting, making available, exporting and accessing child pornography. The amendments also allow courts to order the deletion of child pornography posted on Canadian computer systems such as websites.

In addition to these reforms, we have developed and are delivering a training program for prosecutors on computer crimes which include child pornography. We are also supporting the pilot project by Child Find Manitoba on Cybertip.ca. Launched in September 2002, Cybertip.ca receives public reports about online child sexual exploitation. By mid-January 2003, as a result of reports forwarded by Cybertip.ca, more than 50 websites suspected of containing child pornography have been investigated by law enforcement. These investigations have led to many of the sites being shut down, including a number that were hosted in Canada.

At the international level, we continue to work with our G-8 partners on the implementation of a G-8 strategy for online child sexual exploitation. This strategy includes measures and aims at improving international cooperation, prevention, public awareness and outreach to other countries.

● (1115)

[*Translation*]

Today, Bill C-20 goes even further and directly responds to concerns regarding the issue of defence based on artistic merit and also the current definition of written child pornography.

As we respond to these concerns, it is important to remember that one of the key components that allowed the validity of the overall child pornography scheme to be recognized was the possibility of using various defences.

Bill C-20 is based on the Supreme Court's analysis and attempts to maintain this constitutional balance.

[*English*]

Bill C-20 recommends a twofold response drawing from the Supreme Court of Canada 2001 decision, which upheld the overall child pornography scheme. It would revise the child pornography defences to simplify and narrow their availability and broaden the definition of written child pornography.

Bill C-20 proposes to provide only one defence, the one of public good and to eliminate the other provision, which includes artistic merit. By doing so, the availability of a defence would be subject to a two step analysis. First, does the material or act in question serve the public good? If it does not, then there is no defence. Second, even if it does serve the public good, does it go beyond what serves the public good? If it goes beyond, then there is no defence.

Under the current laws, as interpreted by the Supreme Court, there is currently no requirement to balance artistic merit or good against any potential harm to society. Under the new law, the defences would be merged into one of public good and the courts would be required to consider whether the good served by the material or act is outweighed by the risk of harm that it poses.

Bill C-20 proposes to broaden the definition of written child pornography. In addition to including materials that advocate or counsel prohibited sexual activity with children, it would also include materials that describe prohibited sexual activity with children where the written descriptions of that activity are the dominant characteristic of the material and they are done for sexual purpose.

All Canadians are concerned about protecting young persons against sexual exploitation. We have begun to respond to this concern with the creation of the offence of Internet luring. I am pleased to say that charges have been laid under this new legislation.

Given the serious nature of this issue, we must continuously re-evaluate and ask ourselves if we can do more. Some believe that young persons would be better protected against sexual exploitation by simply increasing the age of consent to sexual activity. We believe however that the issue is about how to protect young persons from the exploitative conduct of others and not about their consent to such conduct.

Currently, the Criminal Code sets the age of consent to any form of sexual activity—from sexual touching to sexual intercourse—at 14 for most purposes with two exceptions. First, for exploitive relationships, the age of consent is 18 years. The consent of a young person who is 14 or older but under the age of 18 is not valid where the other person is in a position of trust or authority over the young person or the young person is in a position of dependency on the other. The age is also 18 for purposes related to prostitution and pornography. Second, for those close in age, a young person who is 12 or 13 may consent to sexual activity with a peer provided that the older person is less than 2 years their elder and there is no position of trust, authority or dependency.

But, and I want to be very clear on this, when we talk about the age of consent we are referring to consensual sexual activity. Consensual means there is a genuinely voluntary agreement to engage in the sexual activity. Any non-consensual sexual activity, no matter what the age of the person, is a sexual assault.

● (1120)

[*Translation*]

I held consultations on this issue, and just recently I asked for comments from my provincial and territorial counterparts. While there is agreement on the need to strengthen measures to protect young people from sexual exploitation, they do not all agree that raising the age of consent is the best way, or even an effective way, of reaching this objective.

I recognize that people's opinions on the age at which it is appropriate for young people to begin sexual activity varies enormously. However, as adults, whether we agree with it or not, the reality is that adolescents do indeed have sexual experiences. In this context, I believe that what Canadians want is to better protect their children from sexual exploitation.

Accordingly, the bill proposes creating a new category of prohibited sexual exploitation in order to better protect young people who have reached the age of consent, those who are between 14 and 18.

In addition to taking into consideration relationships of trust, authority or dependence, the courts must also take into account the fact that a relationship is based on exploitation and examine the nature and the circumstances of the relationship, including age difference and the degree of control or influence exerted over the adolescent.

[*English*]

In this manner the proposed amendment in Bill C-20 focuses on the other person's exploitation of the young person and not on the apparent consent of that young person to the exploitative conduct. I would also note that, unlike proposals to raise the age of consent to 16 years, the proposal in Bill C-20 would protect not only 14 and 15 year olds, but also 16 and 17 year olds from such exploitation.

The bill proposes several amendments to the sentencing provisions for offences against children to ensure that these provisions adequately reflect the serious nature of these offences. These include: increasing the current penalty for sexual exploitation, which includes the proposed new category, from 5 to 10 years when proceeded by indictment and from 6 to 18 months when proceeded by summary conviction; increasing the maximum penalty for sexual interference and invitation to sexual touching from 6 to 18 months when proceeded by summary conviction; and increasing the maximum penalty for failure to provide the necessities of life from 2 to 5 years when proceeded by indictment and from 6 to 18 months when proceeded by summary conviction.

Similar amendments are proposed for the abandonment of a child, which is currently an indictable offence that carries a maximum penalty of two years. We are proposing to make this a dual procedure offence with a maximum penalty of 18 months on summary convictions and 5 years on indictment, as well as making the abuse of any child, in the commission of an offence, an aggravating factor for sentencing purposes.

● (1125)

[*Translation*]

Bill C-20 also contains reforms to ensure that it is not as difficult for child witnesses to take part in criminal proceedings. A courtroom can seem strange, even austere for most witnesses. But for children, the experience can be very traumatic.

There have been important reforms in criminal law since the late 1980s in order to make the justice system more sensitive and better suited to the needs and realities of child victims and witnesses. These reforms recognized that the ability of child victims or witnesses to provide a clear, full and precise description of events can be adversely affected by both the trauma of the offence, but also by the criminal justice system itself.

The reforms contained in Bill C-20 follow up on these measures, including those that allow child witnesses to be accompanied by a person they trust, those that allow child witnesses to testify from behind a screen or by closed-circuit television in the case of certain offences, and those that restrict the questioning of a child by an accused person who is representing himself, and also in the case of certain offences.

When it comes to the current provisions, experience has shown that while these measures to facilitate testimony are very helpful for young witnesses, they are not always requested or applied in cases where they should be.

The justice department conducted extensive consultations concerning child victims and the criminal justice system. Responses obtained during these consultations show that the legislative reforms to make it easier for young victims and witnesses to testify during criminal proceedings enjoy considerable support. More specifically, respondents said they were in favour of the application of a uniform criterion for all victims and witnesses who are under 18, in terms of the possibility of testifying behind a screen, by closed-circuit television, or in the presence of someone they trust. The presumption by which these means would be provided unless they hinder the administration of justice is also supported.

[*English*]

Bill C-20 reflects these views and proposes to make testimonial assistance available for all young victims and witnesses under 18 years of age in all proceedings. Under the new law all children up to 18 years of age who are victims or witnesses in any proceedings, not only sexual offence proceedings, may request that a support person accompany them and may request to give their evidence from behind a screen or by closed circuit TV. The crown, in making the request, would not be required to prove the need for this assistance. The judge would order the use of the testimonial aid unless he or she was of the view that its use would interfere with the proper administration of justice.

Coming face to face with the person accused of the offence can be frightening and intimidating for young witnesses. Bill C-20 would ensure that a self represented accused person could not personally cross-examine a witness under 18 years of age in any proceeding. In such cases counsel would be appointed to conduct the cross-examination unless the judge determined that it was necessary to proceed in another manner.

● (1130)

[*Translation*]

We will also address the alarming issue of criminal harassment, or stalking as it is often called. A victim of criminal harassment should never have to face the possibility of being harassed again by an accused who chooses to represent himself and interrogates the victim personally. In such situations the court will appoint a lawyer who will represent the accused in order to avoid possibly traumatizing the victim with face to face confrontation.

Bill C-20 will also expand the provisions making video recorded testimony by a child admissible in court. Admissibility of a video recording can decrease the risk of anxiety or trauma for a child by reducing the amount of time spent testifying in court. Statements made on video will also allow the court to keep a recording of the statements made by a child at a time when the events were still fresh in his or her mind.

Currently, under the Criminal Code, statements recorded on video are admissible only for specific offences such as sexual exploitation, incest, child pornography, offences related to prostitution and sexual assault, and not in other offences involving violence such as murder or homicide. Video cassettes can also be entered into evidence when the complainant or witness is able to communicate the evidence but may have difficulty doing so because of a physical or mental impairment.

The new legislation will make an interview with a child witness or a witness with difficulty in communicating admissible for any offence, not just sexual offences.

As well, our reforms would also modernize those provisions of the Criminal Code allowing a publication ban in order to protect the identity of a victim or witness or to insure the fairness of a trial. Technological advances have given rise to new means of distributing information, and our legislation must reflect this.

Bill C-20 includes changes to ensure that a publication ban, when imposed, applies to publication, distribution or transmission by any means, including the Internet.

[*English*]

Bill C-20 also proposes amendments to the Canada Evidence Act to address continuing misperceptions of the reliability of children's testimony. Currently, child witnesses under the age of 14 years must undergo an inquiry into their competency and understanding of an oath or affirmation before being allowed to testify.

Bill C-20 proposes to eliminate the mandatory competency hearing and the distinction between sworn and unsworn testimony. The new test will be whether the child is able to understand and respond to questions. It will then be up to trier of fact to determine what weight to give to the evidence.

[*Translation*]

As well, Bill C-20 also creates offences of voyeurism aimed at remedying a shortcoming in criminal law. While voyeurism is not a new phenomenon, the means by which it can be perpetrated are.

Until very recently, voyeurism mainly related to peeping Toms. The Criminal Code currently allows for that type of voyeurism to be dealt with properly.

The development of new technologies has changed the situation considerably. Nowadays, it is possible to obtain miniature cameras at a relatively reasonable cost. It is easier to be a voyeur from a distance using such cameras, and to do so in locations that would not have been accessible before. The present provisions of the Criminal Code do not allow for this new form of voyeurism to be dealt with properly, which is why we wish to remedy this shortcoming with Bill C-20.

What we are proposing is to make it an offence to surreptitiously observe and record a person in circumstances that give rise to a reasonable expectation of privacy, not only when that observation and recording is for the purpose of sexual exploitation but also when it constitutes a serious violation of the right to privacy.

It will make it possible to seize copies of these recordings in order to prevent their being distributed or sold, as well as to delete all electronic copies of these recordings from computer systems, including the Internet.

[*English*]

Canadians value their privacy. This was confirmed again in the response we received from the public consultation on voyeurism. An overwhelming majority of respondents indicated that this offence should criminalize not only voyeurism conducted for a sexual purpose but also when it constitutes a serious breach of privacy. These new offences would reinforce the protection of the right to privacy valued by Canadians.

It is obvious that Bill C-20 responds in a very direct and meaningful way to many issues that are of concern to all Canadians such as child pornography, protection of youth against sexual exploitation, strengthening sentencing provisions related to offences committed against children, facilitating vulnerable witnesses and victims' testimony and creating the new offence of voyeurism.

I would ask all members of the House to support this very important bill for Canadian society.

● (1135)

Mr. Chuck Strahl: Mr. Speaker, I rise on a point of order. Would there be consent in the House for the minister to answer a few questions about this important bill? He could clarify some things and perhaps let all of us better understand the potential impacts of the bill.

The Speaker: Is there unanimous consent for a question period following the minister's speech?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, I am very disappointed that Liberal members would not allow the minister to be questioned on his speech. His speech raises a number of very serious issues. The minister should not be allowed to duck out of answering the real tough questions in respect of the bill.

Recently the Toronto Police Service held a press conference. In that press conference it told Canadians two things that were reported as news, although it was not news to anyone. It told us that Canada was rife with child pornography and that the federal government was not giving police officers the support they required to deal with the epidemic of child pornography.

Toronto police officers said that they had more than 2,300 names of suspected pedophiles on their list but only about 5% of them had been arrested. The reason for that very low arrest rate was because Canada lacked a national strategy for targeting sex offenders. The police officers are not getting the money nor the legislative changes needed to work effectively and efficiently to convict child pornographers and put them behind bars.

On the other hand, the Liberal government continues to claim that it is doing everything it can to protect children and that its laws are working. Who should Canadians believe? Should they believe the frontline police who have seen firsthand the worst and most degrading forms of child sexual abuse and the most depraved kinds of criminals who perpetrate this abuse or should they believe the Liberal government that was accused in December by the independent Auditor General of deliberately misleading Parliament for years about the billion dollar cost overrun and administrative failures in implementing Bill C-68, the long gun registry?

Canadians want to know what it will take for the government to get its priorities straight. For years frontline police officers have pleaded for federal support to combat child exploitation. The only response from the Liberals has been to slash police resources and to enact complex legislation that does nothing to protect children.

In contrast the British authorities have already arrested 1,500 people out of the 7,000 suspects from the same child pornography investigation. Why is Canada so far behind other western industrialized nations in this very important struggle? It is a lack of will, a lack of real concern and a failure to set our priorities straight as a country.

Perhaps it would be inaccurate to say that the Liberal government does not care about protecting children. I believe that all Canadians care very deeply about our children. However, the Liberal approach to protecting children consistently fails to put the needs of children ahead of the rights of criminals. This needs to change.

Much of the most recent public awareness about Canada's child pornography laws date back to a man named John Robin Sharpe. In the mid-1990s Mr. Sharpe was charged with possession of child pornography and defended himself on the basis that the Criminal Code laws against this offensive material violated his freedom of expression.

Mr. Justice Duncan Shaw in the B.C. Supreme Court agreed and struck down the Canadian child pornography laws as unconstitutional. For two years Canadian children effectively went without legal protection against pedophiles as police were compelled to put investigations on hold pending the appeals.

I quote what Ontario Provincial Police Detective Inspector Robert Matthews said in the *Kingston Whig-Standard* on May 3, 1999 just after the laws were struck down, "We have some cases... dealing with possession that are being put on hold awaiting [a final decision]".

● (1140)

Isabelle Schuman, head of the criminal justice section of the Canadian Bar Association, said in the same newspaper report, "Here in Quebec, there are a number of cases where the Crown and defence have agreed to wait because there is no point in going ahead".

In the *Globe and Mail* on March 2, 1999, it was reported that, "The Crown will seek adjournments on child pornography possession cases now before the B.C. courts".

All across Canada, child pornography cases were put on hold while the Liberal government and the then justice minister, who is now our health minister, stood by for the Sharpe case to wind its way through the courts. One by one, the Liberals stood to vote down a Reform motion in Parliament to invoke section 33 of the charter as a measure to allow cases to proceed normally during this appeal process. All that the former justice minister stated was that she had confidence in the appeal courts to make the right decision. However, while our justice minister was busy being confident in the courts, law enforcement agencies across Canada were severely handicapped in their attempts to suppress child pornography, and as a result, our children went unprotected for a period of two entire years.

Canadians felt relieved when the Supreme Court decision of January 2001 substantially upheld the law as constitutional. What most Canadians did not understand was that while upholding the constitutional propriety of the law, the Supreme Court opened up a loophole in the interpretation of the law that simply allowed the pedophiles to continue exploiting children.

When John Robin Sharpe was tried by the B.C. Supreme Court, the same judge who had struck down the law as unconstitutional in 1999 proceeded to acquit him on two charges involving written pornographic material by applying an absurdly broad definition of artistic merit. It strikes me as strange that the same judge who had already expressed his disdain for the law on a constitutional basis would be put back by the courts to hear the matter. Clearly the chief justice in that province should have assigned a new judge to that case so that at least Canadians would have had the perception that the judge was approaching this case from a fresh point of view. Clearly what he could not do by declaring the law unconstitutional, he simply did by applying this absurdly broad definition of artistic merit.

John Robin Sharpe's written material is not art on the basis of any reasonable standard. His writings depict sexually explicit material that glorifies the violent sexual exploitation of children by adults. Furthermore, most Canadians will agree that all forms of child pornography are harmful. The harm done to children and society generally by the creation and distribution of this type of material, regardless of how it is produced, cannot be ignored. Beyond the clear intent for this material to provide sexual gratification to the creator or viewer, child pornography is created to glorify, to encourage and to normalize the idea of sexual activity between adults and children. It simply opens the door to the further exploitation of children.

Despite the court's obvious error in this ruling, once again the Liberal government did not immediately move to clarify the law and eliminate the artistic merit defence, a move that would have had the overwhelming support of Canadians. Only after months of intense pressure from the Canadian Alliance did the Minister of Justice move toward this legislation in which he claims to have eliminated the artistic merit defence. In reality he has done no such thing. The minister has replaced all of the previous defences to child pornography and merged them into one defence, the defence of the public good. There are two substantial flaws in this wrong-headed Liberal approach

● (1145)

First, there is no substantive difference between the public good defence and a previous defence, the community standards defence, which was rendered ineffective by the Supreme Court of Canada in the 1992 Butler decision. The community standards test, just like the public good defence, was concerned primarily with the risk of harm to individuals and society. However, because of how the court approached that particular defence, it was rendered ineffective. There is no positive benefit in doing what this minister has done in respect of the public good defence. There is no positive benefit in simply recycling laws that have been already discredited by the courts.

The second substantial flaw is that the artistic merit defence, which has been eliminated on paper, still applies in practice. Even by the Minister of Justice's own admission, artistic merit remains a component of the public good that the courts will consider in any new charge of child pornography. In essence, the minister has simply repackaged and renamed the artistic good defence.

I find it surprising that members opposite would tolerate this kind of perpetuation of abuse against children on the thin excuse of artistic merit when they would never allow, I would hope, the same kind of abuse to be perpetrated against ethnic minorities, against women or against other minorities. Yet they choose to do it in respect of the most vulnerable people in our society, our children. Once again the Liberals, in this legislation, avoid taking a clear stand against child pornography and the protection of children.

One of the biggest failures of this Liberal bill is that it will not protect children by raising the age of sexual consent from 14 years of age to 16 years. The most frequently cited reason that Liberals give for not raising the age is that it might criminalize sexual activity between young people close in age. Every parliamentarian, and hopefully most Canadians, understands that this excuse is pure nonsense. All the minister needs to do is establish a peer exemption for sexually active younger teens. The Criminal Code already permits children younger than 14 to consent to sexual activity as long as their partners are less than two years older than they are. The British, who have set their age of consent at 16, also have a close in age category that has not, as Liberals suggest, criminalized teenagers. It has had the opposite effect, that is, it protects these vulnerable young people from much older sexual predators.

In a Pollara poll released in May 2002, 80% of Canadians believed that the federal government should raise the age of sexual consent from 14 years of age to 16 years of age. I find it interesting that the Minister of Justice continually quotes a similar percentage of Canadians who are in favour of marijuana decriminalization as his basis for moving in that direction, yet despite calls from average Canadians, provincial Attorneys General and premiers, Child Find Manitoba, Beyond Borders, Focus on the Family, the Canadian Police Association, the Alberta Federation of Police Associations, and countless other organizations, including the Canadian Alliance, the Minister of Justice continues to give excuses as to why this cannot be done.

● (1150)

Even the former justice minister said in response to a question that I asked her in the justice committee on October 2, 2001 that:

> ...I think we will see that a consensus is emerging that, with certain safeguards, we should probably be moving on the age of consent from 14 to 16.

Elected officials from all political stripes recognize the importance of implementing these legal tools so that our law enforcement authorities can better protect our children, but this minister keeps offering excuses for why it cannot or should not be done. He keeps saying how difficult it would be, although I cannot imagine that it could be more difficult than making our drug laws more lenient, which is what he proposes to do this spring, especially considering the ramifications such a move would have on the United States, our neighbour and our largest trading partner.

The minister tries to tell us as Canadians that his thousands of lawyers in the Department of Justice cannot figure out a way of raising what virtually every civilized jurisdiction in the world has done. The British, most American states and other western civilized countries have moved in that direction. What impediment is there that prevents his lawyers from drafting a relatively simple provision that provides certain safeguards and brings the age of sexual consent from 14 to 16 without criminalizing teenage sexual activity but protecting our children from child predators?

There is a reason that has been given. The minister's parliamentary secretary, the hon. member for Northumberland, even said in the House on November 5, 2002, that there were "many social and cultural differences that have to be reflected in that law". This was certainly news to many Canadians. I do not know what he is talking about. Is he talking about a culture of pedophilia when he makes references to cultural backgrounds?

Let me tell the House about what one member of Canada's ethnic communities had to say about that. I will spell the name so we have it right for the record. Vettivelu Nallainayagam, a name which is almost as difficult to say as Toews or "Taves" if one were making that kind of comparison, wrote on November 16, 2002 in the Calgary Herald:

> I am offended, and angry, that the government has sought to hide its unwillingness to change the age, using as its excuse the different sexual mores of Canada's various cultures. It casts these cultures in a negative light and undermines the foundations of our multicultural society.

The writer continued:

> I have interacted with many cultural groups, having been associated with the Calgary Multicultural Centre for a long period of time, and I never took home the impression that any one cultural group in Canada would be opposed to changing the age of sexual consent.

The writer concluded the piece by saying:

> I appeal to the minister of justice and his parliamentary secretary not to hide behind cultural excuses but to act to raise the age of sexual consent to 16. And I would also urge the members of different ethnic communities to write to [the parliamentary secretary] asking him not to insult the intelligence of the ethnic community in Canada.

As Liberal ministers keep making weak excuses for not moving to raise the age, they will continue to be discredited by clear-thinking Canadians.

● (1155)

As I have stated, it is not anyone's intention to criminalize sexual activities between young people who are close in age. The intent is to protect young people, who are not always in the best position to protect themselves from sexual abuse by adults. Under our current laws, children and teenagers easily become targets of pornographers, Internet sex scams, pedophiles and sexual abuse, and parents have no legal recourse with which to shield their children from these dangers.

I noted that in the minister's speech today he is proposing that witnesses under the age of 18 receive extensive protection in court, extensive protection that would prevent an accused from cross-examining those individuals under 18. This is a remarkable admission by the Minister of Justice. Here he is saying that even in the court, children under the age of 18 can be exploited by the court process where there is a crown attorney, where there is a judge, where there is a public forum. Children under the age of 18 can be exploited, so he wants to bring in protection for children under the age of 18. What about children out on the street who are under the age of 16 and are victims of sexual predators? There is not a judge out there on the street protecting these children. There is not a crown prosecutor out there protecting these children. Yet there is no protection by the government for laws that at least will give the police and parents the right to protect their children.

What double standards: that children need protection in the courts, but where they are in danger of being preyed upon by sexual predators on the street and elsewhere they receive no protection that is effective in preventing these kinds of abuses.

Instead of extending full protection to children under the age of 16, the Liberals prefer to introduce a complex and cumbersome law that will do little to achieve its stated purpose. This is the same thing as the complex Young Offenders Act. It says wonderful things, but if one is actually in the street trying to enforce these laws, they are ineffective. It is the same thing as the gang law that has been passed: complex procedures that will not effectively curtail the activities of gangs without substantial increases in police and court resources.

Even today we have heard about how complex trials are grinding our justice system to halt. What I have heard the minister say here today simply is adding more of this complexity rather than putting in straightforward provisions that actually protect children. What he creates is wonderful net for lawyers to work in, to operate in, to ensure that the entire system slows down and in fact, as the chief justice indicates, grinds to a halt.

Why are we doing this? Why do we choose to discard the effective and embrace the cumbersome? I can tell the House that the reason is this: the focus of Liberal legislation is not on who the legislation is intended to protect. The focus is on what the courts may say if we pass this legislation. The courts might declare it unconstitutional so therefore we should not do the right thing; we should do the thing that is complex and cumbersome and satisfies the legal machinations of our legal system.

We need a government and a minister who will stand up and say, "I want to bring forward legislation that is straightforward, direct and effective and that will protect children".

● (1200)

When the minister brings in that type of legislation he should be prepared to stand up to the courts and tell them that the rights of children are more important than the rights of sexual predators who rely on decisions, like Mr. Justice Duncan Shaw's decision, in respect of artistic merit. Why is it that these types of perverse decisions receive protection while children are left to fend for themselves? Lip service is paid by adding a few little things in courts, but the substantive issue of children being preyed upon by sexual predators virtually goes unaddressed.

Instead of a straightforward, effective provision, the bill creates the category of sexual exploitation with the intended aim of protecting children between the ages of 14 and 18. In determining whether an adult is in a relationship with a young person, which is exploitative of the young person, a judge must consider the age difference between the accused and the young person, the evolution of the relationship and the degree of control or influence by the adult over the young person. Anyone who has had experience in the courts will explain what this means. This is another complex law that will simply grind the system to a halt and, in the end, will do nothing to protect children. This is lip service, not a substantive recognition of the problem that the Toronto police recently pointed out to us.

Currently it is against the law for a person in a position of trust or authority, or with whom a young person, someone between 14 and 18, is in a relationship of dependency, to be sexually involved with that young person. It is unclear how adding people who are "in a relationship with a young person that is exploitative of the young person" will protect young people.

By the Liberals' failure to prohibit adults exploiting, in a sexual sense, children under the age of 16, police and parents are faced with a continuing risk to children that is not effectively addressed by these amendments. As has been said by more than 80% of Canadians, only by raising the age of sexual consent will young people be truly protected under the Criminal Code.

While I realize that the Solicitor General has introduced a separate bill concerning the sexual offender registry, I want to comment briefly on that since the Liberal failures in that department are quite significant in this context.

After reviewing the Solicitor General's proposal for the registry, I have concluded that the Liberal idea of justice defies all common sense by targeting law-abiding Canadians while giving convicted child predators the benefit of the doubt.

The Liberals continue to pour millions of dollars of taxpayer money into a registry of law-abiding firearms owners but still refuse to create a registry that includes all sexual offenders. We heard the Solicitor General's weak and very lame comments in excusing why convicted criminals, who are serving time in prison today for brutally destroying the lives of children, will not be on that sexual offender registry. He says that it is double jeopardy when he knows this has nothing to do with the constitutional doctrine of double jeopardy. Double jeopardy relates to two criminal convictions for the same offence. This sex offender registry is not a conviction. It follows that conviction. It is done in every other context where we seek to identify those who present a danger to society. What better criteria can we rely on than when someone has been convicted by a court of these crimes?

● (1205)

In reality the Liberal proposal for a sex offender registry appears to be a poorly disguised public relations strategy. The proposed registry is nothing more than a blank piece of paper. I know and Canadians know that without a comprehensive list of offenders convicted in the past the registry will be virtually useless.

Pedophiles and other sex offenders who have a notoriously high rate of reoffending can only be added to the registry if they offend and are caught in the future. Furthermore, none of this information will be available for members of the public who may need to know when there is a sexual offender in their midst. In effect, known sexual predators will be exempted from the Liberal plan until they are convicted of more offences.

The Liberals did not say that about farmers and duck hunters who might have a shotgun or a .22. No, they put them on the registry right away. They have done a very poor job of even establishing a registry but they did not say that they would wait until these people were convicted of an offence. We need to remember that these people, who are otherwise lawful gun owners, have never been convicted of any offence. If they had been they would not have received the right to possess a gun. Now the Liberals are saying that convicted pedophiles get a break despite the fact that they have been convicted by a court. They will not go on a registry because that would be double jeopardy. What about innocent Canadians who have committed no wrong? We all know that t cannot be double jeopardy because they have not even been convicted once. If the Liberals want to be consistent they should at least wait until someone breaks the law before putting them on this kind of registry.

In effect, known, convicted sexual predators will be exempted from the Liberal plan until they are convicted of more offences. The reason the Solicitor General gives is that he has concerns about the charter and privacy rights. This is simply nonsense and it has no credible basis in law. The minister should have focused on drafting a law that protects victims instead of trying to guess what the courts might do. If the courts think that the protection of children and other victims should be compromised, Parliament should not make it easier for the courts or for pedophiles or for other sexual offenders,

Furthermore, the federal law prohibiting retroactivity could impact negatively on existing provincial registries. The provinces, as a result of the failure of the federal government to proceed, have acted. Ontario, especially, has gone to great lengths. Other provinces have set up different types of registries. In the United States, virtually every single state has a registry. We can go on the Internet today and put in a name and the face of the convicted felon comes up on the computer screen. That is how public the access is. In some states the access is not that public.

There are reasons perhaps, philosophical, legal or other, but we are not even having that debate here in Canada. Basically we are saying that victims do not deserve this protection and that is the end of the discussion. The same thing is true about the sex offender registry as it is with this particular Bill C-20. It does not focus on the needs of victims. It focuses on what courts might do, and, in the process, renders it ineffective.

● (1210)

Ontario police Inspector Bob Matthews told reporters recently that the light sentences that Canadian pedophiles receive are, in his words, a joke. He said:

> It almost encourages child pornography to be distributed, if you know there's no punishment.

Courts regularly, even in my home province of Manitoba, are overturning the decisions of lower court judges who put pedophiles or child pornographers in jail and are giving them conditional sentences. Another Liberal excuse about these people really being in jail but serving their sentences at home. That statement and that process defies any credibility.

Inspector Bob Matthews and every other law enforcement officer knows that the current maximum sentences in Canada for distributing child pornography or for other child sexual offences are rarely given out.

The Minister of Justice has come here and said that the Liberals will raise the maximum sentences which shows their determination to take some effective measures against child predators. The minister knows that the courts do not give those maximum sentences. They do not give the present maximum sentences and they will not give the maximum sentences that will be in place if the bill is passed. This is window dressing designed simply to assure Canadians that something is being done when in fact nothing is being done.

If the minister were truly serious about punishing pedophiles and child pornographers and sending them to jail he would not worry so much about the maximum sentences. He would bring in minimum sentences so that the courts could not allow these individuals to escape the appropriate punishment. He would repeal conditional sentences for child predators and others who commit violent acts against Canadians.

We know that legislating higher maximum sentences for child pornography and predators, as this bill does, will not be effective unless the courts enforce them. We know that the courts simply have no will and no desire to enforce the laws as written.

The bill also fails to prohibit a number of other issues. I realize others want to speak but what I want to speak specifically and very briefly on, in conclusion, is the ever looming problem of the scarcity of resources.

Police and prosecutors simply do not have the tools to deal with child pornography cases effectively or efficiently. They do not have the legal tools they need and they have suffered crippling funding cuts over the past decade that prevent them from doing a thorough and complete investigation.

In addition to the strain caused by lack of resources that the Toronto Police brought to our attention, current evidentiary laws tie up additional police resources preventing police from investigating and prosecuting child pornography in a timely manner. While technology used by child pornographers has developed, the laws needed to address the problem have not kept pace, and that is a glaring omission in the bill.

Those are my opening remarks. I trust that the minister and Liberal colleagues will keep an open mind about possible amendments to the bill. Perhaps the bill should be sent back with specific instructions to ensure that victims, rather than child predators, are protected.

● (1215)

[*Translation*]

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, the bill before the House this morning is, in my opinion, of special importance. The initiative of the Minister of Justice to restrict access to child pornography is an important measure and I want to assure the House that the Bloc Quebecois will work very seriously on this issue.

Protecting children is a fundamental principle in a society. Children are our greatest asset and they deserve all our attention and protection. They are the most vulnerable group in our society.

We could have a long debate on pornography in the broad sense of the term. However, in my opinion, child pornography is something that must be completely and fundamentally banned and prohibited, something that we must fight actively and strongly to prevent its spreading.

Not only is child pornography associated with a degrading sexual deviance, it also reflects a sick and degrading state of mind, for consumers, but especially for children.

It is not without a degree of emotion that I rise to address Bill C-20, because I am the father of two young children. I thought about my speech this morning for a long time, and I have been haunted by a terrible thought: what if my two sons fell into the hands of sexual predators or were sexually exploited by such depraved minds? This is why I am taking a particular interest in today's debate.

The Bloc Quebecois supports the principle of Bill C-20, because we feel that the minister's initiative deals with several important aspects of criminal law. It includes new provisions that have become necessary, given the particular nature of today's new technologies.

However, some clauses of Bill C-20 raise important questions, including those dealing with the issue of consent regarding sexual relations.

The Bloc Quebecois hopes to have some witnesses appear to discuss this issue and to examine all its aspects. Of course, we reserve the right and the privilege to move some amendments later on.

Bill C-20 makes fundamental changes two acts, the Criminal Code and the Canada Evidence Act. The government hopes to make a number of amendments to the Criminal Code, particularly to:

> (*a*) amend the child pornography provisions with respect to the type of written material that constitutes child pornography, and with respect to the child pornography defences;

The bill will also:

> (*b*) add a new category to the offence of sexual exploitation of young persons and make additional amendments to further protect children from sexual exploitation;
>
> (*c*) increase the maximum penalty for child sexual offences—and

(*d*) make child abuse an aggravating factor for the purpose of sentencing;

In the same vein, it is important, under the circumstances, to:

(*e*) amend and clarify the applicable test and criteria that need to be met for the use of testimonial aids, for excluding the public, for imposing a publication ban, for using video-recorded evidence or for appointing counsel for self-represented accused to conduct a cross-examination of certain witnesses;

And finally, it is important, in terms of the Criminal Code, to

(*f*) create an offence of voyeurism and the distribution of voyeuristic material.

Bill C-20 "also amends the Canada Evidence Act to abolish the requirement for a competency hearing for children under 14 years of age".

In order to make the most of the bill's objectives, it is important to carefully assess the law as it current exists. One of the significant concerns that we have deals with consent to sexual relations.

● (1220)

Currently, under the Criminal Code provisions concerning consent to sexual activity, the consent of a person under the age of fourteen is not a defence against charges of a sexual nature, such as sexual abuse, exhibitionism or fondling. This means that persons aged fourteen and older can give their consent.

This provision, as you know, is subject to an exception. The consent of a complainant can be a defence if the latter is between twelve and fourteen years of age, if the accused is more than twelve but under sixteen years of age, if the accused is less than two years older than the complainant and if the accused is not in a position of trust or authority towards the complainant.

Furthermore, a person in a position of trust or authority cannot sexually interfere with a person between the ages of fourteen and seventeen years, even if the minor consents. It is also important to remember that, obviously, child prostitution is illegal in Canada.

These provisions in the Criminal Code have been strongly criticized, namely by the Canadian Alliance, which wanted to change the age of sexual consent to sixteen. Among the arguments advanced in favour of raising the age of consent was that Canada might become a sex tourism destination simply because sexual relations with minors aged fourteen and up are not illegal here.

However, with such stakes, it is essential, urgent and necessary to think clearly. To this end, the Bloc has always been opposed to raising the age of consent to sexual relations. We believe, and let us be clear, that although it is preferable that children aged fourteen and fifteen do not have sex, this is the age that society in general seems willing to tolerate.

Furthermore, you will recall, this is what I said during the debate at second reading on Bill C-215 introduced by the member for Calgary Northeast last November 4.

I also drew attention to the doublespeak by the Canadian Alliance on this issue—and it is important that this be done. In fact, let us remember that during the debate on the Young Offenders Act, Alliance members thought a 14 or 15 year old child was responsible enough to be tried in adult court, but not responsible enough to consent to sexual activity. They were prepared to put this child in prison, because according to them he was criminally responsible, but he was not responsible enough to consent to sexual relations. What doublespeak.

In a different vein, in his proposal, the Minister of Justice creates a new concept of exploitation. Now, an adult will not be able to have sexual relations with a minor if the latter is placed in a position of exploitation with regard to the adult.

The criteria that will be used to determine whether there is exploitation in the relationship are the following: first, the age difference between the person and the young person; second, the evolution of the relationship; and third, the degree of control or influence by the person over the young person.

This may seem complicated. To simplify things, let us look at a specific example. Geneviève is 15 and in a relationship with Gilbert, age 45, whom she met in a bar. Geneviève is not dependant on Gilbert in any way. However, from the beginning of the relationship, Gilbert has showered Geneviève with gifts that are very expensive for a young girl her age. Very soon, Geneviève consents to sexual relations with Gilbert.

In this situation, based on current law, Gilbert is not guilty of any crime. Under the provisions proposed by the minister, Gilbert could be found guilty of an offence under section 153 of the Criminal Code and liable to imprisonment not exceeding ten years. In fact, their age difference is 30 years and the relationship is very recent.

● (1225)

It is important to point out that we have some reservations about these new provisions. First, they create uncertainty regarding the law, and this is never a good thing. A person of full age who has sexual relations with a minor will never be sure whether he or she is committing a criminal offence, since these provisions of the Criminal Code leave a great deal to the interpretation judges will make of the clauses that are proposed today.

This leads us to a second point. A parent who disapproves the sentimental choice of his or her minor child will always have the option of filing a complaint with the police, even though their reasons for doing so are not those anticipated by the legislator. This could add to the legal uncertainty.

Consequently, I reiterate the fact that the Bloc Quebecois is interested in hearing witnesses in committee on this issue. We are prepared to move amendments if necessary.

As I mentioned earlier, the rapid technological changes that have occurred in recent years have made it necessary to make some legislative changes, in order to deal with the new reality.

For example, the electronic cameras that transmit live images on the Internet have raised concerns about possible abuse, including the illegal observation or recording of persons for sexual purposes, or when such observation or recording is a blatant violation of privacy.

This is why the bill proposes to add two new offences to the Criminal Code. The first one would make it a criminal offence, in three specific cases, to deliberately and surreptitiously observe or record another person in circumstances that give rise to a reasonable expectation of privacy. The first case would be when the observation or recording is done for a sexual purpose. The second case would be when the person observed or recorded is in a place in which a person can reasonably be expected to be nude or to be engaged in sexual activity. Finally, the third case would be when the person is nude or is engaged in sexual activity, and the observation or recording is done for the purpose of observing or recording a person in such a state or engaged in such activity.

So, we are not talking about surveillance cameras in a shopping mall or in a parking lot, but in a place where a person can reasonably expect a minimum of privacy.

The second offence relates to distribution of material when aware that such material has been obtained by commission of the offence of voyeurism. This would also constitute a crime. The maximum sentence for all voyeurism-related offences would be five years imprisonment.

Finally, copies of a recording obtained by the offence of voyeurism for the purpose of sale or distribution could be seized or confiscated. The courts could also order deletion of any voyeuristic material from a computer.

The Bloc Quebecois feels that the legislative provisions relating to voyeurism were made necessary by the proliferation of surveillance cameras and the rapidity of distributing images taken by such cameras, via the Internet for instance.

Consequently, we are in favour of the provisions relating to voyeurism.

Now, let us move on to child pornography. Primarily, the new provisions on child pornography address two different aspects.

On the one hand, the present definition of child pornography applies only to material that advocates or counsels sexual activity with a child. Bill C-20 would expand that definition to include any material that describes prohibited sexual activity with a child where the written description of the activity is the dominant characteristic of the material and is done for a sexual purpose.

These new provisions raise a number of questions. First of all, it must be made clear that possession of child pornography is a crime punishable by five years imprisonment.

The new provision calls for any written material describing sexual activity with a person under the age of 18 to be considered a form of child pornography. Consequently, this would mean that someone who recorded in his personal diary fantasies, sick and twisted as they might be, of sexual relations of this nature would be committing a criminal offence and be liable to five years in prison, even if he or she did not show this document to anyone and no child was in any way involved in creating the document.

First of all, this provision strikes us as a broad one, and tantamount in a way to making thoughts a crime. The Minister of Justice counters that objection, however, by saying that we must interpret these provisions in light of the Supreme Court of Canada judgment in the Sharpe case.

In Sharpe, it is indicated that there are two types of material that must be excluded from the definition of child pornography: first, documents or representations that the accused alone created and retains solely for personal use, for example a diary, and second, visual recordings created by the accused or in which he is represented, which do not depict any illegal sexual activity and which the accused retains solely for personal use.

We find it hard to understand why the Minister of Justice did not integrate these exceptions into the Criminal Code. In fact, their absence will have the effect of creating legal uncertainty, because the Criminal Code will provide, even for an informed reader, a very imprecise definition of child pornography.

We plan to use the hearings of the Standing Committee on Justice and Human Rights to hear witnesses on this issue. Of course, we will move amendments if we believe they are necessary.

● (1235)

Mr. Richard Marceau And from a somewhat different perspective, there is the sensitive issue of defence for possession of child pornography. The interpretation of the notion of artistic merit given by the Supreme Court of Canada in the Sharpe case angered many. In fact, the court interpreted this notion in a very broad manner, and I quote:

> I conclude that "artistic merit" should be interpreted as including any expression that may reasonably be viewed as art. Any objectively established artistic value, however small, suffices to support the defence. Simply put, artists, so long as they are producing art, should not fear prosecution under s. 163.1(4).

The Minister of Justice, in introducing Bill C-20, has replaced this defence with another one, based on the public good this time. It specifies, and I quote, that:

> No person shall be convicted of an offence under this section if the acts that are alleged to constitute the offence serve the public good and if the acts alleged do not extend beyond what serves the public good.

Let us again use a fictitious example to illustrate cases in which this new defence could be used.

Normally, the possession of pornographic videos involving children would be considered a sexual offence. We all agree, this is very clear. However, a psychiatrist specializing in the treatment of pedophiles could justify having such tapes in his possession for treatment purposes because his possessing such tapes serves the public good. In this case, the possession of videos is more helpful than harmful. Prima facie, this new defence seems reasonable.

Bill C-20 also proposes harsher sentencing for offenders. The proposal of the Minister of Justice would see the maximum sentence for sexual exploitation double from five to ten years. The maximum sentence for abandoning a child or failing to provide the necessaries of life to a child would more than double from two to five years in prison.

The courts would also consider child abuse during the commission of an offence under the Criminal Code an aggravating factor that could lead to harsher sentencing. In our opinion, these changes seem quite relevant and we support them.

Before closing, I would like to stress the overall objective of facilitating the testimony of children. This legislation would reform the current criminal justice system so that contributing to and participating in the system is less traumatic for victims and witnesses.

The current provisions of the Criminal Code would be expanded to make testimonial assistance available for all witnesses under 18, not only those who are affected by sexual offences and other specific offences, in all criminal proceedings.

This assistance includes allowing witnesses to give their evidence from behind a screen or by closed-circuit television, or having a young witness accompanied by someone they trust.

The current provisions generally require that the Crown establish the need for testimonial assistance. Given the possible trauma to young witnesses of the courtroom experience—and I know whereof I speak, having watched the proceedings, and my wife, who is a Crown attorney, and I have spoken about this at length—the proposed reforms recognize the need for this particular assistance. We strongly support it.

We should note in passing that it is at the judge's discretion, however, to deny assistance or protection if it obstructs the administration of justice.

In our view, these elements of the bill represent a step in the right direction and we will support them throughout the entire legislative process. However, this new process must not infringe on the right of an accused person to a full and complete defence, which remains a fundamental right under current Canadian law.

This bill that we are talking about is very broad and the different angles that we intend to work on are those that I have just mentioned. We intend to support the bill at this stage. As I have already said a few times, we will take the opportunity at committee stage to improve it in order to protect our children. They are society's most important resource.

● (1240)

[*English*]

The Acting Speaker (Mr. Bélair): My colleagues, starting with the next speaker speeches will be of 20 minutes in length followed by a 10 minute question and comment period. If members decide to split their time with one of their colleagues, it would greatly help the Chair if they would give notice. This having been said I give the floor to the hon. member for Palliser.

Mr. Dick Proctor (Palliser, NDP): Mr. Speaker, it is a pleasure to rise in the House on the first day back after the Christmas-New Year's recess and to take part in the second reading debate of this important legislation, an act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

As we have already heard in the House, we are trying to find a reasonable balance between proposed legislation to strengthen child pornography laws and to better protect teens from sexual exploitation. The concern on the one hand is that the legislation does not go far enough, while on the other hand civil libertarians are saying the rights to free expression would be violated by the reforms designed to narrow any defence against child pornography changes. The bill, according to those folks, says nothing about raising the age of sexual consent to 16 from 14, which at least one political party has proposed here today.

The argument goes that children are falling between the cracks and landing in the hands of sexual predators. We have heard that on the other hand the government is saying that teens from age 14 to 18 are better shielded by doubling the maximum jail term for sexual exploitation to 10 years from five under the proposed legislation. That would further deter those in positions of trust or authority, and I am thinking of teacher-student relationships, who might be inclined to sexually exploit a younger person.

Courts would be asked to focus more on the behaviour and motives of the accused and less on the young person's consent. The argument is that it is a much better protection than simply raising the age of consent.

That is the issue that we have before us. It is not an easy question to answer because the question of child pornography is of great concern to all of us. While there seems to be widespread support in the Canadian public on this issue, we have witnessed many times in the past the unwarranted targeting of artists, art organizations and businesses under the guise of various public morality laws.

The defence that the government has provided Canadians is the defence of the public good. An individual would only be found guilty of a child pornography offence if the act or material in question did not serve the public good. That means to me that if the risk of harming outweighed any positive benefits, the material or act would be considered a criminal act. This would protect legitimate visual artists and other artists.

There is also a new definition for written work to be considered child pornography. For work to be considered along this line it would have to have as its main characteristic the description of those prohibited sexual acts written explicitly for sexual purpose.

We must walk a fine line on the legislation. On the one hand, in the wake of the John Robin Sharpe decision of last year, we must ensure that material he produced is condemned and not condoned, especially under a defence of artistic merit. On the other hand we must ensure that works with real genuine artistic merit are not criminalized. How to do that is the crucial question that is before us in the House today.

One of the main problems with the legislation is that artistic merit would now be decided upon by judges. An option to that could be to figure out some mechanism by which artistic merit could be decided upon more independently, perhaps by a panel of experts. Rather than simply having a decision based on the public good, which could be a particularly difficult concept upon which to decide, a defence based on artistic merit or excellence could be judged by a panel of experts.

● (1245)

Another problem under the legislation as it now stands is that artists would have to prove that their work should be exempted rather than the other way around. We would all agree that this is contrary to the judicial system in which the onus is on the Crown to prove someone or something is guilty, not the other way around.

If people decide to oppose the bill because it does not allow for art, then it needs to be made clear that the goal is to stop the harassment of artists by overly moralistic forces in our society. We raise that because it has happened in the past and civil libertarians have spoken out about it. It is not necessarily a good thing for any society when police and prosecutors are asked to judge artistic merit through the personal lens of community morals.

Dealing with the bill more specifically, on the issue of sexual exploitation, the proposed section deals with the calls from numerous Canadians to increase the age of sexual consent. While the proposed legislation does not do this, it does create a new definition of exploitative relationships. Rather than having a list of relationships prohibited in which one participant is an adult and one is a minor the legislation before us would establish that there are certain characteristics that would categorize a sexual relationship to be illegal.

If, for example, a court were to decide that a relationship was exploitative that would call into question its legality. Therefore, as I indicated earlier, a relationship between a teacher and a student would remain illegal, however now under the proposed legislation a relationship between a minor and an adult that was not necessarily illegal under the old provisions could be deemed to be so if a court found it to be exploitative. Because it is highly unlikely that a court would find a relationship between a high school senior over the age of 18 and a high school junior, say 15 and a half, to be exploitative, this effectively would remove concerns around criminalizing teen sexual activities. This seems to be flexible yet enforceable enough to protect children more effectively than previous provisions.

On the issue of increased maximum sentences the proposed section strives to create greater maximum sentences for offences in which a child is victimized. The only potential concern around this proposed section has to do with increased sentences for failures to provide the necessities of life to a child and abandonment of a child. These would target low income Canadians more so than others and might be a more heavy-handed approach than is necessary in ensuring that children who live in marginal circumstances are provided with the necessities of life.

I would like to comment on children as witnesses. This proposed section makes it easier and certainly less traumatic for children to testify in criminal trials.

On the issue of voyeurism, this proposed section would create a new offence in the Criminal Code. With various technological advances it has become ever easier to invade someone's privacy. We are suggesting that this proposed section would seek to update the Criminal Code to ensure that modern day peeping Toms could be prosecuted for the full range of crimes that they commit. Until recently voyeurism type offences would be prosecuted under trespass sections of the Criminal Code, as they would usually involve trespassing on someone's property in order to invade their privacy.

With this proposed legislation photographing someone surreptitiously or using a mini-camera to spy on them would be prosecuted under a special section of the Criminal Code as well as other offences which would include prosecution for distributing these materials most commonly by e-mail or over the Internet.

Our original concerns about this proposed legislation around child protection have been the need to strike a fair balance between child protection and the maintenance of certain important freedoms. In our opinion these concerns seem to have been addressed sufficiently in the proposed legislation.

● (1250)

The newly redrafted child pornography provisions were a response to the decisions of the B.C. Court of Appeal in the Sharpe decision which forced the government to introduce this defence of artistic merit to ensure that freedom of expression as guaranteed by the Charter of Rights and Freedoms was not infringed.

Part of the concerns in terms of the trial of Mr. Sharpe was that he was found not guilty of child pornography offences for written material which he had produced. That material was generally considered to be offensive and pornographic however. What the government has done with the new legislation is attempt to tighten the defence of artistic merit to ensure that the production of materials like this is prohibited.

The defence the government has provided Canadians with is a defence of public good. An individual would only be found guilty of a child pornography offence if the act or the material in question did not serve that public good. It means that if the risk of harm outweighs any positive benefits, the material or act would then be criminalized. It seems to me that this would protect legitimate visual artists. I have indicated there is a new definition for written work to be considered child pornographic. For work to be considered pornographic, it would have to have as its main characteristic the description of these prohibited sexual acts.

These definitions are generally up to the courts to uphold and enforce and would likely meet challenges to their constitutionality. It seems to me on balance that this section seems to strike an effective balance.

I further would add that in the Sharpe case specifically, his stories included tales of children younger than 10 engaged in sado-masochism with adults. As I pointed out, such writings would sicken most Canadians. However from the Canadian Civil Liberties Association point of view and Alan Borovoy, the long time head of the CCLA, it does not excuse Ottawa's efforts to criminalize works of the imagination. Mr. Borovoy is on record as saying that it would have no objection to criminalizing material that is produced by abusing an actual child. However if we are talking about fictional depiction, then there is simply no reason to prohibit that.

That is the position of the New Democratic Party on this. To the NDP it seems that the legislation does a reasonable balance of ensuring the protection of children and others from exploitation and harm, while balancing the needs of a free and democratic society. While we may discover ways in which the legislation can be changed and improved upon as we learn more about it and the effects, it is worthy of our support here today.

Mr. David Anderson (Cypress Hills—Grasslands, Canadian Alliance): Mr. Speaker, I suppose I am not surprised, but I am a bit ashamed to hear the NDP defending any presentation of child pornography.

I was surprised to hear the member comment that we have overly moralistic forces in our society that must be stopped in their attempts to prevent child pornography. He also mentioned a couple of times that he did not like Sharpe's work. However he said that genuine artistic merit must be protected. He also said that the risk of harming children must outweigh the benefits of the material if we outlaw it.

The minister told us this morning that the measure for checking whether the material would be illegal would be did it serve the public good. I would like the member to answer a couple of questions.

First, what part of child pornography does the member feel would serve the public good? Second, at the end he mentioned that the Canadian Civil Liberties Association seemed to think that child pornography was all right if it was made up. What are the member's views about video imaging, computer enhancement and the material that is on the Internet which does not portray children being abused but comes from people's imaginations; that is they make it up, put the material on the net and make it available to people? Does the member defend that as well?

● (1255)

Mr. Dick Proctor: Mr. Speaker, in response to the member's specific questions, the position that I take, and I believe would be shared by a majority if not all of my caucus colleagues, is that if it has not specifically hurt a minor in the production of it, if it is created by people's visual imaginations and if the main purpose of it is not simply about pornography and sexual exploitation, then under the laws people do have a right to their own imaginations and thoughts, however perverse the member and I might think they are.

Nevertheless, if they come from an artist's thoughts and the body of work that is presented is not pornography per se, that is it may be an element of the overall story but not the main focus of it, then personally I would say, as I do not want to speak for my colleagues, those are fair limits of artistic expression.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member caught my attention as well with his defence of artistic merit as a legitimate defence. I think the member should well know that if child pornography exists, then a child has been abused. That is the bottom line.

What really concerns me about this discussion, and I hope the House will try to flesh out a little more conceptually on this whole aspect of what constitutes the public good, is that this defence has been floated out to be the only defence that will be permitted. If the premise is that the existence of child pornography in any form means that a child must have been abused, then what public good can someone define for me?

Would the member please enlighten the House a little as to public good examples so we can better understand conceptually the principle of public good. In my view it is not very clear what constitutes public good but it should be.

Mr. Dick Proctor: Mr. Speaker, in terms of the premise of the question from the member for Mississauga South, if a child has been abused it is pornographic. I agree 100% with the member's point on that issue.

What I am trying to say is that if an artist has visualized this, or dreamt this, or put this in his or her writings or drawings as the case may be but it has not actually affected or involved any minor and if the body of work in question is not primarily pornography but, as I said before in my answer to the member for Cypress Hills—Grasslands, is incidental to the main body of work, then it should be looked at in that light, if it is not filth and garbage.

Again, I might find all this terribly offensive myself and I am sure I would. However we have condemned artistic material over many hundreds of years which on reflection perhaps should have been given a second look. It seems to me that on this question there is reasonable balance on both sides. We are not saying it is perfect legislation. We are saying that we will support what the government has provided today under this omnibus bill.

● (1300)

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, the NDP presenter said that he referred to the Charter of Rights and Freedoms. We have rights and we have freedoms but every one of us who has been elected to the House of Commons has the responsibility to protect our children.

The Toronto police force sent their representatives to Ottawa to meet with us. At the meeting they told us that it was all child pornography. They asked us to strengthen the laws and to give them the tools to straighten this out and correct the situation.

My question to the hon. member is this. How could anyone say that it is artistic merit when they use a child? Glory be, it is not. It is child pornography and every elected person in the House of Commons should be against it and ensure that the legislation brought forward will protect children and correct this.

Mr. Dick Proctor: Mr. Speaker, I wish the hon. member for Saint John had heard what I said. I think that she and I are not in disagreement. As I said to the member for Mississauga Centre, I agree that if a child has been exploited in any of this, it is obviously a criminal activity and should be prosecuted under the full extent of the law, which under this bill would now be significantly greater than what we had before.

What I am trying to do is differentiate between this. I appreciate where the member for Saint John is coming from, as well as the members for Cypress Hills—Grasslands and Mississauga Centre. It is that it is a difficult concept. However we cannot make legislation for somebody who visualizes or imagines or dreams something and puts that in an artistic form, be it in a book, magazine or an art catalogue. If it has not physically harmed an individual, then we have to look at that and consider it before we take any legal action or automatically say that they cannot do that, that we will burn the book and that we will put them in prison for ten years.

As members of Parliament, we have to protect both sides. We have to ensure that children are not sexually exploited. At the same time there has to be some recognition of artistic merit and the need for it. That is the balance we are trying to strike here. What the Canadian Civil Liberties Association is saying is important and we need to weigh that very carefully.

I was at the same conference last year as the member for Saint John when the police were here. I saw her put her head down and refuse to look at the visual images. I know what she is talking about and where she is coming from on this. However there is a balance and we have to try to find that balance, which is what we are doing today.

[*Translation*]

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I am pleased to take part in this very important debate. Bill C-20 provides us with an opportunity to better protect children in Canada.

● (1305)

[*English*]

This particular debate will evoke a great deal of emotion and there is no doubt that Canadians are watching closely as to how the government and the Parliament of Canada will respond to this important issue. Since the decision in the Sharpe case brought this issue to the forefront, I think that police agencies, victims' groups and Canadians in general have viewed this as an issue of timeliness and an issue requiring immediate action. Sadly, that has not been the case. Although I applaud the government for finally bringing this legislation forward, I lament the fact that it has taken almost two years.

I respectfully disagree with the commentary from my NDP colleague, although I take his comments very much to heart when he speaks of balance. Yes, there is often a need for balance when dealing with issues such as this one, but I also agree with the commentary that there is a time for decisiveness, particularly and fundamentally on an issue that is so grave in the harm that can come to children.

This bill has taken a long time to come before the Parliament of Canada. One would have hoped that in that time it would have come in a perfect form or at least close to a perfect form. That is not the case. I am very fearful that this legislation does not go far enough to alleviate the inexcusable production of child pornography. The bill does not address the current lack of resources in the country vis-à-vis the police and those who deal directly with all efforts to try to attack and remove this scourge on society.

I will preface my remarks by saying that there are many favourable aspects of the legislation. I suspect that on closer scrutiny by the justice committee, it will no doubt prove to be beneficial. For example, clause 5 amends subsection 161(1) of the Criminal Code to expand the definition of those convicted or discharged on conditions prescribed in a probation order and can be viewed as a positive step. The addition of offences under this section will increase the number of offences for which a judge can place a probation order, leading to a greater number of victims being protected. I have a private member's bill that is in the same vein. It would allow a judge to place a provision on a sexual offender barring his or her presence in a dwelling house in the presence of a child unless escorted by an adult. Those are the types of expanded protections that we should be constantly seeking as far as legislation such as this is concerned.

A total crackdown on child pornography is happening in many jurisdictions, including in the United Kingdom. That type of response sends a strong message, a message of deterrence and a message that embraces public protection. That is in and of itself part of what should occur when the law is brought to the forefront.

Sadly, the government has a record of producing complex and cumbersome legislation that is difficult to enforce and often difficult for the courts to interpret. The replacement of the Young Offenders Act is a perfect example, as are the terrorist legislation and the gang law. All of these, although well intended, came far short of accomplishing what one would hope because of the abstract, complex nature in which they were presented.

Getting back to the substance of the bill, the amendments to sections 151 and 152 of the code also maintain the indictable offence maximum of 10 years and increase the level of punishment under summary conviction, by directing the court to incarcerate not exceeding 18 months, making it a hybrid offence, in essence. Again, I view this as positive. It expands the range of sentences available to judges to send that message of deterrence and keeps in mind the balance necessary to at the very least try to rehabilitate.

Sadly, when it comes to child pornography and individuals who engage actively in the manufacturing, production and proliferation of child pornography, just as for those involved in pedophilia and sexual assaults, the chances of rehabilitation are often very slim. The preference in my view, and I suggest in the view of many, is that the emphasis has to be put on the protection of the public when these types of offences are involved. These offences are referred to as sexual assault cases but they are violent offences. Sexual assaults inevitably can be characterized as violent and the effects are long-lasting, lifelong in many instances. A life sentence is what is handed to a victim of this type of horrific invasion.

● (1310)

The fundamental question in this debate must centre around the harm caused to those who are most vulnerable: children, obviously. Underlying this, we must give thought to the role of the court in the context of judicial policy as it pertains to the supremacy of Parliament. We must show how this new legislation would eradicate child pornography within the context of artistic merit.

My overall assessment is that this legislation narrows but does not eliminate or eradicate artistic merit from the Criminal Code. Unfortunately for Canadians, the legislation does not go far enough, I suggest, for it once again could be subjected to judicial interpretation, putting children at risk.

Does the two step analysis of which the minister spoke serve the public good? Some of the questions from my hon. colleague from Mississauga and other members of the House posed the rhetorical question: What possible public good or merit could be found in something that exploits children? There is no merit. There is no public good that could be found in such material.

The second part of this two step analysis of which the minister spoke asks if it goes beyond what serves the public good. I find that statement in and of itself completely puzzling. There is no merit in the depiction of children in a way which degrades them. There is harm in and of itself. There definitely will be constitutional challenges. There always are and there always will be on issues such as this. As surely as night follows day, there will be a challenge based on this new legislation. That is inevitable. Yet Parliament has a strong role to play when it comes to issues of public good. It has a strong role to play in drawing lines on moral issues. Why not be definitive in the first instance if we know that it is going to go to the courts?

There is an inherent danger to society as a whole when we fail to recognize just how detrimental child pornography is at a basic level. No one is suggesting that the works of Nabokov in *Lolita* or Plato in *Symposium* or other classics that touch to some degree on issues involving children be removed from circulation based on the promotion of sexual conduct with minors. As my colleague from Saint John suggested, the Charter of Rights and Freedoms provides protections for freedom of thought and expression, yet implicit in that are responsibilities as well. The question of what constitutes a reasonable limit is central to this debate. Common sense surely must be the guiding principle, common sense that is so often lacking in legislation that appears in this place.

Subclause 7(1) of Bill C-20 amends subsection 163.1(1) of the Criminal Code, defining child pornography to include:

> any written material, the dominant characteristic of which is the description, for a sexual purpose, of sexual activity with a person under the age of eighteen years—

While the addition of a clear section for the purpose of defining what constitutes child pornography is welcome, the removal of the words "for a sexual purpose" would, in my opinion, completely change the meaning of the legislation and its purpose. The exclusion of those four words could send a clear message to the judiciary, removing the subjectivity of the purpose of the work and putting the emphasis on the acts within.

There is also in legislation before the House the issue of dealing with raising the age of consent. I would suggest again that an opportunity was missed to send a clear message on this. There is easily a remedy when it comes to a pure exemption. It would have clarified this supposed reason that the government is putting forward for not raising the age of consent because it would involve sexually active teenagers, that somehow the activities of two teenagers at a drive-in could result in criminal charges being brought forward. There is already the two year exemption that is applied, which again is a common sense approach that surely would prevail, yet the message it sends is one of ambivalence. I know that there certainly are examples that we can all imagine whereby a very streetwise 13 year old, up against a naive 17 year old, would fall outside the current parameters or even the parameters that are presented in raising the age of consent. Again one would hope that common sense would prevail in the courts of the land.

● (1315)

There is always a need to streamline legislation and to put it in common parlance so that people, and particularly young people, can understand it. We seem to, in this place, continually stack legislation upon legislation. My grandfather used to speak about the need to strip away old shingles before putting new shingles on the roof. That same approach, I suggest, would often apply in legislation such as this, as the definition of child pornography should not be open to interpretation through intent or by any other means, that is to say, the thought process behind the writing and whether or not a work was produced for a sexual purpose would be of no consequence. We simply need to state the definition of what is acceptable and what is not, with the clear definition that the judiciary is removed from the public-private nature of the debate.

As a remedy to the problem associated with subsection 163.1(6) of the code, subclause 7(2) replaces subsection 163.1(6) with another subsection which states that no person will be convicted of an offence under the section

> if the acts that are alleged to constitute the offence, or if the material related to those acts that is alleged to contain child pornography, serve the public good and do not extend beyond what serves the public good.

What on earth does that mean? Where could there be public good found in some form of child pornography?

I understand the intent of the minister's legislation, yet I fear that what has been presented will not be sufficient to protect against the abhorrent creation of child pornography, of material depicting children in a pornographic way. Members of the public, along with child advocacy groups, members of the House of Commons and Canadians in general, have continually called upon the government to produce a clear, concise piece of legislation which would completely remove the chance that material of this nature would ever find its way into public hands.

The Catholic Women's League of Antigonish and groups from all over the riding of Pictou—Antigonish—Guysborough, from across Nova Scotia and from across the country have continuously carried on the white ribbon campaign in an effort to have the government bring forward strong laws against child pornography. This bill, sadly, does not meet the standard that they are searching for.

The minister has left open to interpretation by the courts a matter that strikes at the very heart of our democracy. The intent of the bill is to protect children from all forms of exploitation, including child pornography, sexual exploitation, abuse and neglect, and yet unfortunately the definitions of public good will be vague and insufficient and not of a level to objectively put forward to the courts any type of pornography and how it might be used. It is not clear. Once again there is a question of the acceptability to the individual. Obviously an argument as to what constitutes the public good will predominate, leaving the children vulnerable again. There can be no levels of child pornography, just like there are no levels of pregnancy. It either is or is not.

I ask the minister why this legislation took the government so long to produce if it is going to be brought forward in such a flawed manner. The overall effect of the Sharpe decision by Mr. Justice Shaw in many cases had people absolutely recoiling in horror that this decision could have been produced by someone from the bench. Yet that learned judge, by his decision, in fact has kicked open the door, and by this legislation it has been left open by the minister. The door is left open to potential pedophiles who would take advantage of youth, who denigrate images and engage in writings that have a very corrosive effect on societal norms. This is a travesty. Works of this nature go against the very fabric of what is acceptable in a just and moral society. There can be no denial. A direct correlation exists between the fantasies of sick-minded individuals and the harm to children that is created. Why risk the potential danger, I ask rhetorically, when the collective will of the people would see this material stricken from existence?

In handing down the Sharpe decision, Justice Shaw effectively broadened the interpretation of the current exemption of defence for artistic merit. Section 1 of the Charter of Rights and Freedoms guarantees the rights and freedoms set out in the charter "subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society". The contention of that section, which is that limits are justifiable, in this case is correct when weighed against the potential harm to children and the intent of Parliament to protect the rights of those who are most vulnerable.

● (1320)

The essence of the debate today is that the protection of children must come first. Simply put, it is my belief the Supreme Court of Canada erred in its favourable interpretation of the Shaw decision. Unfortunately, and I say that respectfully of the courts, the justice minister's lawyers have weighed the rights of the individual against the rights of the child and once again we are left with a mediocre half measure, an attempt to correct. The Canadian public realizes that this is a serious problem yet this is the legislation that the government has produced.

If the Liberal government is unwilling to protect the rights of children and, by extension, their families, I suggest that it might at the very least take the opportunity presented by the upcoming budget to consider supporting victims of crime financially.

The Progressive Conservative Party of Canada has always been supportive of attempts by the law enforcement community, victims groups and child advocates who are constantly tasked and constantly struggling with the lack of resources available to them.

Given what we saw wasted by the government in the production of a long gun registry that is ineffective and a complete disaster, what if that type of money were put into expanding the registry for the DNA data bank, expanding the sexual offenders registry or a missing persons registry, which should be the next step in this attempt to put information online? What about having a victims' ombudsman's office for timely access to information as to matters that were before the court and individuals who are about to be released from prison who were offenders? Funding for legal aid in this country is a disgrace. This, in and of itself, would be an opportunity to put more money into the system to allow for a better brand of justice.

There are so many greater priorities that would have assisted and enhanced our justice system rather than wasting money on a long gun registry that has no connection to public safety and was poorly managed by the government. The Liberals are not good managers, clearly. The fact remains that criminals, particularly the Hell's Angels, will never register their guns. The entire premise of this ill-fated registry is flawed and yet the government continues to support it with taxpayer money. The priorities for where they put the money do not seem to be in line with the public priorities.

As I have said before, what could be more fundamental than the issue of protecting children? We know that the lasting impact on victims of sexual abuse is a life sentence and many of these drastic debilitating effects are sadly passed on and further victims are the result. Very often the mental anguish and detrimental effect on the development of young people is everlasting.

It is incumbent upon Parliament to take every opportunity to make for a safer, kinder, gentler society. I do not want to see Parliament miss that opportunity again.

With the technology that is available, the Internet, there is a great opportunity for police, given the proper resources, to combat this problem in a more effective way. They are crying out for it. Police groups recently have drawn that comparison, what they could have done with $1 billion to address this issue. There is a need to support victims and to have more support and stronger legislation in that regard. It talks directly to the issue of respect and dignity for those who have been victimized. It is clear that there has to be an equitable approach taken by the government, which is why we need this victims' ombudsman's office.

While we debate the merits of the bill, alleviating the philosophic discussions of public good, it becomes evident that the legislation is wanting; the problems associated with the Shaw decision, the Sharpe decision. For the sake of the children, the government has to do better.

In conclusion, we will support the legislation as far as getting it to the committee to try to improve it and add some substance to it. The legislation is a half measure. We want to see the whole measure. People who abuse children must be prosecuted and severely punished. Bringing down laws that are strict, clear and pragmatic is the way to approach this. The legislation is wanting. We in the Progressive Conservative Party hope to make a contribution to see that this will in fact protect children and improve their lives.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I congratulate the member on his French. It is coming along very well.

I know the member has spoken many times on the subject matter and I have participated in debate as well. I have questions in two areas.

First, as the member outlined, and as I had asked the NDP member who spoke, conceptually about this thing called public good, maybe the member would like to comment as to whether this generously nebulous concept of public good is an admission, or appears to be an admission, that we cannot frontally address the problems raised by the supreme court.

The second issue has to do with whether or not the member would agree with me that there are circumstances in which subsection 33(1) of the charter, i.e. the notwithstanding clause, and that the protection of our children where the courts cannot seem to be reasonably reflective of what I understand to be the public good and what the social values of Canada are, should be invoked if we cannot deal with this frontally with the courts.

● (1325)

[*Translation*]

Mr. Peter MacKay: Mr. Speaker, I would like to thank my colleague for this important question.

[*English*]

The issue of public good, which is central to the debate, is what is so unfortunate because the public good can never be served where there is tolerance for child pornography, which is what has happened. The legislation does not close the loophole. Albeit the loophole has been narrowed and is not as broad it is still open to misinterpretation. I do not think the public good could ever be interpreted as allowing for child pornography to exist in any form. There has to be a clear signal and putting down some clear stakes in the ground on this issue is what the legislation should be aimed at.

The second part of my friend's question speaks to the exercise of the notwithstanding clause which is, to use the vernacular, the nuclear bomb within the charter that would obliterate an area of law for a substantive period of time. It is a final step. I would suggest that all preferable routes should be pursued. I suggest that the legislation, with the work and input of my hon. friend, is the answer if we can amend the legislation to get it right. If members of the House of Commons and members of my friend's government would support amendments that would close that loophole we would not have to go the route of invoking the notwithstanding clause.

I am one who is not suggesting that we should never use the notwithstanding clause. It is there for a reason. Members of Parliament should be aware of situations when the notwithstanding clause should be invoked. I strongly suggest that if the legislation is not corrected and remains in such a way that it will leave this type of abuse open then we should use the notwithstanding clause. The Government of Canada should seriously consider doing that. If that is what is needed to protect children then by all means.

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, I thank the hon. member for his speech and I can certainly agree with about 99.9% of what he said. There is one little problem though and I will discuss that in just a second.

He mentioned two words, common sense. Since 1993 I have been waiting for some real common sense to prevail in this place when it comes to protecting the children of our country. For the life of me, it has never come to be.

I cannot understand in the slightest why we even hesitate, why we are even debating the idea that there might be a way to present it when the message from Canadians is loud and clear: no child pornography in the country, not an inch, not a pound, not an ounce. There is no room whatsoever for child pornography to exist in the country. There is no public good. There is no artistic merit. No discussion. Legislation that comes forward should indicate that right off the bat

For the life of me I do not know why the Conservative Party would support this on the first ballot in order to get it to committee when we know what the results of committee work have been. It has been demonstrated over and over. Committee work, 99% of the time, is a waste of time because committee recommendations are never listened to. The front row over there will do what it wants. The dictator over there will get what he wants. Why do we not given them a message today on—

● (1330)

The Acting Speaker (Mr. Bélair): Order, please. I think the hon. member went a bit far. I have no choice but to ask him to withdraw the word "dictator".

Mr. Myron Thompson: I do not know what other word replaces such a word but I will withdraw that one, that is for sure.

Mr. Peter MacKay: Mr. Speaker, I began my remarks by saying that people become emotional over this issue. I understand my hon. friend's frustration. He asks me why the Progressive Conservative Party supports the legislation at this stage. It is because we have no choice. This is the forum to try to improve legislation.

There are elements, I am sure my friend would agree, that are positive. There are elements here that create a new offence of voyeurism, measures to protect children and vulnerable persons, measures in the courtroom that will protect them from being cross-examined by their abuser, tougher sentencing provisions, a category of sexual exploitation, elements that are there to strengthen the current provisions.

Does the bill go far enough? Does it close the loophole? No, it does not, but it is process that we have to follow. I would rather keep pushing the rock up the hill than jump off the hill, just because we are not at the top yet.

The Progressive Conservative Party will support this flawed legislation at this stage in the hopes of improving it. It is simply a straightforward approach that we have to take. Hopefully common sense, which, as the hon. member has pointed out, is so sorely lacking, will prevail. Members of the government may be shamed into bringing about the necessary improvements by their own constituents. I hope that is the case but I know I can count on my hon. friend to continue to fight the good fight to protect children in this country.

Mr. Paul Szabo: Mr. Speaker, another element that I forgot to address to the member has to do with the Criminal Code. My understanding is that there is no definition of pornography within the Criminal Code. In fact, it is a definition of obscenity. Even that definition has been around a long time.

Would the member concur that this issue, this dichotomy of language, ought to be addressed also in committee, whether it continue to be the definition of obscenity or a new definition of pornography, so that we clearly understand what we are talking?

Mr. Peter MacKay: Absolutely, Mr. Speaker. I again want to congratulate my colleague who has taken a great interest in this issue and has been consistent in his efforts to improve the legislation. That is exactly the type of improvement that I think should occur. A definition in the Criminal Code that the judges, the judiciary, the crown attorneys, the police, the lawyers and the victims could look to for direction as to what constitutes pornography is a very useful and positive suggestion. It is one I hope he and members of the government will support; given the source that they would support their own words.

Sadly we have seen too many examples in the past that common sense which prevailed on the backbench was annihilated by the front bench. This is not a partisan issue. This is by far the most practical, pragmatic issue that could come before the House on the very first day.

I am pleased and I am instinctively optimistic that parliamentarians will put aside partisanship in an effort to address this. I would suggest that this is the ideal opportunity on our first day back in the year 2003 to put that foot forward. I issue that challenge to all members, particularly on the government side.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I fully concur with the last speaker in that there is no more important issue for Parliament to address at this moment than this bill and particularly within this bill, the issue of the protection of our children from exploitation.

Throughout my parliamentary career I have tried to concentrate on children's issues and family issues for one reason, which is that I believe Parliament must be the voice for those who have no voice. In our society children do not have a voice that can influence their futures when they are dependent children.

Bill C-20 caught my attention because of the issue of pornography, but in fairness Bill C-20 has a number of provisions which I think are useful. This is the beginning of the debate at second reading. We will have preliminary discussions about what we see in the bill, the concepts, et cetera. As the previous speaker noted, this is an opportunity to define the ballpark in which we have some concerns that should be examined more closely.

That examination is going to happen in committee. Notwithstanding the character of the committee, I understand that the justice committee has worked very hard. It has done some very good work on behalf of Canadians to vet the very important questions that have been raised. I see this as an opportunity for members who are not part of the justice committee specifically to rise in this place to share the views of their constituents on key issues, whether they be exploitation, abuse or the issue of pornography.

This is the time to raise the bar to the level that should be addressed by the justice committee in doing its work. This is the time to raise the questions that need to be addressed. This is the time for us to have an influence as to the direction of this review. There will be many opportunities after this, but the more we can put some focus on this, the better.

For that reason I am rising to share what I would think are not only the views of myself and my constituents but the views of the vast majority of Canadians. The existence of child pornography in any form whatsoever is an abuse of children and it must be stopped, period. I could not say it more clearly.

I was concerned that this bill had some fuzziness to it. There was this new concept which I am not very familiar with called public good. I made inquiries of people from a number of backgrounds to give me examples. I need examples as a lay parliamentarian to understand what constitutes public good. Even among the people I spoke with, I got various opinions as to what the understanding was.

My understanding is that we cannot yet find the proper defence to the whole issue of artistic merit which is flowing from the Sharpe decision and which is still harbouring the problems within the judicial system for Parliament and for Canadians. We cannot seem to put a stake in the heart of artistic merit. People who argue or feel that possession of materials depicting pornography relating to children somehow has any merit whatsoever are very troubled people who need help.

That is a societal view. I always thought that the Supreme Court of Canada should not be a body that is there to make law or to interpret the law in a way which makes new law, but rather to apply the laws of Canada. I always thought that the Parliament of Canada was the highest court of the land. Yet time and time again this place has been very consistent, other than perhaps the NDP members who for some odd reason, want to balance the interests of artistic merit. I do not know where the NDP is coming from, but if it wants to support those who possess pornography, let us make sure the public knows that because it is not the public that I know about.

● (1335)

A motion will play a part of this. It is important that parliamentarians raise the rhetoric, raise the emotion, get Canadians engaged and make sure they understand. If Canadians do not understand the issue, they will be concerned that we have not done our jobs. I do not want the issue to continue to go around in circles.

In the materials provided to members of parliament, Bill C-20 will strengthen child pornography provisions. With regard to artistic merit, it does acknowledge that it will only narrow and not fully address child pornography. This is clearly an area that raises my interest in the debate at second reading. It will also create a new category of sexual exploitation. It will increase maximum sentences in certain areas, facilitate the testimony of children and also introduce the new offence of voyeurism.

Those are good and positive things. I think they will earn the support of the House, subject to proper review.

It still comes down to the fundamental issue within this omnibus bill. A lay person cannot read the bill and understand what is going on. The bill does not flow from paragraph to paragraph. There is a preamble and then it states that a certain section of the Criminal Code will be replaced by another section, et cetera. It is plugging holes and replacing or adding things. I printed a copy of the Criminal Code from the Internet. It is about six inches of paper. This is a very difficult bill for parliamentarians who are not fully engaged in analyzing the bill and asking questions.

This is why it is so important for parliamentarians to make sure in terms of highest principles and macro views and our reflections on some of the principles that the bill touches on that there can be no misinterpretation of the will of Parliament to address child pornography, exploitation, abuse, neglect and everything else.

I pulled out some of my old speaking notes from 1999 and there is something that moved me quite a bit. I was a member of the health committee. Health officials told me at the time that about 75% of the money spent on health care in Canada was remedial spending. Remedial spending is spending after there is a problem. Only 25% was spent on prevention. Those figures concerned me because Health Canada also said it was not sustainable.

There was another aspect which had to do with children. It implanted very deep in my heart a position in my parliamentary career for children. There was a statement made by an eminent child psychologist and researcher. His research had shown that back in 1999 in Canada, 25% of our children enter adult life with significant emotional, behavioural, academic or social problems. The monetary and social costs are so enormous that investing in children is an imperative, not an option.

I cannot believe there is anybody in this place who would not agree that investing in our children, protecting our children and being the voice of children in Canada is anything but our responsibility. We have to embrace this passion and let Canadians know.

● (1340)

We have to also understand that it will not be acceptable to have soft or partial solutions. As the courts get into court-made law rather than applying the laws of Canada and rather than reflecting the social and moral values of Canada, we need to take a stand. Public good will not make it. I cannot say to my constituents that it is not child pornography unless it can be demonstrated that it serves the public good. That is a non-starter. I say to justice officials and the minister that it is a non-starter. Parliamentarians have to say that time and time again. Let us deal with this.

These are issues I want the justice committee to look at. I want the committee to make sure when Canadians are told the language that they will not balk and ask questions. Public good as a concept raises more questions than it provides answers. This is wrong. The legislation should be addressing the issues. There is no issue that is more important to address at this time. We have been going around in circles on this issue for years.

There is no artistic merit in abusing children. There is no artistic merit in depicting children in horrendous ways. There is no question in my mind that Canadians abhor child pornography. Those who perpetrate it, who possess it, who produce it and who distribute it are problems in our society.

The Supreme Court of Canada made a decision on abortion. It did not say that children do not exist prior to birth. It decided that it would put the rights of the mother ahead of the rights of the child. This is an example of where the courts have not only tried to balance, but in fact have put the rights of one party ahead of the rights of another party. If the courts can do that, surely we can put the rights of children ahead of the rights of those who feel they have to demonstrate artistic merit by exploiting children.

I do not want to argue about what artistic merit there may be. In my view the answer is clear.

● (1345)

[*Translation*]

It is clear; for me, it is clear.

● (1350)

[*English*]

This is an issue that is clear for all Canadians.

I want the courts to know how Parliament feels. I want Canadians to know how Parliament feels. I encourage members to rise in their places and say what is in their hearts and to tell the House what their constituents have said to them about this issue. I do not believe there is any disagreement on these issues.

I want to comment on a couple of other issues for the justice chair. I know he has been following the debate.

I do not understand why the Criminal Code does not define pornography. I submitted a private member's motion a number of years ago to replace the definition of obscenity, which is in the Criminal Code, with pornography.

It is troubling to me that once people reach the age of consent, once they become adults, all the rules and all the concerns that we express with regard to the exploitation of children get thrown out the door and that same type of degradation and exploitation of human beings no longer is a problem. In our society, a terrible crossroads occurs when the values we hold with regard to children are not the values we hold for men and women.

We need to reflect very seriously on the social and moral values of our country. Parliamentarians have to be looked to for setting the tone and the example. We need to make sure that the legislation we deal with is put through a filter that reflects those social, moral and family values.

We cannot have it both ways. We are weak on obscenity with regard to adults and we want to be champions with regard to children. I am not sure whether our case is strengthened by having two sets of rules in terms of the degradation of human beings and the exploitation of women, children and anybody else who is incapable of having a voice for themselves.

These are serious issues which will be addressed in committee. I hope we can talk seriously about what happens with the notwithstanding clause. We have to start talking about this. I understand that section has been used rarely, two or three times, in very rare and obscure circumstances. If parliamentarians were to consult with their constituents and Canadians at large and they were to bring back their message Canadians would say that they could not think of another issue on which they would want the notwithstanding clause to be invoked than the protection of children. If it meant protecting children from exploitation, abuse and neglect, Canadians would say it was an appropriate use. It is certainly to be respected.

We need to discuss these things. People cannot stand out there all by themselves trying to whistle in the forest with nobody to hear them. This is not a forest. Everybody is listening. Now is the time to raise our voices, to express our views and to do what we can to protect the children of Canada.

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, I appreciated the member's comments and I will be looking forward to his no vote on the legislation when it comes as is. I am sure that will happen because what he is against is exactly what the bill would allow to happen.

More specifically, an omnibus bill always bothers me. We know there are a lot of parts of this bill that will take a lot of time to interpret, understand and clarify, and it will go to committee. Whenever anything of this nature goes to committee it usually means weeks that turn to months and months that could possibly turn to years, which can turn to an election which means it could be lost on the Order Paper. I see a lot of things that could develop in a short time that would never see any kind of change come to light because of the process.

However, there is one thing that I think the member would agree with and I would like to hear his thoughts. As a grandfather, and I seriously doubt there is anyone here who does not have connections to kids, I feel we should do something about banning and stamping out child pornography as quickly as possible because it is hurting our children every day. Let us not waste time with a measure that people across this land want to see gone.

Would the member agree that the section dealing with child pornography could be presented on its own? Could we not deal with it in a manner that says loud and clear to child pornographers, producers and distributors that there is no room in this country for child pornography? We will not accept it. Let us be leaders of the world and stamp it from our civilization.

Mr. Paul Szabo: Mr. Speaker, I do not disagree with the sentiments of the member. We have had more than enough examples of committee work, but I think the member would concede that the justice committee is one that has carried a big load. No amendments can be made at second reading. It is simply if members do not want to talk about this bill at all, then they can vote it down.

The only way we will fundamentally address this is to get the bill on the table. The way to do that is to get it into committee and give our people the best opportunity they can to deal with it. There are several provisions within the bill that I believe are important to get through. I do not disagree with toughening up the whole scenario with regard to child pornography, but we must make that effort in committee, and at report stage if needed. I understand the member is concerned about timeframe, but those are the rules of this place.

● (1355)

Mr. Darrel Stinson (Okanagan—Shuswap, Canadian Alliance): Mr. Speaker, I would like to thank the hon. member for his speech in regard to child pornography, but I have the same concerns as the hon. member for Wild Rose. I have been here since 1993 and one of the reasons why I ran was with the understanding that as senior politicians it was our job to protect those who needed protection, the law-abiding citizens of this country, our women and children, and particularly those most vulnerable.

However, with regard to child pornography, we have seen this go on for a number of years. This is not new for the House, but it gets pushed back all the time. If we are supposed to be the lawmakers is it not time for us to take that responsibility? We do not need grey areas, such as for the public good, put into pieces of legislation and law.

I would like to ask the hon. member, if the bill is not amended will he stand here today and say that he will vote against it?

Mr. Paul Szabo: Mr. Speaker, I believe the question was: if the bill is not approved, will the member vote against it? That is a double negative and I do not think the question works.

Let me say to the hon. member that he clearly knows where I stand on this issue and he knows that we must deal with this matter. We must get this bill into committee. That is the place where members of Parliament will have the opportunity to raise these concerns. Members of the committee, if they share our views, will come out and clearly say that we do not want to leave this lack of certitude in terms of the concept of public good.

We want to address it fundamentally and frontally, and if the courts do not accept it then we have the tool of the notwithstanding clause to ensure that it is the will of Parliament, the highest court in the land, and not the Supreme Court of Canada, that will speak on behalf of children.

STATEMENTS BY MEMBERS

[*English*]

CHILD CARE

Mr. John Godfrey (Don Valley West, Lib.): Mr. Speaker, in a poll released earlier today 90% of Canadians said they strongly agree with the statement “Canada should have a nationally co-ordinated child care plan”. Eighty-six per cent agree that there can be a publicly funded child care system that makes quality child care available to all Canadians. Clearly Canadians overwhelmingly recognize the importance of a national child care strategy.

It is time that governments caught up with our fellow citizens and put in place the child care architecture that would improve both our prosperity and our quality of life. It would allow parents to improve their education, upgrade their skills and enter the workforce while also improving the development outcomes of our children.

The fact is that Canada is falling behind many OECD countries in the provision of child care and preschool programs. Let us get on with catching up.

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NATIONAL DEFENCE

Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance): Mr. Speaker, it is bad enough that the Liberal government has been chronically underfunding and neglecting our defence forces since it was elected, but what it is now doing to our military families while we are on the cusp of war is truly despicable.

In November the government increased the rents of our soldiers' homes $100 a month. Next month it will cut their cost of living allowance $150 a month. Even with their raises, our soldiers this year will be much worse off than last year. What kind of government do we have that gives a raise to our troops with one hand and then slyly takes much more money away from them while they are on deployment? This is atrocious policy and appalling timing. At our naval base in Esquimalt this has been greatly demoralizing.

To the government: do the right thing, freeze the rents on our military families' homes, stop cutting their PLD, and treat our military and its families with respect.

* * *

FAMILY LITERACY DAY

Mrs. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, Family Literacy Day is a national initiative that was created by ABC Canada in 1999. Family literacy refers to the various ways families develop and use literacy skills such as reading, writing and numeracy to fulfill daily tasks and activities. ABC Canada has done a tremendous job over the years of bringing sponsors together and raising awareness of the importance of literacy.

Across Canada, literary organizations and coalitions, as well as schools and libraries, are hosting literacy themed events such as read-a-thons, reading circles, story writing contests, and celebrity readings to raise awareness about the importance of family literacy. This year, Robert Munsch, Canada's best selling children's author, has agreed to be the honourary chair of Family Literacy Day 2003.

As a former writer and a mother of four, I would ask the House to encourage all Canadians to build and share within their families the wonderful gift of literacy.

* * *

● (1400)

[*Translation*]

FAMILY LITERACY DAY

Ms. Raymonde Folco (Laval West, Lib.): Mr. Speaker, Family Literacy Day, which we are marking today, reminds us that it is important to read to our children every day.

[*English*]

What we learned in childhood and youth stays with us forever. Approximately eight million Canadians, or two in five working age Canadians, do not have the literacy skills required to participate fully in our society. Our common challenge is therefore to ensure that all Canadians acquire early the level of literacy that will enable them to participate in the country's economy.

[*Translation*]

Literacy begins in the family and continues at work.

I encourage my colleagues in the House and all Canadians to read to their children. I would also like to congratulate all those working to improve family literacy in Canada.

* * *

[*English*]

MEMBER FOR LASALLE—ÉMARD

Mr. Chuck Strahl (Fraser Valley, Canadian Alliance): Mr. Speaker, the member for LaSalle—Émard, the self-declared Moses of Canadian politics, has come down from the Eastern Townships and has delivered his ten commandments of democratic reform. These commandments are not written in stone since they change depending on who is in the listening audience, but near as we can tell they go something like this:

Thou shall not let other leadership candidates sell memberships.

Thou shall ensure provincial executives execute the first commandment perfectly.

Thou shall replace local riding executives who fail to observe these commandments.

Thou shall retain the leadership prerogative to appoint Liberal candidates where necessary.

It shall be necessary whenever a candidate fails to observe these commandments.

Thou shall not disclose thy donor list until after one wins the leadership race.

I shall not bad-mouth obviously less qualified candidates for leader since that is a job for my supporters.

Thou shall support the Prime Minister at all times, though this commandment is delayed until I become the Prime Minister.

Thou shall not observe the commandments of the red book since it was merely an election tool, and that was then and this is now.

The 10th commandment should really be: thou shall not take seriously any promises of democratic reform from anyone in the Liberal Party of Canada.

* * *

[*Translation*]

HEALTH

Mr. Guy St-Julien (Abitibi—Baie-James—Nunavik, Lib.): Mr. Speaker, the Prime Minister of Canada is sincerely hoping to come to a cooperation agreement with the provinces to better integrate health care services in Canada.

The Prime Minister of Canada wants an effective health care system that provides access to a health care professional 24 hours a day, 7 days a week; that provides timely access to diagnosis and treatment, without having to repeat tests with every new health care professional that is seen; that provides access to quality home care, and finally, that provides access to needed drugs without causing financial pressures.

The Prime Minister of Canada wants a formula that is flexible enough to take into consideration the situation in each province.

The Prime Minister of Canada said that we need accountability, that the Canadian public demanded it. He is right. Quebeckers do not understand why their premier, Bernard Landry, refuses to be accountable to Ottawa for how it manages the money that Ottawa transfers to Quebec.

* * *

MARC-ANDRÉ FLEURY

Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ): Mr. Speaker, I want to pay tribute to a young man barely 18 years of age who thrilled sports fans over the holidays.

Marc-André Fleury from Sorel did us proud with his excellent work as a goalie at the World Junior Hockey Championship. He and his teammates returned home with a well-deserved silver medal. The experts concur that Marc-André is Quebec's best pick at the next National Hockey League Entry Draft.

In addition to his prowess as an athlete, Marc-André is a good ambassador for Quebec. The way he handled the many media questions showed his terrific personality.

Congratulations also to his family for their wonderful support. His family has instilled him with values that enable him to remain very down-to-earth despite the glory of the past few weeks.

In a sport where millions of dollars triumph over passion, he still enjoys playing hockey. I hope the season ends well, Marc-André, and, next year, bring home the gold.

* * *

● (1405)

[*English*]

HOCKEY DAY IN CANADA

Ms. Nancy Karetak-Lindell (Nunavut, Lib.): Mr. Speaker, on Saturday, February 15 Iqaluit, Nunavut will be the main broadcast location for the fourth annual Hockey Day in Canada. I applaud CBC for broadcasting from the coolest capital city of Canada as all the six Canadian hockey teams face off against each other across the country. As well, on this special day, local hockey stories will be broadcast, players interviewed and coaches questioned.

I know that residents of Iqaluit are looking forward to this event. As home territory of Jordin Tootoo, a rising young Inuk hockey star, Nunavut is passionate about hockey and happy to be the hub of Hockey Day in Canada.

I would ask that all my honourable colleagues join with me in declaring that February 15 be Hockey Day in Canada for this year.

* * *

CHILD PORNOGRAPHY

Mr. Chuck Cadman (Surrey North, Canadian Alliance): Mr. Speaker, in the November 2002 issue of *The Well*, published by the Church Council on Justice and Corrections, Canadians were reminded of a new website, cybertip.ca. It was created by Child

Find Manitoba to help prevent the online sexual exploitation of children.

This project provides Internet surfers with a place to report illegal content, child pornography and online activities such as child luring. Canadians can reach this service at www.cybertip.ca. There is also a toll free hotline at 1-866-658-9022.

Cybertip's aim is to investigate each tip and to refer leads to the appropriate law enforcement agencies. Parents will want to visit cybertip.ca for important information to secure their children's personal safety in their busy day to day lives.

I encourage all parents to visit this website with their children and to spend the time necessary to learn and discuss this wealth of child safety information.

* * *

AVRIL LAVIGNE

Mr. Larry McCormick (Hastings—Frontenac—Lennox and Addington, Lib.): Mr. Speaker, thank you for this opportunity to recognize a young woman whose hometown, indeed her whole country, celebrates her success. I am speaking of Avril Lavigne.

Avril is from Napanee, the largest town in my riding of Hastings—Frontenac—Lennox and Addington but a small town just the same. We take pleasure in knowing that Avril grew up here, sang gospel at the Evangel Temple and practised, practised, practised. She sang at local fairs and events and attended Napanee District Secondary School, as I did.

Avril's doorway to a broader audience came when she won a contest to sing at the Corel Centre in Ottawa with Shania Twain in 1999. Avril's confidence and determination, along with her talent and voice, has led to an avid following after the release last June of her first CD, *Let Go*. Now, with over 8 million copies sold and 5 Grammy nominations, international success is hers.

Canadians from sea to sea to sea are cheering for Avril. Good luck and God bless her as she enters the realm of the stars. Everyone at home is cheering for Avril.

* * *

[*Translation*]

FAMILY LITERACY DAY

Ms. Diane St-Jacques (Shefford, Lib.): Mr. Speaker, January 27 is Family Literacy Day, which was created to celebrate literacy and to promote reading as a family activity.

This is also an opportunity to emphasize the government's commitment to literacy and the essential role of Human Resources Development Canada and the National Literacy Secretariat.

S. O. 31

Each year, the Government of Canada invests nearly $30 million in literacy projects throughout Canada. As stated in the 2002 Speech from the Throne, the Government of Canada has made literacy a priority. The throne speech reminds us of the government's commitment to invest in literacy and education and its promise to promote work-based learning.

Being able to read and write is an essential skill in today's labour market. It is important to read to our children every day in order to teach them very early on the joys of reading and learning.

* * *

FAMILY LITERACY DAY

Ms. Monique Guay (Laurentides, BQ): Mr. Speaker, January 27 is Family Literacy Day.

What we learn during our childhood stays with us for our entire life. That is why as parents, it is so important to give our children an appetite for reading and learning at a very early age.

In Canada, 22% of adults have serious problems reading. According to Statistics Canada, there is a direct link between literacy and economic status. This study reveals that each additional year of education equals an additional 8.3% a paycheque.

The International Adult Literacy Survey also shows us that illiteracy reduces the chances of finding a job. And that is not the worst. People who are illiterate cannot fully exercise their rights as citizens and are often excluded because they do not have the basic tools to participate in societal debates.

Let us take the time to read together as a family and to share the joys of reading with our children.

* * *

● (1410)

[*English*]

LEADER OF THE NEW DEMOCRATIC PARTY

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, my New Democrat colleagues and I stand together and stand tall with our parliamentary leader in congratulating and welcoming our new leader, Jack Layton.

At our historic convention this weekend, 44,000 New Democrats took part in selecting our new leader. We invite Canadians to join us in rallying behind Jack's vision for hope, a vision that includes implementing Kyoto, adopting Romanow's health reform blueprint and saying an unequivocal no to war in Iraq.

As the U.S. continues to beat the drums of war, Canadians watch our government seesawing back and forth. The defence minister says, "Yes, Mr. Bush, Canadians will obey". The foreign affairs minister says, "No, Mr. Bush, at least not today". Our Prime Minister as usual says both at the same time.

[*Translation*]

In the words of Pierre Ducasse, "To attain the results you've never had, you have to do what you've never done". And that is what we are going to do.

[*English*]

Welcome aboard, Jack.

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, on behalf of the official opposition, I also wish to congratulate Jack Layton on his successful election Saturday as the new leader of the New Democratic Party. I managed to catch the announcement of the first ballot on television with my wife and saw that he received 31,149.9502 votes. I am really interested to know how he missed out on someone's .0498 of the vote, but maybe we can talk about that later.

While I hesitate to actually wish him good luck, I believe that I speak for all of us in the House in saying that we look forward to his active involvement in federal politics and presumably in the House itself.

Jack Layton has dedicated more than two decades of his life to public service. He has earned a reputation as a passionate advocate of social justice with a great love for the country.

While we will probably rarely agree with most of his ideas, the Alliance looks forward to his contribution to a positive public policy debate.

On a personal note, if the last year has taught me anything, it is that leadership and politics are very much a family affair. Therefore I wish to extend my congratulation and welcome to Jack, to Jack's partner Olivia Chow and to their daughter Sarah and son Mike.

[*Translation*]

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, the Canadian political landscape is changing, especially today as two new members enter the House of Commons in addition to the arrival of the new leader of the New Democratic Party, Mr. Jack Layton.

We wish them all a rewarding career serving our fellow citizens.

The members for Berthier—Montcalm and Lac-Saint-Jean—Saguenay passed the electoral test and we congratulate them. However, the new leader of the New Democratic Party still has that hurdle to cross.

To Mr. Layton I say, see you soon. To my two new colleagues, welcome.

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, on behalf of my hon. colleagues in the Progressive Conservative caucus, I want to welcome the new leader of the New Democratic Party, Mr. Layton, to federal politics.

[*English*]

He of course started his political life in the Progressive Conservative family, as did the leader of the Canadian Alliance, most of the members of the Bloc Québécois, too many stray members of the Liberal Party to mention, and Mr. Layton's distinguished competitor, the member for Winnipeg—Transcona.

As a parliamentarian who also knows the rigours of party elections, let me also commend the contribution to Canada of the member for Winnipeg—Transcona, for whom the immense respect of the House is undiminished.

I want also to congratulate the member for Regina—Qu'Appelle and the member for Windsor—St. Clair.

Jack Layton brings an image of energy and imagination to Canadian public life. He has had entrusted to him the stewardship of a political party which has helped shape and define the Canadian community. He made his mark in municipal politics, which is not always the same as the federal arena. When he needs help in learning how to adapt, my large caucus is full of people who have experience in that transition.

As others in the House will attest, Jack Layton's easiest days as leader of his party are behind him. We look forward to seeing him when he gets here, if he gets here, and we wish him success but not too much success.

● (1415)

Mr. Rodger Cuzner (Parliamentary Secretary to the Prime Minister, Lib.): Mr. Speaker, I too would like to rise in the House today to congratulate the new leader of the New Democratic Party, Jack Layton.

Success of his leadership campaign was certainly evident in the commanding first ballot victory on Saturday in Toronto. A native of Hudson, Quebec, Mr. Layton has certainly become a political force in Toronto municipal politics since his first election to city council in 1982. On behalf of all Liberal members, I would like to welcome Jack Layton to the national political stage and hope to see him in the House very soon.

I would also like to offer congratulations to the other candidates, the members for Winnipeg—Transcona, Regina—Qu'Appelle and Windsor—St. Clair, as well as Pierre Ducasse and Bev Meslo. I am sure we will enjoy debating with all over the years to come.

* * *

PRESENCE IN GALLERY

The Speaker: I draw the attention of hon. members to the presence in the gallery of the same Mr. Jack Layton, newly elected leader of the New Democratic Party of Canada.

Some hon. members: Hear, hear.

ROUTINE PROCEEDINGS

[*Translation*]

NEW MEMBERS

The Speaker: I have the honour to inform the House that the Clerk of the House has received from the Chief Electoral Officer certificates of the election and return of Roger Gaudet, member for the electoral district of Berthier—Montcalm and Sébastien Gagnon, member for the electoral district of Lac-St-Jean—Saguenay.

Roger Gaudet, member for the electoral district of Berthier—Montcalm, introduced by the Mr. Gilles Duceppe and Mr. Paul Crête.

Sébastien Gagnon, member for the electoral district of Lac-Saint-Jean—Saguenay, introduced by Mr. Gilles Duceppe and Ms. Jocelyne Girard-Bujold.

ORAL QUESTION PERIOD

● (1420)

[*English*]

IRAQ

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, last month the Prime Minister stated:

> If the United Nations says there shouldn't be a war, we in Canada never went to war without the authorization of the United Nations.

This past weekend he said:

> If the Americans or the Brits have great evidence that Saddam Hussein—who is no friend of mine—is not following the instruction of the United Nations... of course Canada will support an activity in there.

The Prime Minister has said both that Canada will take action only with the United Nations and without the United Nations. Which of these two statements is the government's position?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we were one of the first countries to ask the United States to go to the United Nations last summer. The position of this government was that there should be no action in Iraq without a resolution of the United Nations. Resolution 1441 was adopted unanimously and now we are in the process of following the instructions given to Iraq in resolution 1441 in November.

Once we have received the report from the inspectors who were sent there we will report the results to the public.

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, today the United Nations inspectors said that Iraq was not fully complying. The United States, Britain, Australia and the allies have been clear, as is UN resolution 1441, that non-compliance by Saddam Hussein must have consequences. The government has not been clear on that point, as have some others.

Is the government today working with the British-American allied coalition to ensure that all possible steps are being taken to ensure that Saddam Hussein complies with the UN resolution?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, it is in the interest of the world that Saddam Hussein comply completely with resolution 1441. We have been working on that since the beginning. We have sent messages over and over again asking Saddam Hussein to respect the UN resolution. In doing so, he will avoid a war that will be very devastating for the population of Iraq.

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, the government has not been working closely with the allied coalition. After September 11, 2001, the Canadian economy suffered a significant blow as border traffic was negatively impacted.

Given the mixed signals Canada has sent the United States on this issue, how can the government assure Canadians that our borders will remain open in the event that the situation with Iraq escalates?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I do not think the Leader of the Opposition has followed the excellent work that the Deputy Prime Minister has done over the last year working with Governor Ridge of the United States.

We are collaborating with the United States and it is collaborating with us. The border between our two nations is functioning very well at this moment, which is the reason for our success. The reason the Canadian economy keeps performing very well is that we have taken care of that type of problem very diligently.

● (1425)

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, Canadians never want war but they do recognize the need to be prepared for it.

The government has neglected Canada's military to the point where it may be unable to use, threatened or real, military force to remove the threat posed by tyrants like Hussein. No matter what the government's actual position is on Iraq, what is the Canadian military ready and able to contribute to international efforts to make Saddam Hussein disarm?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the performance of the Canadian military in Kosovo was firstclass. The Canadian presence in Afghanistan has been very good. The American general in charge reported publicly many times that he was very impressed by the quality of our soldiers, the discipline they have shown with the equipment they had. That is exactly the way we want to treat our soldiers. We on this side of the House respect the quality of the Canadian military.

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, the Canadian military performs well in spite of the government, not because of it.

This week, officials from the foreign affairs and defence departments are heading to Washington to discuss missile defence. The foreign affairs minister is opposed to missile defence but the defence minister says that the government has yet to determine what role, if any, it wants to play in defending Canadians from missile attacks. This is just another foreign affairs issue on which the government is confused.

Which Canadian position, if any, will the government be taking to Washington?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, perhaps we should wait until we receive a request for participation before we give an answer. That is the attitude of the other side of the House. If they were to receive a telephone call from the Americans, they would say "Yes, hello".

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the UN inspectors have called for more time in order to determine whether or not Iraq does have weapons of mass destruction. They feel that the evidence gathered to date is insufficient and we must conclude the following: the information available at this time does not justify war against Iraq.

In order to do away with any ambiguity concerning his government, will the Prime Minister make it clear that it is up to the Security Council alone to determine by a second resolution whether intervention in Iraq is justified?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, resolution 1441 is very clear. It states that it must be clearly demonstrated that the government of Saddam Hussein is not complying with the obligations set out in the resolution. The inspectors are making their interim report today. We hope there will be others forthcoming in the weeks to come. We will make a statement once we have studied the opinion of Mr. Blix and his associates.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, in other words, the Prime Minister is telling us that resolution 1441 is sufficient on its own for us to get involved in a war, while France and Germany are telling us that a second Security Council resolution is required.

Is the Prime Minister in the process of getting Quebec and Canada involved in a war without a second resolution, as a faithful servant of the United States?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we were the first, as far back as last summer, to clearly indicate that the United Nations procedures absolutely had to be followed. At this time, the UN process is clearly set out in resolution 1441. Before proceeding, we need to see the inspectors' report. We need to comply with exactly what was passed unanimously by the Security Council.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, already last week, France and Germany had a very clear position on possible military intervention in Iraq: it is no to war, unless there is a second resolution.

Since Quebeckers and Canadians are better informed of the French and German position than the Canadian position, I am asking the Prime Minister to state clearly whether or not a second resolution is necessary before we go to war against Iraq.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I would invite the hon. member to read resolution 1441, which makes it very clear that we must wait for the inspectors' report before passing judgment. We will pass judgment, as requested in resolution 1441, after the inspectors have tabled their report.

At this point, it is useless to answer purely hypothetical questions on such a serious issue.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, I remind the Prime Minister that the President of France and the Chancellor of Germany are not answering hypothetical questions. They are taking a clear position. This is what we expect from the Prime Minister. It is his responsibility to do so.

Will the Prime Minister behave like a head of state, like the President of France, like the Chancellor of Germany, and tell us clearly whether or not he will only go to war with a second resolution, and not at the whim of the United States? Is he a henchman or a head of state?

● (1430)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, Canada's position has always been very clear. Our position is based on resolution 1141 and, at this point, we are waiting for the inspectors' reports. One report was tabled this morning, but it is not conclusive, it is not adequate. We are waiting for the other reports before taking a stand.

However, we were the first ones to tell the United States that Canada demanded that they go before the Security Council, something they were reluctant to do in August, but agreed to do in October.

[*English*]

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, my question is for the Prime Minister.

The Prime Minister, it seems to me, owes the Canadian people clearer answers than he has been giving in the last few weeks so I will ask this question: Does the Prime Minister agree with the request for more time that the weapons inspectors have clearly made today? We would like an answer to that. We would also like an answer to the question: Do you or do you not foresee the need for a second security—

The Speaker: I think he meant does he or does he not. I think that is what the hon. member for Winnipeg—Transcona intended. The right hon. Prime Minister, though, may choose to respond.

Right Hon. Jean Chrétien (Prime Minister, Lib.): First, Mr. Speaker, I would like to offer my congratulations to the hon. member for the valiant effort he made.

To reply to his question, yes we do think the inspectors need more time to present a report to the United Nations Security Council. When they present their report we will be in a position to advise on the second one.

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, I have a supplementary question.

Does the Prime Minister not think that it would be appropriate for the Security Council to make a judgment on that subsequent report that he now says he wants and not just the United States of America?

I wonder if he could also tell the House whether he will commit to a vote, not a take note debate but a vote, in the House of Commons before Canada participates in any military action, UN sanctioned or otherwise?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we have always followed the procedures and we always have debated in the House of Commons on that.

An hon. member: No.

Right Hon. Jean Chrétien: We always have. It is a question of confidence in the government. The government, in matters of that nature, makes the decision and goes to the House of Commons for the support of the House of Commons. It is the process that has been followed in Canada for a long, long time, and that had been followed in the case of Kosovo a few years ago, when we were in a formal war at that time. We intend to follow the same process in the future.

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, the foreign minister has said that Canada will "support the United Nations system as much as we possibly can". Shades of Mackenzie King: The United Nations if necessary, but not necessarily the United Nations.

Will the Prime Minister show Canada's unconditional support for the United Nations by making it crystal clear that Canada will not go to war without the approval of the UN Security Council?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, it is exactly the position we took in August last year. We asked the Americans to follow the process of the United Nations, to go and seek the authorization from the Security Council. They were very hesitant to do that last summer. We talked with them and we talked with the others. We talked particularly with the Prime Minister of Great Britain, who went specifically in October after we had a discussion. He went, and I think Canada played a role in convincing the Brits, to make it very clear that they have to have a resolution from the Security Council.

[*Translation*]

Right Hon. Joe Clark (Calgary Centre, PC): Now, Mr. Speaker, this is the question for today.

Why does the Prime Minister insist on concealing his intentions on the issue of a war in Iraq? Will the Prime Minister commit today to saying no to war without the support of the United Nations, yes, or no?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I am pleased to see that the leader of the Progressive Conservative Party is against going to war under just any circumstances. He says we must act in conjunction with the United Nations; that is exactly the position taken by our government. A resolution was passed unanimously and must be complied with. It is up to Saddam Hussein alone to comply with it. The resolution sets out what must be done if he does not respect the conditions.

* * *

● (1435)

[*English*]

HEALTH

Mr. Rob Merrifield (Yellowhead, Canadian Alliance): Mr. Speaker, the government's contribution to the health care system has diminished over the last decade. In fact it is at the point that Canada is ranked only 30th according to the United Nations. The provinces are on the front line of health care delivery and actually they began health care reforms while the government turned its back.

Will the government give the provinces the flexibility they need to use the new funds to their very best use?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, to suggest that the government turned its back on the challenge of health care reform is nothing short of outrageous. The hon. member forgets that in September 2000 an accord was signed by first ministers, in which the federal government agreed to put $21.1 billion new dollars into the health care system.

The Prime Minister and I have also made it plain that next week at the first ministers meeting the federal government will be putting additional new funds into health care. We are very aware of the challenges that the provinces, territories and Canadians face in ensuring we have a high quality health care system, and we will be there to do our fair share.

Mr. Rob Merrifield (Yellowhead, Canadian Alliance): Mr. Speaker, factoring in inflation, we still are not back at 1993-94 levels when it comes to funding.

The Prime Minister wants a national health council. Canadians want better access to doctors, better access to nurses and better access to MRIs, not more bureaucrats or advisory councils and, please, no more studies.

Will the Prime Minister take the health councils off the table when he meets with the premiers next week?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, no one is suggesting more bureaucracy, but what I find very interesting is that the hon. member chooses to ignore that what Canadians have said over and over again is that they want increased accountability. They want increased accountability in terms of how much money is spent in our health care system and where it goes. Are we getting better health outcomes? Are we cutting those waiting lines? Do people have better access? Canadians have told us they want greater accountability from both levels of government.

* * *

[*Translation*]

IRAQ

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, in the present state of affairs, there is nothing to justify the government's committing Canada to rushing headlong into a war without the adoption of a Security Council resolution authorizing an offensive in Iraq.

Before sending troops into Iraq, even with a second UN resolution, will the government acknowledge that it is essential for this decision to first be voted on here in this House?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, the Prime Minister has answered this question clearly. He has said that we will be consulting the House. We in this government have always consulted the House.

The bottom line for the government is to keep in mind its responsibilities toward the Canadian public that elected us. We will be assuming our responsibilities as a government in consultation with the House, as we have in the past.

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, we do not want to hear any talk about consultations or take note debates. What is needed is a vote in the House by the people's elected representatives.

I would remind the Liberals that before they took office all decisions relating to sending troops into combat were voted on in the House. Recently, this approach was used for the Kyoto protocol.

So, does the Prime Minister consider that sending troops should be equal in importance to the environment? Does he intend to submit this issue to a vote in the House? It must be kept in mind that the elected representatives who are here are the voice of the people. Is the Prime Minister going to let that voice be heard?

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the formula for debating matters of this type is already set. It has remained unchanged since 1993. We have always held a debate in the House.

When the House is not sitting, we have always held consultations in parliamentary committee. This is an established formula and one the Prime Minister, the Minister of Foreign Affairs and myself in my capacity as House leader are committed to following in the same way in the future.

* * *

HEALTH

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance): Mr. Speaker, from the moment this government came into office, cooperation with the provinces on health care reform went the way of federal contributions to health care, that is, it diminished.

The Kirby and Romanow reports were supposed to signal a new cooperative approach; instead, this government missed this opportunity and has since resumed its old political habits in matters of health.

Will the Prime Minister explain why he angered the provinces by giving them a federal unilateral ultimatum on the eve of the health ministers' meeting?

● (1440)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, in October 2000 we reached an agreement that was approved by all the premiers, which provided for an increase of more than $21 billion over five years. We are having a meeting next week and I intend to do the same thing.

However, the position of the Government of Canada is to ensure that the money put on the table will truly be used to renew health care services for Canadians.

We warned the provinces before and they have held a meeting before. We told them about our position before so that over the next few days we can find common ground. I am quite confident that we will come to an agreement next week.

[*English*]

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance): Mr. Speaker, the position of the Prime Minister over the past nine years has been to pay less and less into health care and demand 100% of control. At 14% of funding for health care in the country, the government wants to set all the rules.

That is the wrong approach. The Canadian Alliance believes that is the wrong approach. We propose that Ottawa work with the provinces to help them meet their individual health care needs.

Will the Prime Minister drop the federal government's one size fits all and do it or else approach and instruct the Minister of Health to work with the provinces to deal with their diverse health care needs?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the Minister of Health has been in touch with her colleagues for weeks and weeks, discussing what should be the priorities to have a better health system in Canada.

The Minister of Intergovernmental Affairs has met and discussed this with his colleagues. He has also had some private discussions with some of the premiers.

I am telling the member that I am hopeful of having a meaningful agreement. We are willing to put some more money on the table, but we want to make sure that the money is used in order to really improve the system, and yes, it is very important that we have service 7 days a week, 24 hours a day, for the people of Canada and we will take the—

The Speaker: The hon. member for Hochelaga—Maisonneuve.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, the Premier of Quebec showed enormous openness yesterday with regard to the new budget for structuring health care.

Is the federal government willing to show the same openness as Premier Landry by allowing the provinces to set their own priorities?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, very often, the provincial governments and the federal government have similar priorities; this is normal. We all want better health for everyone. However, we must ensure that the money the federal government has put on the table will actually be used, in each province, to achieve the objectives that all Canadians want to achieve.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, Quebec has prepared a plan to increase direct patient care, rather than make the health care system more unwieldy.

Does the federal government agree with this openness from Quebec, and does it intend to fully help Quebec to achieve its goal of making patient care a priority?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the largest sums allocated by this government over the past several years in all sectors have been in health care.

I want to inform the member for the Bloc Quebecois that the province in which the provincial government spends the least per capita on health care is Quebec. All the other provinces, including Newfoundland, Prince Edward Island, Nova Scotia, Manitoba, and New Brunswick, which are not considered wealthy provinces, spend more per capita, in provincial funds, than the PQ government.

* * *

[*English*]

IMMIGRATION

Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance): Mr. Speaker, the government virtually ignores the 12 million legitimate refugees worldwide. Instead, the Liberals spend the vast majority of resources on claimants without UN validity.

Government officials admit most are undocumented or have false documents supplied by people smugglers. Thousands each year disappear into our communities with no tracking and do not even bother to show up for refugee hearings.

Why has the government lost track of 25,000 refugee claimants?

● (1445)

[*Translation*]

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I thank the hon. member for her question. However, she could have done her homework more thoroughly.

First, we send back over 8,400 people every year. Second, we cooperate with police forces. For example, in Toronto, during the holiday season, over 60 warrants were issued and resulted in a number of arrests being made. So, work is being done. We do not have policy for monitoring people entering and leaving the country, but security is extremely important to us and, in that sense, we are doing our job.

[*English*]

It is an ongoing issue, so what we have to do, we are doing.

Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance): Mr. Speaker, the minister says it is important, but the Senate committee on national security is sounding the alarm about asylum seekers who go missing in Canada. It says thousands of undocumented refugee claimants never show up for hearings. The government has no idea where these people are or even who they are. The Senate committee points out that some could well be a threat to our national security.

Will the minister tell us what specific policies he is going to put into place to address this shocking incompetence of the Liberal government?

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, the government will not make any systematic detention. Our policy is not based on building walls but on controlling the doors and that is exactly what we are doing.

I just mentioned that we are making some removals. We are doing our job. I want to pay tribute to our agents who are doing a tremendous job. It is about time that we are taking a stand for Canada here.

* * *

PUBLIC SERVICE

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, my colleagues—

Some hon. members: Hear, hear.

Mr. Mauril Bélanger: —must have picked up mind reading. They used to applaud after I had asked my question.

[*Translation*]

My question is for the President of the Treasury Board. At the beginning of the year, the hon. member for Saskatoon—Humboldt sent to thousands of public servants a bogus survey that targets the Official Languages Act and linguistic duality, which is a fundamental value of our country.

I would like to know what the government intends to do to set the record straight.

Hon. Lucienne Robillard (President of the Treasury Board, Lib.): Mr. Speaker, it is difficult to imagine that a member of Parliament would conduct a survey within the public service and state from the outset that the act discriminates against anglophones.

[*English*]

Also, that bilingual hiring ignores merit. These two statements are completely wrong.

[*Translation*]

It is insulting to the members of this House who comply with and support the Official Languages Act. It is insulting to the public servants who believe in the principle of providing Canadians with services in both official languages. It is insulting to all Canadians who support the fundamental value of our linguistic duality.

* * *

[*English*]

POLITICAL PARTY FINANCING

Hon. Lorne Nystrom (Regina—Qu'Appelle, NDP): Mr. Speaker, my question is for the right hon. Prime Minister.

I have a long list here. I first thought it was the "Who's Who" of corporate Canada but a second look at this long list shows it is a list of big business donations for the leadership campaign of his friend the former minister of finance.

Could the Prime Minister assure us that his new rules for the financing of political parties will put a stop to the role of big money in politics in this country?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I want to congratulate the member on his try for the leadership of his party. It is good to have parliamentarians who are willing to offer their services. Of course he probably did not have a great problem with big businesses contributing to his campaign.

We will have a piece of legislation before Parliament on Wednesday. There will be a vote at second reading and the bill will go to committee.

The time has come to have a new regime for the Canadian public. I have observed the trend in the United States and I do not want the same thing to happen to the Canadian system.

[*Translation*]

Hon. Lorne Nystrom (Regina—Qu'Appelle, NDP): Mr. Speaker, I have a supplemental question for the Minister of Finance.

To guarantee that the new legislation on political party financing is effective, can the Minister of Finance confirm right now that there will be money allocated in his next budget to publicly finance political parties? Can he confirm this right now?

● (1450)

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, naturally I will table a budget shortly, but even with such a warm invitation as that, I am not going to reveal what is in it.

[*English*]

KYOTO PROTOCOL

Mr. John Herron (Fundy—Royal, PC): Mr. Speaker, last week the heritage minister blamed corporate donations for hampering the government's handling of the Kyoto file. She stated, "There is an obvious link between corporate donations and government policy".

In the interests of transparency, will the Minister of the Environment tell the House which companies interfered and how?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, I have absolutely no knowledge of any company that has interfered in the manner suggested by the hon. member.

We had a lengthy period of discussion in Canada which involved a large number of round tables with the participation of companies and others. We then had an announcement by the Prime Minister in June, 18 months ago, that a decision would be made in 2002. The decision was made in 2002. It appears that the schedule was followed as expected.

Mr. John Herron (Fundy—Royal, PC): Mr. Speaker, my question is for the Prime Minister.

While the Minister of the Environment insists he is clean, the Minister of Canadian Heritage let Canadians in on a dirty little secret that corporate influence exists in government policies that go beyond Kyoto. The Prime Minister must agree, if he has taken an initiative with such gusto as tabling new legislation.

Will the Prime Minister tell the House what other legislation has been altered or manipulated, or is the heritage minister just making it up?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I never said that we were influenced by that, but that is the perception. The member for Red Deer said for example that he was opposed to Kyoto because it was to help to raise money. This is on record. No Liberal member ever said that.

As a country we have an opportunity to give to Canadian institutions, which will make our society much more different. It will make sure people will keep their trust in the elected members of Parliament. Unfortunately people have lost some faith because of the appearance and not necessarily the reality. I want to eliminate that appearance as quickly as possible.

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AIRLINE SECURITY

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, last Tuesday a single mother facing deportation escaped custody at Vancouver airport. Friends opposed to her deportation swarmed immigration officers and she managed to get into a car and escape.

In the post-September 11 environment, the government promised to improve airport security but it has largely only improved its bottom line by raising taxes.

Just what kind of airport security is it that allows an unarmed handcuffed deportee to outfox security officials?

[*Translation*]

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, we do not comment on specific cases of deportation or immigration. However, the situation has been resolved, and well resolved.

[*English*]

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, the Vancouver airport incident comes on the heels of a Senate report entitled, "The Myth of Security at Canada's Airports". According to the report, there are still no procedures outlining how air crew are to interact with air marshals; there are many airports where no bags are being screened at all; passengers are being screened differently from one airport to another; and there is virtually no screening of cargo on commercial flights.

How can the government claim to be looking out for Canada's national security interests when this is its shoddy record on air security?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, the hon. member knows that Canada has one of the most secure aviation regimes in the world. It has been enhanced with all the improvements that have come in since September 11, 2001. I believe that Canadians understand that we do have a secure regime.

With regard to the Senate report, we have had a chance to look it over. It makes some useful recommendations. Much of that report is based on anecdotal evidence and many of the recommendations are out of date. I would have thought better of members of the Senate and the opposition that it came forward with alarmist, irresponsible recommendations.

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[*Translation*]

BUDGET SURPLUS

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, last year the Minister of Finance forecast a $1 billion surplus for the 2002-03 fiscal year. However, in the first eight months of this year, the surplus has already grown to $8.2 billion.

Do these figures not demonstrate very clearly that the federal government has more than enough flexibility to provide proper funding for health care?

● (1455)

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, we are certainly very happy that the numbers are positive, that we have a surplus up to this point, and 2002 saw the creation of some 560,000 jobs in Canada.

When there is this kind of an increase in employment, it brings with it some increase in tax revenues. I hope that when the next budget is brought down, we will be able to predict that there may be a bit more money in the coffers than what was forecast in October.

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, with a surplus that is more than eight times greater than anticipated, does the Minister of Finance realize that he is preventing us from making the right decisions and spending the money in the right places, such as health care?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, in October, we made fairly clear forecasts, which, we explained, were based on information from the private sector.

Therefore, when it comes to decisions that we made regarding the budget, the member will have the opportunity to judge whether or not we did a good job.

[*English*]

Mr. Charlie Penson (Peace River, Canadian Alliance): Mr. Speaker, just to follow up on that, private sector forecasts have calculated the surplus to be as high as $8 billion. The Deputy Prime Minister and the finance minister are confirming those figures.

Given this new reality, can the Minister of Finance tell us how much of this surplus he intends to use to reduce taxes for hard-pressed middle income Canadian families?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, I think the hon. member is referring to the Conference Board forecast. I would point out to him that it was done on a full accrual basis and not on the modified accrual basis that our October statement was done on. If we make those adjustments, we will find that its estimate was not that far off the estimate in October. It does not create a huge additional amount.

The member knows we have set aside funds for contingencies and a contingency reserve as well as prudent forecasts. He knows that the $100 billion tax reduction is still being implemented.

Mr. Charlie Penson (Peace River, Canadian Alliance): Mr. Speaker, it may be still being implemented but there are hard-pressed Canadian families. Polls show that 73% of Canadian families feel that they are overtaxed.

The minister will know that single income families pay far more taxes than their dual income counterparts. What will he do in his upcoming budget to address and correct this unfairness?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, I think the hon. member will know that over the last number of budgets what has been done in order to improve the situation for families is not only to introduce but then gradually and significantly to increase the amount that goes to families under the national child tax benefit. This has been good social policy. It has removed hundreds of thousands of children off the poverty line. In fact what we see is an improvement in the tax situation of families.

Oral Questions

CANADA ELECTIONS ACT

Mr. Janko Perić (Cambridge, Lib.): Mr. Speaker, last Friday the Leader of the Opposition directed the media to the National Citizens' Coalition on the continuation of his own court challenge against the Canada Elections Act. This court challenge has the effect of prohibiting disclosure of third party spending during an election.

Could the government House leader explain why the government has requested leave to appeal the Leader of the Opposition's court challenge?

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, yes I did inform Canadians last Friday that the government intends to defend the transparency rules in the elections act.

We in the government believe that all political actors are accountable to the people of Canada. People who spend money in elections, whether it is to elect or to try to defeat candidates, should be transparent. Their numbers should be public.

I cannot understand why anyone, let alone a parliamentarian, would be against that.

* * *

● (1500)

FIREARMS REGISTRY

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, on January 10 the Auditor General sent me a letter saying that the Department of Justice estimates that the gun registry will not be fully implemented for three or four years.

How much is it going to cost to fully implement the gun registry and how much is it going to cost to maintain it each year after that?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, it is hard to believe that a member has come back with a question that I answered before Christmas.

We have said that we accept the recommendations of the Auditor General's report. As well, there are two reports that we expect to be tabled shortly. As soon as we get those two reports with their recommendations, we will come forward with a plan of action, but making sure that we will keep proceeding with gun control because it is about public safety.

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, any competent minister would know what his department is spending on each of its programs.

On December 12 the minister said this about the funding of the firearms program, "I will report back to the House with an accounting of how we manage any shortfalls. I will be open. I will be transparent".

He has had six more weeks since I asked him the question which I just asked again. Is the minister ready to be transparent with Parliament? How much is the gun registry going to cost to fully implement and how much will it cost to maintain?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, gun control is a very important program for Canadian society. We will keep proceeding with gun control, with the stages of licensing and registration as well.

Before Christmas we were very transparent. We said that we were proceeding on a cash management basis within the department in order to keep the system up and running. We expect the two reports to be tabled shortly.

I will report back to the Canadian population. By the way, the Canadian population supports gun control in this country.

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[*Translation*]

SOFTWOOD LUMBER

Mr. Sébastien Gagnon (Lac-Saint-Jean—Saguenay, BQ): Mr. Speaker, in such resource regions as Saguenay—Lac-Saint-Jean, the softwood lumber crisis has hit very hard and many families have been driven into poverty by the loss of income caused by this trade war with the United States.

Ought not the Government of Canada, instead of falling into step with the Americans' position on war against Iraq, to be putting in place some concrete measures to assist the families in our regions who are the victims of this trade war being waged upon us by the United States?

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, obviously the softwood lumber issue remains the top trade priority for our government. Again this past week I had an opportunity to discuss it with U.S. Secretary of Commerce Don Evans, who is the one responsible for this matter.

Next week I will be in Washington to again discuss this extremely important matter with Ambassador Zoellick and Mr. Evans. We have an excellent case before the courts. We will win out in the end, but we are open to dialogue with the Americans in order to find a long term solution for this matter, which is of great importance to our country.

* * *

[*English*]

FIREARMS REGISTRY

Mr. John Williams (St. Albert, Canadian Alliance): Mr. Speaker, on December 5 the Minister of Justice told the House that major funding for his billion dollar gun registry had been frozen after the government withdrew a request for $72 million in funding.

Would the minister now tell the House how much it has cost to keep the gun registry running for the last two months and, more important, where did he get the money?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, in accordance with the rules of the Treasury Board, I said before Christmas that with regard to the functioning of the program, we were proceeding on a cash management system within the department, which is normal based on Treasury Board rules.

With regard to the future of the program, we expect the reports to be tabled shortly. I will get back to the Canadian population, and we will keep proceeding with gun control in two stages because it is about public safety. We believe in gun control on this side of the House.

* * *

[*Translation*]

DAIRY PRODUCTION

Mr. Roger Gaudet (Berthier—Montcalm, BQ): Mr. Speaker, the WTO decision on Canadian dairy exports is depriving dairy producers of market opportunities for their products. In the meantime, the government is letting dairy products into Canada that were specifically designed to get around current regulations.

Does the Minister for International Trade intend to fulfill his responsibilities and prevent multinational corporations from circumventing regulations, and thus hurting our dairy farmers?

● (1505)

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, we are working very closely with dairy producers. We have been doing so for several years. We have worked closely with UPA representatives for several years. The Minister of Agriculture and Agri-Food and I struck a committee together, where we are reviewing all of these issues.

I can tell the member that the cooperation that we have received from dairy producers has been very constructive and very much to their benefit. They are very appreciative of the system that we are defending and promoting in all international forums, despite everything the Bloc Quebecois is constantly saying here in the House.

* * *

[*English*]

PRESENCE IN GALLERY

The Speaker: I draw the attention of hon. members to the presence in the gallery of the Honourable Jim Sutton, Minister for Trade Negotiations and Minister of Agriculture of New Zealand.

Some hon. members: Hear, hear.

The Speaker: I also draw the attention of hon. members to the presence in the gallery of the Honourable Dennis Furlong, Minister of Education and Minister responsible for the Culture and Sport Secretariat of the Legislative Assembly of New Brunswick.

Some hon. members: Hear, hear.

* * *

POINTS OF ORDER

BUSINESS OF THE HOUSE

Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance): Mr. Speaker, due to the fact that all the opposition members are back in great numbers and are ready to go to work and offer positive suggestions for the government to some of the legislation it may have, could the government House leader

advise the opposition what is on the program for the rest of this week going into next week?

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, while being totally happy about the continuing support we will be getting from the opposition for our legislation, let me indicate to the House the legislative program for the following days.

This afternoon we will continue the consideration of Bill C-20, the child protection legislation. If and when this is completed, we will then turn to Bill C-19, the first nations' fiscal bill in the name of the Minister of Indian Affairs and Northern Development.

Tomorrow we will commence report stage of Bill C-13, the reproductive technologies legislation. On Wednesday we will call report stage of Bill C-6, the specific claims bill. On Thursday we will resume consideration of legislation not completed and add to the agenda Bill C-22, the family law bill. On Friday, my present plans are to call Bill C-3 respecting the Canada pension plan.

[*Translation*]

Consultations have taken place between the parties. I believe that you will find unanimous consent for the following motion that I would now like to move for a take note debate.

I move:

That, Wednesday, January 29, 2003, a debate pursuant to Standing Order 53.1 shall take place concerning the situation in Iraq and, that after 9:00 p.m. on the said day, the Chair shall not receive any dilatory motions or quorum calls.

The Speaker: Does the hon. Leader of the Government in the House of Commons have unanimous consent of the House to present the motion?

Some hon. members: Agreed.

[*English*]

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

Some hon. members: Agreed.

(Motion agreed to)

QUESTIONS ON THE ORDER PAPER

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I rise today on a point of order regarding a number of Order Paper questions. I have alerted the table of my interest in raising this issue today.

On November 20 and 21, 2002, Questions Nos. 59 to 71 and Question No. 77 were placed on the Order Paper requesting from the government a list of grants, loans, contributions and contracts awarded in certain constituencies, including names, addresses, dates, amounts and other such information since 1993-94. Government was defined in those motions to mean all departments and agencies, including what was referred to as crown corporations and another term referred to as quasi non-governmental agencies funded by the government. Remember the word non-governmental which is in there.

Clarifications were required prior to assigning these questions. These clarifications include the matter of which organizations are so-called quasi non-governmental agencies because the government does not have access to information of non-governmental agencies. Frankly, if they are questions of the government and someone is asking about something being non-governmental in the giving of a contract, how would the government possibly know?

Additional clarifications were sought on the types of contracts. The processing of these clarifications took a total of two days out of 45 allowed before the government received from members the necessary information to assign the questions.

In addition, I raise the following concerns about whether these questions are reasonable or in order.

First, there is an enormous amount of information sought covering eight years of material to be gathered and put in readable form, checked for accuracy and signed off by respective officials, including ministers, within 45 days.

Second, all information collected has to be translated under Standing Order 32(4) which requires that any document distributed or laid before the House shall be in both official languages, which of course is reasonable and appropriate.

Third, government departments are not required to keep records on a constituency basis for their programs. I am sure that members would appreciate that there are many reasons why this should not be the case. To respond to the question for search would require postal codes and a manual search of files which would be extremely costly to the taxpayers of Canada, something that some of us care about.

Fourth, there is a matter of the retention period for government files. Under the multi-institutional disposition authority, MIDA, of the National Archives of Canada, general administrative records are kept between two and five years and financial records, six years. Each department determines its needs. This makes requests for information that is not normally used in the conduct of government business with a date over six years old time consuming and extremely costly to complete. I remind members of the House that it is the taxpayers who must pay for this.

In short, because the information requested covers so many different matters, it cannot in any way be produced and translated within 45 days.

In addition the following issue is one I would hope to bring to the particular attention of the Chair. The electoral map of constituencies was realigned in 1996-97 which makes it impossible to respond accurately to questions. Ironically, some members are asking the questions on the Order Paper. I will use the example of the member for Blackstrap because one of the questions is in her name. There was no such riding as Blackstrap prior to 1997. In other words, we are being asked questions about ridings by members of ridings who themselves did not exist at the time for which the information is being sought. Therefore the information on a so-called riding by riding basis prior to the electoral redistribution in my opinion at least should be ruled out of order by the Chair.

● (1510)

Under Standing Order 39(6) these questions cannot be transferred to Motions for the Production of Papers because they do not seek documents. In this regard I would refer to the Speaker's Ruling of June 14, 1989, pages 3025 and 3026, which I am sure are very familiar to all members of the House.

Some members suggested, in a point of order raised on May 30, 1989, that Standing Order 39(6) was obsolete. I would suggest that given the issues I have raised today, it should probably be amended to provide the government with an avenue to request from the Speaker grounds to counter these types of requests for information within 45 days.

Mr. Speaker, I would also ask that you consider whether the clerk has authority to reject questions for information within 45 days as unreasonable, particularly given the exceptional kind of things that I have just brought to the attention of the House.

Under Standing Order 39(2) the clerk has responsibility, and by the Clerk I am referring to the institution, the clerk and his staff, to review questions before they are placed on the Order Paper. It seems to me that questions that are so poorly prepared, and unfortunately some are, that they require multiple clarifications should be rejected.

Similarly, questions that are unanswerable should be rejected. I would submit that questions which are excessively costly and time consuming should be rejected or the government should be able to transfer them for debate.

Finally, questions that are asked of agencies that are not governmental at all should be ruled out of order in the very first instance.

● (1515)

Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance): Mr. Speaker, I think the government House leader protests a little too much. We have a rule in the House that when questions are asked they are answered in 45 days, and the government agrees to that.

We are talking here about grants, loans and contracts. The biggest scandals we have had from the government over the last few months have been about grants, loans and contracts. We all know, those of us who have been in more than one election, that the party in power, when it goes into the election, has a list ready for its members with all the grants, loans and contracts that have gone to their riding.

We also know that the government is not short of computers. I cannot believe and I do not think there is a Canadian who believes that the government cannot give us a list of the grants, loans and contracts, no matter whether it was last year, two years ago or five years ago. It is scandalous what the government is trying to hide. It is shameful that it would ask you, Mr. Speaker, to get involved in something that is a totally partisan issue.

The government House leader says that the government is not required to keep records by constituents. All of us in the House at some time or another have received from different departments lists of grants and whatever in our ridings. We ask for them and we get them by constituency. If the government does not do it, it should do it. It does it for its own members come election time.

I say again, what does the government have to hide? I hope, Mr. Speaker, you will look behind what it is trying to hide so we can get to the bottom of this. The the taxpayers of Canada have a right to know every grant, loan and contract in every constituency in the country.

We are not talking about a lot of money here. Every government department has more computers than they need. Did they not have a couple of hundred million computers stored somewhere that were never used? Maybe the government could put them to use in getting this information.

I would say that when it comes to grants, loans and contracts we are willing to work with the government House leader. Maybe he needs a few more days than 45 because everybody had a six week break. Let us find a date to get answers to those questions. We will not let them go and we will not let the government hide behind some phoney rule that it thinks it has made up somewhere.

Mr. Loyola Hearn (St. John's West, PC): Mr. Speaker, this is a very convenient excuse for the government to avoid laying on the table the list of loans and grants given to the different groups and agencies, particularly individuals, throughout the country.

The government uses two words, "transparency and accountability". Here is a tremendous opportunity for the government to be both accountable and transparent.

As I believe the Alliance House leader just mentioned, when election time comes all the Liberal members will be touting in their brochures the money that they spent in their ridings.

In this age of computers, surely it is not that difficult to accumulate the amount of money spent. Undoubtedly, within some reasonable time, and I agree with the Alliance House leader, the request can be answered. If there are some peculiarities because of timeframe or district changes we can all appreciate that but it would be great for people to know what was given and why it was given. Let us make it accountable and transparent and then everybody can make a judgment.

● (1520)

Mr. John Reynolds: Mr. Speaker, I have one more item to add, in looking at my rule book. According to the new rules, it is the committee's job to determine why the question has not been answered.

Unless it is a matter of privilege, I would suggest that we let the committee do its job, hear witnesses and to get to the bottom of why the government is trying to make a cover-up here.

The Speaker: The Chair appreciates the very helpful interventions of the House leader for the official opposition and the hon. member for St. John's West to the question of privilege raised by the government House leader. He has raised it this way and of course the Chair will examine it and come back to the House with a decision on the matter. The House will hear further from me on this point when I have had an opportunity to review all the submissions and the questions that the government House leader raised as the basis of his complaint.

ROUTINE PROCEEDINGS

[*English*]

LIBRARY OF PARLIAMENT

The Speaker: I have the honour to lay upon the table the performance report of the Library of Parliament for 2001-2002.

* * *

FEDERAL ELECTORAL BOUNDARIES COMMISSION

The Speaker: As is my duty, pursuant to section 21 of the Electoral Boundaries Readjustment Act, I lay upon the table a certified copy of the report of the Federal Electoral Boundaries Commission for Prince Edward Island.

[*Translation*]

This report is deemed permanently referred to the Standing Committee on Procedure and House Affairs.

* * *

[*English*]

COMMITTEES OF THE HOUSE

ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, the Standing Committee on the Environment and Sustainable Development has considered and held hearings on Bill C-9, an act to amend the Canadian Environmental Assessment Act, as well as its predecessor, and agreed on December 11 just before the Christmas recess to report the bill with 76 amendments.

I would like to take this opportunity to thank the officials and their colleagues of the committee for their cooperation.

* * *

PETITIONS

STEM CELL RESEARCH

Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance): Mr. Speaker, I wish to introduce a petition I have received from approximately 60 constituents calling on Parliament to support stem cell research to find cures and therapies necessary to treat illnesses and diseases of suffering Canadians.

NATIONAL CHILD CARE

Mr. John Godfrey (Don Valley West, Lib.): Mr. Speaker, I have the honour to present a petition signed by over 1,000 people in the Edmonton area calling on Canada to acknowledge its part in making the world fit for children, according to the UN special assembly meeting, by creating a national child care strategy. I submit this with great pleasure.

STEM CELL RESEARCH

Mr. Norman Doyle (St. John's East, PC): Mr. Speaker, I have a petition from about 100 people in the St. John's area who make the point that non-embryonic stem cells, also known as adult stem cells, have shown significant research progress without the immune rejection or ethical problems associated with embryonic stem cells.

The petitioners call upon Parliament to focus legislative support on stem cell research to find the cures and therapies necessary to treat illnesses and diseases of suffering Canadians.

RELIGIOUS FREEDOM

Mr. Darrel Stinson (Okanagan—Shuswap, Canadian Alliance): Mr. Speaker, I have two petitions from the citizens of Okanagan—Shuswap. Both petitions call upon Parliament to protect the rights of Canadians to be free to share their religious beliefs without fear of prosecution.

My constituents feel that the current provisions of the Criminal Code of Canada can be effective in preventing true threats against individuals or groups without changes to sections 318 and 319 of the code.

● (1525)

CHILD PORNOGRAPHY

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I have two petitions.

The first petition contains 634 signatures from individuals in the Toronto area who bring to the attention of the House their concern over instances of child pornography, including pedophilia and sado-masochistic activities involving children. They call upon the government to ensure that such exploitation of children is dealt with firmly and swiftly.

HUMAN RIGHTS

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, the second petition contains 39 signatures from Canadians in the Toronto area who want to bring to the attention of the House and the government instances of persecution of minorities and violence perpetrated against minorities, particularly Hindu minorities, in the country of Bangladesh.

The petitioners call upon the Government of Canada to work with the government of Bangladesh to ensure that Bangladesh upholds its obligations under the international conventions.

CANADIAN BLOOD SERVICES

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance): Mr. Speaker, it is my pleasure to present a petition on behalf of residents of Saskatoon and district.

The petitioners want to bring to the attention of the House of Commons that the Canadian Blood Services service centre in Saskatoon had some closures last year. The petition states that the CBS director of operations has now announced the closure of all operations at CBS Saskatoon except for collections, transportation and donor services for central and northern Saskatchewan, which will be directed out of Regina.

Therefore the petitioners call upon Parliament to undertake a complete and independent study of Canadian Blood Services across Canada and the integrity of its management.

CHILD PORNOGRAPHY

Mr. Rex Barnes (Gander—Grand Falls, PC): Mr. Speaker, I have two petitions. The first one is on child pornography.

The petitioners call upon Parliament to protect our children by taking all necessary steps to ensure that all materials which promote or glorify any such activities involving children are totally outlawed.

STEM CELL RESEARCH

Mr. Rex Barnes (Gander—Grand Falls, PC): Mr. Speaker, the second petition concerns stem cell research.

The petitioners call upon Parliament to focus its legislative support on adult stem cell research to find the cures and therapies necessary to treat the illnesses and diseases of suffering Canadians.

IRAQ

Ms. Nancy Karetak-Lindell (Nunavut, Lib.): Mr. Speaker, I have a petition from the residents of Arviat, Nunavut who are opposed to the war against Iraq and who ask the government to stand for peace and unity.

CANADA POST

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, I have a petition from Canadians in various regions of the country who are asking Parliament to repeal section 13(5) of the Canada Post Corporation Act. They would like to see rural route mail couriers be allowed to bargain collectively to improve their wages and working conditions like other workers.

* * *

QUESTIONS ON THE ORDER PAPER

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the following questions will be answered today: Nos. 41 to 44 inclusive, Nos. 49 to 57 inclusive, Nos. 73, 75, 76, 78 to 80 inclusive, Nos. 84, 87 to 89 inclusive, Nos. 92, 95 and 99.

[*Text*]

Question No. 41—**Mr. Jason Kenney**:

> With regard to the total sales of cigarettes and tobacco in Nova Scotia, can the government indicate the results of a study conducted by the federal government and Nova Scotia government in 2000?

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): I am informed as follows:

FINANCE CANADA

The Department of Finance is not aware of any study related to the sale of tobacco products conducted by the federal government and the Nova Scotia government in 2000. We are therefore unable to provide a response.

HEALTH CANADA

The Government of Canada and the province of Nova Scotia did not undertake any study; however, available data from other sources indicates that total sale of tobacco in Nova Scotia for 2000 were 1,445,817,550 cigarettes. Health Canada does not have sales data in terms of dollars for 2000.

STATISTICS CANADA

Statistics Canada is not aware of a specific study conducted by the federal government and Nova Scotia government in 2000 with regard to the total sales of cigarettes and tobacco in Nova Scotia. However, Statistics Canada does publish estimates of personal expenditure on tobacco products for Nova Scotia as part of its provincial economic accounts program. The estimates (including all taxes) from 1998 forward are as follows:

1998: $346.8 million

1999: $344.5 million

2000: $348.6 million

2001: $375.1 million

Question No. 42—**Ms. Libby Davies**:

With regard to the allocation of funds for immigrant integration services: (*a*) how is funding for these services determined; (*b*) why has funding remained static; (*c*) how much increased revenue has the government received from landing fees because of an increase in admission of immigrants; and (*d*) if funding is not based on a per landing status basis, why isn't it?

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): With regard to the allocation of funds for immigrant integration services:

(a) The annual amount for settlement services outside of Quebec is set at $173.3 million to be confirmed each year by Parliament. A grant to the province of Quebec is determined as per the Canada-Quebec Accord. Since 2000-01, the national settlement allocation model is used to provide for the annual allocation of funding for settlement programs to each CIC region and the provinces of British Columbia and Manitoba (both British Columbia and Manitoba assumed responsibility for settlement services under federal-provincial agreements). In developing the model, CIC consulted with the provinces and territories and it was agreed that the model should be transparent, fair, relatively simple, and responsive to shifts in immigrant flows. It also should respond to unique pressures in a region and provide stable infrastructure funding in smaller regions.

(b) Settlement funding for language training, immigrant settlement and adaptation and host programs outside Quebec has remained constant since 1996-97. The amount allocated in 1996-97 was to respond to the basic settlement needs of immigrants. With changing source countries, the need for higher language skills and increasing immigrant intake, Citizenship and Immigration Canada (CIC) recognizes that fixed funding must be reviewed. The federal government's innovation strategy announced this year looks at some of the challenges facing immigrant integration and proposes some targets for discussion.

(c) Permanent resident applicants have the option (as of 1997) of paying the right of permanent residence fee (RPRF), formerly right of landing fee (ROLF), either at the time of application for permanent residence, or they can wait until the immigrant visa is being issued overseas, or they are acquiring permanent resident status in Canada. Therefore, the level of right of permanent residence fee revenue is not necessarily linked to the intake of immigrants in any particular year. The level of revenue received by the government from these fees for the past six years was:

1996-97: $167.3M

1997-98: $119.7M *

1998-99: $117.7M *

1999-00: $144.8M

2000-01: $166.9M

2001-02: $170.2M

* Note: Lower revenue due to a change in the point of collection of the fee introduced in 1997. Applicants can pay the RPRF either at the time of application for permanent residence, or they can wait until the immigrant visa is being issued overseas, or when they are acquiring permanent resident status in Canada.

(d) CIC recognizes that many aspects of the services it delivers on behalf of Canada would benefit from a workload funding arrangement, such as per landing status basis. In 2002-03, CIC has initiated a project to develop a workload funding model for the department for all major outputs including immigrant and non-immigrant processing, citizenship services and settlement programs. Once the project is completed, the department will be in a position to pursue discussions with central agencies on a workload funding approach.

In allocating available regional funding CIC takes into account the immigrant landing level, although it is not the only factor used in the current settlement allocation model. There are several variables used in the model in attempt to reflect the costs associated with the overall settlement of newcomers. The variables include: a three-year rolling average of adult immigrant intake, knowledge of an official language, and the intake of government sponsored refugees in a region. The model also tries to take into account different cost factors in larger and smaller regions. The model will undergo a review. CIC will again work closely with its provincial and territorial counterparts during this review.

Question No. 43—**Mr. John Reynolds**:

With regard to vacant property called Moffat Farms, owned by the National Capital Commission and land commonly called Montfort Woods, owned by DRC Phoenix Corporation: (*a*) what Ministers of the Crown, Officials and Departments made representations regarding these lands; (*b*) to whom did they make representations; (*c*) what were the nature of the representations; (*d*) what was the response to the representations; and (*e*) when were they made?

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): I am informed that no ministers of the Crown, secretaries of state, officials and departments have made any representations regarding the vacant property called Moffat Farms owned by the National Capital Commission and the land commonly called Montfort Woods owned by DRC Phoenix Corporation.

Question No. 44—**Mr. Ted White**:

With respect to Health Canada's colony of breeding and research monkeys held at Tunney's Pasture and elsewhere (*a*) what is the total number of monkeys in captivity at this time; (*b*) how many are still housed in cages; (*c*) what are the sizes of those cages and how many animals are kept in each size of cage; (*d*) what other type and size of housing is being utilized; (*e*) what foods are provided to the monkeys, and; (*f*) why are Members of Parliament refused access to inspect the facilities?

Hon. Anne McLellan (Minister of Health, Lib.): The answer is as follows:

(a) We have 250 macaques, of which 223 are kept at the Health Canada, Sir Frederick Banting Research Centre (Ottawa) and 27 are kept at the Anthropology Laboratory, University of Montréal, Ste-Madeleine, Quebec.

(b) Ste-Madeleine: No cages are in use.

Ottawa: In total, 35 animals are kept in cages; 8 of these macaques are in individual cages for health reasons or an inability to coexist (social misfit) with others, while 27 are paired.

(c) Ste-Madeleine: No cages in use.

Ottawa: Exercise run; 5.5'h X 2.5'w X 6'd; 8 cages are in use (1 or 2 macaques per cage). Custom cages for males; 8'h X 4'w X 4'd; 10 cages in use (2 macaques per cage). Allentown cages; 34"h X 24"w X 28" d; 2 cages used (1 sick female per cage). Cadillac cages; 28"h X 24"w; 24"d; none are presently in use (1 animal per cage when needed). This type of cage is used to house sick troop females in the ante-room to favour their acceptance by troop mates upon their return (once healed).

(d) Ste-Madeleine: Loose housing room; 13'h X 21'w X 100'd; 1 troop of 27 animals (adults, juveniles, infants).

Ottawa: Loose housing rooms; 7.5'h X 10'w X 15'd; 17 rooms (10 to 12 females and one male per room for a total of 15 troops housed in this manner. Two free rooms are maintained to allow sanitation to be done and the troops all rotate to a new room approximately every 10 days.

Health Canada has made improvements to the animal holding facilities, consistent with the recommendations of the 1997 report of the Royal Society Expert Panel.

(e) The monkeys receive, once a day, biscuits commercially available for macaques called Purina Nonhuman Primate Regular Chow. Fresh fruits, vegetables and various treats (sunflowers, peanuts, etc.) are also served daily. Food is always provided on the litter to favour their natural foraging instinct.

(f) There is no ban on access to the facility. However, visits and visitors must be controlled in order to maintain the disease free status of the animals, and maintain a suitable environment. Visitors must adhere to the medical requirements as outlined in our standard operating procedure. This requirement is the same for everyone accessing the colony, including staff.

Question No. 49—**Mr. Garry Breitkreuz**:

With respect to statements made by the Minister of Justice in the House of Commons on February 16, 1995 (Hansard, pp. 9707-9709), how has universal gun registration: (*a*) reduced the number of deaths due to domestic violence; (*b*) reduced the number of suicides; (*c*) reduced the number of firearms accidents; (*d*) reduced the number of guns smuggled into Canada; (*e*) reduced the number of guns stolen; (*f*) reduced the number of guns traded on the black market; (*g*) reduced the number of legally imported guns that are sold illegally; (*h*) reduced the illegal acquisition and smuggling of ammunition; (*i*) improved compliance with safe storage laws; (*j*) increased the number of firearms seized as a result of enforcement of firearms prohibition orders; (*k*) improved the likelihood that the police will know where all the guns are; (*l*) affected the percentage of police who are in favour of universal firearms registration; (*m*) improved the accuracy of statistics regarding the number of guns and gun owners; and (*n*) been justified by the costs when compared to the benefits?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): The answer is as follows: (a) According to Statistics Canada, firearms were the most frequently used weapon in the commission of spousal homicides between 1974 and 2000, accounting for the death of 37% of victims. (Source: Family Violence in Canada: a Statistical Profile 2002—Table 1.8)

Most domestic shootings involved long guns such as rifles and shotguns. In 1998, 63% of spousal firearm homicides were committed with shotguns or rifles. A further 21% used sawed-off shotguns or rifles. Only 16% used handguns. (Source: Family Violence in Canada: A Statistical Profile 2000. Statistics Canada: Canadian Centre for Justice Statistics. July 2000)

(b) The rate of suicide deaths involving firearms has been steadily decreasing. In 1999, the percentage of suicides involving a firearm was 19%, from 43.7% in 1970. (Source: Statistics Canada: Causes of Death).

(c) The rate of firearms accidents has also been declining from 129 in 1970 to 31 in 1999. (Source: Statistics Canada: Causes of Death).

Overall, Canada's homicide rate is at its lowest since 1967 and homicide committed with rifles and shotguns is steadily decreasing. The rate of robberies committed with a firearm has also declined by 62% since 1991, after consistently dropping over the past decade. (Source: Crime Statistics in Canada, 2001, Canadian Centre for Justice Statistics).

(d) Regarding firearms trafficking and firearms smuggling, provisions in the Criminal Code and Firearms Act establish increased controls over firearms imports and exports, and impose penalties for smuggling and trafficking.

(e) The number of lost or missing firearms has declined by 68% from 1998 to 2001 and the number of stolen firearms has also decreased by 35% over the same period. (Source: 2001 Registrar's Report to the Solicitor General on the Administration of the Firearms Act)

(f) The national weapons enforcement support team (NWEST), set up by the Department of Justice, is a unit of highly trained and experienced individuals who work in a support role with local law enforcement to assist in anti-trafficking and anti-smuggling efforts. The team also helps the police community in dealing with issues of violence with firearms.

Over the past year NWEST has provided support to over 2000 police files dealing with weapons, playing a key role in improving public safety and proving highly successful in helping police fight firearm related crime.

(g) NWEST has established links to a number of international law enforcement agencies, in particular the U.S. Bureau of Alcohol, Tobacco and Firearms (ATF). Cooperation between the ATF and NWEST is important, as many of the firearms entering Canada, whether legally or illegally, originate in the United States.

(h) Under the Firearms Act, as of January 1, 2001, an individual must produce a valid firearms licence or FAC, or a confirmed non-resident declaration to acquire ammunition.

(i) The firearms program contributes to the reduction of crime, has a demonstrable effect in screening firearm owners to better insure safety, and requires safety training for those enjoying firearm sports. The government is focusing on a wide variety of crime reduction initiatives including efforts to better address organized crime, youth offenders, crime prevention, and gun control. The money spent on gun control contributes, with other crime control measures, to the overall safety of Canadian communities.

(j) The Canadian firearms centre is not an enforcement agency and does not collect data regarding firearm seizures. The courts are required to forward copies of all prohibition orders to the chief firearms officer in their jurisdiction in order for the CFO to take appropriate action where a firearms licence is involved. Neither the CFO nor the registrar are involved in firearms seizures.

(k) The Canadian firearms registry on-line (CFRO) is a database that provides law enforcement with specific information on firearms, helps police evaluate potential threats to public safety and remove firearms from a location as a preventive measure. Law enforcement communities have consulted this system more than two million times since December 1, 1998. CFRO helps the police assess public safety threats and complete investigations.

(l) On December 3, 2002, the Canadian Association of Chiefs of Police re-affirmed its support for the firearms program and its essential crime-fighting tools. Law enforcement is clearly relying on the information contained in CFRO. Since December 1, 1998, it has queried this system over two million times in conducting police work. This shows that police officers are indeed accessing the database in order to forward their investigations.

(m) As part of the firearms program, there are now 1.9 million licensed firearm owners and over 5.9 million firearms have been registered. The vast majority of these are non-restricted firearms such as rifles and shotguns, which were difficult for authorities to trace under the old system because they were not registered.

The Canadian firearms program has taken many steps over the years to assure the quality of the information in its database on firearm owners and guns. The accuracy rate in the database today is over 90%, making this a most valuable tool for law enforcement. The Canadian firearms program requires sufficiently accurate information from clients to help make a determination on the eligibility for their licence and to classify and uniquely identify their firearm. This information includes information about the applicants, such as their address and type of safety training, as well as particulars of each firearm they intend to register.

Information on applications that does not properly identity or describe an individual or does not uniquely identify and classify a firearm is considered an error by the program. Such errors represent less than 1% of all data in the licence and registration data recorded in the Canadian firearms registration system. Any errors in the database are identified and addressed on an ongoing basis through quality assurance audits.

(n) This program is a national investment in public safety. Over the first seven years of operation (including the 2001-02 fiscal year) approximately $688 million has been spent on this program.

This program is much more than a firearms registry. With this investment come the public safety benefits of a licensing system that helps keep firearms from those who should not have them.

Since December 1, 1998, over 9,000 firearms licences have been refused or revoked by public safety officials. As a result of an enhanced screening process, there were 70 times more firearms licences revoked than the total for the previous five years under the old system. Since December 1, 1998, there are also checks on buyers, sellers, as well as gun tracing checks for every gun sale in the country.

It should also be noted that the Canadian firearms program yields significant savings for police services. As part of this program police are no longer burdened with the paperwork and administration involved in accepting firearms applications because these are now mailed to a processing site. This frees up significant police time and resources that can be redirected to investigations and policing.

Question No. 50—**Mr. Garry Breitkreuz**:

> With respect to the Department of Justice 2002-2003 Estimates, Part III—Reports on Plans and Priorities, Firearms Control Program, Long-Term Benefits, what are the "Measures of success" for the: (*a*) number of suspended/refused licences; (*b*) percentage of firearms owners complying with registration; (*c*) ease of registration process; (*d*) number of registered firearms; (*e*) percentage of public support for the program; and (*f*) documented reduction in the number of firearm accidents (long-term result)?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): The measures of success for the firearms control program are as follows:

(a) Number of refused or revoked from December 1, 1998 to December 11, 2002.

Applications refused:

Type of Licence	COUNT
Minor	27
Possession & Acquisition Licence (PAL) / Firearms Acquisition Certificate (FAC)	1,681
Possession Only Licence (POL)	2,813

Licences Revoked

Type of Licence	COUNT
Minor	18
Possession & Acquisition Licence (PAL) / Firearms Acquisition Certificate (FAC)	2,562
Possession Only Licence (POL)	2,075

(b) As of January 4, 2003, 74p. 100 of licensed firearms owners have acted to comply with registration.

(c) It is possible to submit a firearms registration application only by paper registration form at this time, however, the CFC is looking at new on-line services to be provided in the near future.

(d) 5,893,447 firearms have been registered as of January 4, 2003.

(e) Polling released by Gallup Canada on November 27, 2001, reveals that 76p. 100 of Canadians, a majority in every region of Canada, favour "the requirement that by law all firearms in Canada need to be registered with the federal government". The result is very consistent with other polling in that and prior years.

(f) The rate of firearms accidents has declined from 129 in 1970 to 31 in 1999. (Source: Statistics Canada: Causes of Death). Registration links a firearm to its rightful owner. It works to enhance accountability for one's firearms, for example, by encouraging safe storage, which helps reduce gun theft and accidents.

Question No. 51—**Mr. Grant Hill**:

> As part of the Implementation plan for the Kyoto Protocol as called for in the motion adopted by the House on October 24, 2002, is the government guaranteeing its cost increase projections (i.e. 3 cents for a barrel of crude)?

Hon. David Anderson (Minister of the Environment, Lib.): The Climate Change Plan for Canada provides illustrative costs for cost increases in the price of crude oil. These figures are based on a particular set of assumptions about the design of the emission reduction system for large industrial emitters. Actual costs for sectors and for individual firms will depend on final design and a firm's unique circumstances. The government is committed to clarifying the general approach in the early months of 2003 through continued discussions with industry, stakeholders, provinces and territories.

Question No. 52—**Mrs. Betty Hinton**:

> As part of the Implementation plan for the Kyoto Protocol as called for in the motion adopted by the House on October 24, 2002, is the government guaranteeing that energy taxes will not be increased in a bid to reach its Kyoto targets?

Hon. David Anderson (Minister of the Environment, Lib.): The Climate Change Plan for Canada contains no proposals to increase energy taxes.

Question No. 53—**Mr. Charlie Penson**:

> As part of the Implementation plan for the Kyoto Protocol as called for in the motion adopted by the House on October 24, 2002, is the government warranting its price increase projection and is it planning on covering anything over and above those projections?

Hon. David Anderson (Minister of the Environment, Lib.): The Climate Change Plan for Canada provides estimates of price increases in various commodities. These figures are based on the economic scenario that the federal-provincial analysis and modelling group agreed to more than a year ago, and the assumptions of the international price of carbon permits of $10 or $50, and assumptions of domestic market dynamics based on extensive discussions with and advice from key industry sectors. Actual price increase for various commodities could differ significantly using alternative approaches to mitigation.

Question No. 54—**Mr. Kevin Sorenson**:

> As part of the Implementation plan for the Kyoto Protocol as called for in the motion adopted by the House on October 24, 2002, is the government suspending all grants and contributions to pro-Kyoto groups after ratification since their services are no longer needed?

Hon. David Anderson (Minister of the Environment, Lib.): Grants and contributions made to organizations are not done on the basis of an organization's stance on the Kyoto protocol. Grants and contributions are provided to organizations to assist the federal government in achieving its public policy objectives, and are done so in an open, transparent and accountable fashion. Since 1998 the climate change action fund—public education and outreach (CCAF-PEO) has contributed $23 million of grants and contributions to 191 public education and outreach projects. The fund has supported proponents of all types, including not-for-profit, non-governmental organizations (NGOs), community groups (voluntary groups, community associations, and institutions), first nations communities, organizations and associations, educational and academic institutions, other non-federal government agencies (provincial, territorial, regional, and municipal) and businesses, industries and their professional associations. Funding for PEO continues until the end of the 2003-04 fiscal year.

Question No. 55—**Mr. Gary Lunn**:

> As part of the Implementation plan for the Kyoto Protocol as called for in the motion adopted by the House on October 24, 2002, is the government guaranteeing well head or carbon taxes will not be introduced or increased (as the case may be) in a bid to meet its Kyoto targets?

Hon. David Anderson (Minister of the Environment, Lib.): The November 2002 Climate Change Plan for Canada contains no proposals regarding carbon taxes or well head taxes. It has been a long standing position that a carbon tax will not be part of the Government of Canada's approach to addressing climate change.

Question No. 56—**Mr. Scott Reid**:

> As part of the Implementation plan for the Kyoto Protocol as called for in the motion adopted by the House on October 24, 2002, is the government willing to move ahead with Kyoto ratification without the support of the provinces?

Hon. David Anderson (Minister of the Environment, Lib.): On December 16, 2002, the Prime Minister of Canada formally ratified the Kyoto protocol to the United Nations framework convention on climate change.

Canada has a proud tradition of working with other nations towards common goals. We are committed to leadership on international challenges. By ratifying the Kyoto protocol we are part of an international effort to address an issue that knows no boundaries and affects us all.

In ratifying, we are doing the right thing for Canada, for the global environment, and for future generations. We will work with the provinces, territories, industry and stakeholders to meet the climate change challenge together.

Now that the Kyoto protocol has been ratified we will move forward to implement the Climate Change Plan for Canada. Developed in consultation with all provinces and territories, and with all sectors and segments of the population, we know this plan will get results.

It is a truly Canadian plan that sets the stage for all Canadians to do their part to achieve the results we need. It builds on the work of provincial, territorial and municipal governments. It draws on the commitment of industry to work with us to seek out more efficient and effective ways of operating. We intend to keep improving the plan to ensure it reflects and responds to the priorities of Canadians.

Question No. 57—**Mr. Scott Reid**:

> As part of the Implementation plan for the Kyoto Protocol as called for in the motion adopted by the House on October 24, 2002, is the government guaranteeing infringing upon provincial jurisdiction in meeting Kyoto targets?

Hon. David Anderson (Minister of the Environment, Lib.): Respect for jurisdiction is one of the key principles guiding the Climate Change Plan for Canada. The plan is a made in Canada approach that is based on collaboration, partnerships and respect for jurisdiction.

The plan provides a substantial foundation on which to build a concerted national effort. In determining how best to achieve our goals, we must continue this collaborative approach ensuring that provincial and territorial jurisdiction is respected in the process.

Question No. 73—**Mr. Inky Mark**:

> With respect to the Department of Indian Affairs and Northern Development: *a*) which Native bands in Canada are under third party management; *b*) what is the total deficit of each individual band; and *c*) which bands have failed to file their audits with Indian Affairs?

Hon. Robert Nault (Minister of Indian Affairs and Northern Development, Lib.): The answer is as follows:

(a) Native bands in Canada under third party management are as follows:

Burnt Church Band Council	Ochapowace Band
Dakota Tipi Band	Ojibway Nation of Saugeen
Gamblers Band	Peter Ballantyne Cree Nation
Garden Hill First Nation	Piapot Band
Ginoogaming First Nation	Pikangikum Band
Gull Bay Band	Pinaymootang First Nation (Fairford)
James Smith Band	Red Earth Band
Kitchenuhmaykoosib Inninuwug	Red Sucker Lake Band
Little Black Bear Band	Red Pheasant Band
Long Lake no. 58 Band	Roseau River Tribal Council
M'chigeeng First Nation	Sagkeeng/Fort Alexander First Nation
Muscowpetung Band	Saulteaux Band
Mushuau Innu Council	Shamattawa First Nation
Neskantaga First Nation	Sheshatshiu Innu Council
Nibinamik First Nation Band	Washagamis Bay Band
Northlands Band	Yellow Quill Band

(b) The Department of Indian Affairs and Northern Development cannot provide this information. This information is considered third-party information and is protected under subsection 20(1) of the Access to Information Act (ATIA). In keeping with Treasury Board policy and guidelines relating to the ATIA, prior to releasing this information, a consultative process is undertaken, notice of the intent to release is given to the first nations, and they are given the opportunity to make their representations.

(c) Bands that have failed to file their audits with Indian Affairs are as follows:

Albany Band	Lake St. Martin Band
Beausoleil Band	Lutsel K'e Dene Band
Behdzi Ahda' First Nation	McDowell Lake Band
Burns Lake Indian Band	Mohawk Council of Kahnawake
Cheam Indian Band	Munsee-Delaware First Nation
Chippewa of Mnjikaning First Nation	Neskantaga First Nation
Cree Nation of Chisasibi	Nipissing First Nation
Dakota Tipi Band	North Spirit Lake Band
Dechi Laot'i First Nations	Pacheedaht First Nation
Deh Gah Gotie Dene Council Band	Sambaak'e (Trout Lake) Dene Band
K'atlodeeche First Nation	Spuzzum Indian Band
Ka'a'gee Tu First Nation	Taykwa Tagamou Nation
Kwaw-Kwaw-a-Pilt Indian Band	Wabigoon Lake Ojibway Nation
Kwiakah Indian Band	Wahta Mohawk Band
Lac des Mille Lac Band	Yellowknives Dene First Nation

Question No. 75—**Mr. Inky Mark**:

With respect to Aboriginal and Metis Veterans of the Second World War and the Korean War: (*a*) which veterans took advantage of Higher Education or Veterans' Land Act benefits; and (*b*) if neither of these options were taken advantage of, what re-establishment credit was paid to each individual veteran?

Hon. Rey Pagtakhan (Minister of Veterans Affairs and Secretary of State (Science, Research and Development), Lib.): From the time Veterans Affairs Canada was established in 1944, the veterans benefit legislation and the resulting Veterans Affairs administrative practices have guaranteed exactly the same rights to all veterans, native and non-native alike.

Under the post-war demobilization program, veterans could choose one of the following options: a re-establishment credit (which was equal to the war services gratuity), educational assistance (vocational or university training), or assistance under the Veterans' Land Act (VLA).

Approximately 60% of first nations veterans chose VLA compared with 10% for non-first nations veterans, and DVA paid $2,320 to Indian Affairs for each of these veterans. By comparison, approximately 70% of all veterans chose to take the re-establishment credit (which averaged $450).

A file review was conducted to determine whether Métis veterans received their full entitlement to these benefits. Preliminary results indicate that 78% of Métis veterans received the re-establishment credit, 15% chose assistance under the VLA, and 3% chose educational assistance.

The Government of Canada recognizes that the National Métis Veterans Association (NMVA) and other organizations representing Métis veterans are dissatisfied that they have not received the same offer as first nation veterans.

However, Veterans Affairs Canada has extended an offer to the NMVA to further review the findings of the file review conducted by the department.

Question No. 76—**Mr. Ted White**:

With respect to Canadian stocks of smallpox vaccine, what is the total number of undiluted doses presently held under the control of Health Canada, how old are those doses and what percentage can be considered to be still viable, what other governmental and private stocks are available and in what amounts, where are the various stocks located, and what is anticipated to be the total number of doses available in Canada by the end of December 2003?

Hon. Anne McLellan (Minister of Health, Lib.): Total number of vials currently held:

Number of Vials	Health Canada	Other Departments	Privately held smallpox vaccine supply
10 dose* vials	8	2,960 2,000**	4,600
Jet injection vials (500 doses*)	0	527***	0

*The number of doses in a vial is the maximum expected if administered in the approved manner or in the fashion for which the product was produced. Due to many variables, including product wastage and the availability of vaccine delivery mechanisms, the calculation of vaccine doses can not be accurately stated. For example, if the vaccine is administered with a special bifurcated needle, then a "10 dose vial" could vaccinate between 85 and 100 persons

**Expired vials

***Special Access Programme

All the smallpox vaccine vials were manufactured between 1968 and 1980.

The potency of the vaccine has been tested annually by the manufacturer with satisfactory results.

Health Canada is negotiating to purchase approximately 10 million doses of the smallpox vaccine to ensure the capacity is available to produce more vaccine in the unlikely event that it is needed.

The location of the stockpiles cannot be released for security reasons.

Health Canada and Public Works and Government Services Canada through the advanced contract award notice (ACAN)/request for proposal (RFP), and request for information (RFI) anticipate that approximately 10 million doses will be available by December 2003.

Question No. 78—**Mr. Bill Casey**:

With respect to the recent oil spill disaster off the north-western coast of Spain, and the sinking of the oil tanker Prestige: *a*) what emergency procedures does Transport Canada have in place to deal with such a disaster off a Canadian coast; *b*) would Transport Canada lead the response to such a disaster off the Canadian coast; *c*) would the responsibilities be shared with other departments and if yes, which ones; *d*) does Transport Canada have the resources available today to deal with an oil spill of any capacity off the coasts of Canada; (i) if yes, what are these resources; (ii) if no, is the department working to secure the necessary resources and when will they be available?

Hon. John McCallum (Minister of National Defence, Lib.): Fisheries and Oceans is the lead government agency with respect to oil spills in Canadian waters. In the event of a major oil spill, the commissioner of the Canadian Coast Guard would coordinate and implement the Government of Canada's response. Although National Defence is not the lead department, the Canadian Forces could provide personnel and logistics assistance, if requested.

Canadian naval vessels are capable of dealing with minor oil spills resulting from their own operations. A more robust capability also exists in Halifax and Esquimalt naval harbours for self-generated in-port incidents. However, the Canadian Forces are not mandated or equipped to deal with a major environmental event similar to the oil spill off the coast of Spain.

Question No. 79—**Mr. Bill Casey**:

> With respect to the recent oil spill disaster off the north-western coast of Spain, and the sinking of the oil tanker Prestige: *a*) what emergency procedures does the Department of Fisheries and Oceans (DFO) have in place to deal with such a disaster off a Canadian coast; *b*) would DFO lead the response to such a disaster off the Canadian coast; *c*) would the responsibilities be shared with other departments and if yes, which ones; *d*) does DFO have the resources available today to deal with an oil spill of any capacity off the coasts of Canada; (i) if yes, what are these resources; (ii) if no, is the department working to secure the necessary resources and when will they be available?

Mr. Marcel Proulx (Parliamentary Secretary to the Minister of Transport, Lib.): The question asked concerns emergency response to an oil spill for which the Department of Fisheries and Oceans (DFO) is the lead department. DFO is responsible for developing emergency procedures to deal with such disasters, through the Canadian Coast Guard (http://www.ccg-gcc.gc.ca/rser-ssie/er-ie/main_e.htm).

Transport Canada's role lies more with the prevention of such incidents through regulatory and inspection programs. Although we would not take the lead in a response to such a disaster, our expertise in ships and shipping matters makes us a critical resource department.

With respect to other departments, depending upon the size and location of such a spill, many agencies, departments and even other governments would be involved, as established in national and regional contingency plans. However, DFO is the lead department for these initiatives.

On the responsibility for ensuring that adequate resources are available, this also falls with the Department of Fisheries and Oceans. Their last report to Parliament on this issue should be of interest (http://www.ccg-gcc.gc.ca/rser-ssie/er-ie/rtp/main_e.htm).

Question No. 80—**Mr. Bill Casey**:

> With respect to the recent oil spill disaster off the north-western coast of Spain, and the sinking of the oil tanker Prestige: *a*) what emergency procedures does the Department of Fisheries and Oceans (DFO) have in place to deal with such a disaster off a Canadian coast; *b*) would DFO lead the response to such a disaster off the Canadian coast; *c*) would the responsibilities be shared with other departments and if yes, which ones; *d*) does DFO have the resources available today to deal with an oil spill of any capacity off the coasts of Canada; (i) if yes, what are these resources; (ii) if no, is the department working to secure the necessary resources and when will they be available?

Hon. Robert Thibault (Minister of Fisheries and Oceans, Lib.): The answer is as follows:

a) In the event of a pollution incident such as the one off the coast of Spain, the Canadian Coast Guard (CCG) would activate the national response team (NRT), and mobilize all government and industry resources to the impacted area. Should further resources be required, the CCG would call upon its international partners. This response would be conducted in accordance with national, regional and area marine oil spill contingency plans.

b) The CCG, Department of Fisheries and Oceans (DFO), is the lead federal agency responsible for Canada's oil spill preparedness and response and thus, would lead a response to such an incident.

c) Other government departments may provide assistance to DFO in the event of a pollution incident. These include Environment Canada, who may provide scientific and environmental advice related to shoreline and on-water cleanup operations; Transport Canada, who may provide advice related to the operations and safety of vessels; and the Department of National Defence, who may be called upon to provide personnel or specific logistical assistance.

d) Canada's marine oil spill preparedness and response regime is built upon an essential partnership between government and industry. Canada has four commercial response organizations certified by the CCG to each provide a 10,000 tonnes response capability. In addition, CCG has an inventory of approximately $74 million worth of pollution response equipment located across the country for offshore spills, spills in the Arctic (waters north of 60° latitude) and as a safety net for the industry's capacity. Furthermore, Canada, along with 66 other nations, is signatory to the international convention on oil pollution preparedness, response and co-operation (OPRC). As such, Canada may call upon the other 66 signatories for assistance. In the event of a pollution incident occurring in the contiguous waters between Canada and the U.S., a joint response would be conducted in accordance with the joint marine pollution contingency plan. Canada has a similar agreement with Denmark for the contiguous waters between Canada and Greenland.

Question No. 84—**Mr. Ted White**:

> With respect to office space occupied by the Department of National Defence in downtown Vancouver on West Pender St.: (*a*) what amount of rent is being paid for the space used by the Recruitment Centre at 1070 West Pender St.; (*b*) what amount of rent is being paid for administrative and/or other offices on the eighth and/or other floors of 1040 West Pender St.; and (*c*) why is it necessary to rent high cost space in downtown Vancouver for these functions?

Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): The answer is as follows:

a) Rent for the recruitment centre (288.6 square metres) at 1040 West Georgia (not 1070 West Pender) Street is $154,306 per annum.

b) Rent for DND's Regional Office and Vancouver Detachment/ Processing Unit (989.8 square metres) on the eighth floor at 1040 West Georgia Street is $343,378 per annum. Rent for storage space (16.4 square metres) on level P-4 is $2,124 per annum. Rent for parking (3 reserved and 6 random stalls) is $23,040 per annum.

c) In order to maintain existing numbers in the Canadian Armed Forces and to meet expanded needs for the future, DND has made recruitment a priority. The requirement for a downtown location for the recruitment centre was based on the need for a highly visible, attractive and approachable location with maximum exposure to drive-by and wald-by traffic, accessible by public transportation from all areas of greater Vancouver. Having administrative office space in the same building provides efficiencies by facilitating the operation of the recruitment centre.

Question No. 87—**Mr. Scott Brison**:

How much did the Romanow Commission cost and what is the costing breakdown of those expenditures?

Mr. Rodger Cuzner (Parliamentary Secretary to the Prime Minister, Lib.): The attached schedule is the Privy Council Office's response to the above question showing the total expenditures for the Commission on the Future of Health Care for 2001/02 and 2002/03. These costs include all actual costs to date and estimated amounts still to be paid. Since the commission's report was only recently presented there still are various payments outstanding.

Commission on the Future of Health Care in Canada (CFHC)

Financial Situation

	Total Expenditures
Salaries and Wages	2,898,517
Transportation and Telecommunications	1,904,267
Information (includes: Advertising Services; PublishingServices (interim and final report); Printing Services; Exposition and Related Services: Communications Research Services; and Communication /Consultation Professional Services)	4,004,676
Professional & Special Services (includes: Legal Services;Training and Educational Services; Protection Services; Informatics Services; Conference/Workshop Services; Research Contracts; Translation Services (written and oral); and OtherProfessional Services)	3,361,740
Rentals (office and furniture)	746,204
Repair & Maintenance	12,089
Utilities, Materials & Supplies	101,699
Capital (computers, printers and related equipment)	193,978
Other Subsidies and Payments	5,047
TOTAL	13,228,217

Question No. 88—**Mr. Garry Breitkreuz**:

With respect to statements made by David Austin, a spokesman for the Canadian Firearms Centre, quoted in the November 17, 2002, edition of the Calgary Sun, what evidence does the government have to show that "the new law is working well to reduce crime, safeguard citizens from shooting deaths and help law enforcement keep track of arms movement."?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): The Canadian firearms program is far from being just a registry of firearms. It is an investment in the improvement of public safety through a secure licensing system that prevents people who should not have a firearm, such as individuals with a history of violence, from acquiring firearms. Law-abiding citizens will not be penalized by this program.

Since December 1, 1998, more than 9,000 firearm licences have been refused or revoked by public safety officers. Furthermore, due to the strengthening of verifications, there are now 70 times more licences being revoked than in the last five years of the previous plan as a result of a more solid and efficient system that allows continuous verification of licence holders. Buyers and sellers are also under scrutiny and each sale of a firearm in the country is subjected to a screening process. This clearly helps in keeping persons who should not have a firearm from acquiring one.

The ongoing verification of eligibility is being done through the Canadian firearms registration system, which allows us to ensure that licence holders are continually complying with the requirements of Section 5 of the Firearms Act.

Through the firearms program we are able to help in the reduction of criminal activity and to efficiently monitor licence holders for security purposes. This program also makes it mandatory for new applicants to obtain training in the handling of firearms.

Additionally, millions of firearms have already been registered, especially rifles and shotguns. It was difficult for authorities to trace these firearms under the previous plan. Registration is the link between a firearm and its rightful owner. It strengthens an owner's accountability for his/her firearms and encourages safe storage of firearms, which reduces the number of accidents and thefts.

Registration of firearms also assists police in their investigations by enabling them to trace firearms to their owners. The issuance of a licence and the registration of a firearm go hand in hand. These two activities help to control access to firearms and to discourage their misuse.

The program is also helping to reduce lost firearms. The number of lost firearms was reduced by 68% between 1997 and 2001, while the number of stolen firearms was diminished by 35% during that same period. (Reference: 2001 Report of the Registrar of the Canadian Firearms Registry on the Administration of the Firearms Act.)

The national weapons enforcement support team (NWEST) implemented by the Department of Justice in January, 2001, is comprised of trained and experienced individuals who help local agencies to enforce the law in the matter of firearms trafficking and smuggling. NWEST also helps the police in the processing of violence records pertaining to firearms. New provisions of the Criminal Code and the Firearms Act establish increased controls over firearm imports and exports and impose penalties for smuggling and trafficking.

On December 3, 2002, the Canadian Association of Chiefs of Police reiterated its support for the firearms program and its essential tools for crime control. These tools include the Canadian firearms registry online (CFRO), which helps the police to assess public safety potential threats and to remove, if need be, firearms as a preventive measure. The usefulness of the CFRO is undeniable. Law enforcement communities have consulted this system more than two million times since December 1, 1998. These figures show that police officers frequently refer to CFRO to complete their investigations.

The Canadian firearms program ensures that Canadian communities and homes are safe and secure.

Question No. 89—**Mr. Garry Breitkreuz**:

With respect to the Criminal Intelligence Service Canada Annual Report on Organized Crime in Canada for 2002, in the current and past years: (*a*) how many illicit firearms have organized crime groups stolen or obtained by other means from the police and the military; and (*b*) how many legally registered firearms have organized crime groups accessed because they have breached the Restricted Weapon Registration System and/or the Canadian Firearms Registry?

Hon. Wayne Easter (Solicitor General of Canada, Lib.): The Criminal Intelligence Service Canada (CISC) annual report on organized crime in Canada for 2002 does not refer specifically to: how many illicit firearms organized crime groups have stolen or obtained by other means from the police and the military; nor how many legally registered firearms organized crime groups have accessed because they have breached the restricted weapon registration system and/or the Canadian firearms registry.

Question No. 92—**Mr. Ted White**:

With respect to tax debtors who reside in British Columbia, would the government provide a list of references to statutory provisions and court decisions which the Canada Customs and Revenue Agency relies upon for its authority to seize Registered Retirement Saving Plans and Registered Retirement Income Funds?

Hon. Elinor Caplan (Minister of National Revenue, Lib.): The authority upon which the Canada Customs and Revenue Agency (CCRA) relies to access funds contained in Registered Retirement Savings Plans (RRSPs) and Registered Retirement Income Funds (RRIFs) is based in section 224 of the Income Tax Act and section 317 of the Excise Tax Act. The CCRA's authority is not based on court decisions; however, in general terms, court decisions help to clarify the interpretation of legislation.

The policy of the CCRA is that RRSPs and RRIFs are collection avenues of last resort. Attempts to seize funds in a RRSP or RRIF will normally only be taken when other avenues of collection have failed. Furthermore, such actions are only taken on certain types of RRSPs, specifically those containing conditions which allow policy holders to withdraw funds in a plan on request, in the same manner individuals would withdraw funds from their bank account.

The courts have consistently found that those RRSPs and RRIFs containing conditions that lock-in the funds for the specific purpose of providing the policy holder with a retirement savings plan on reaching a certain age, or which contain suitable life-insurance or annuity components, are beyond the reach of all creditors, including the CCRA.

The foregoing is applicable to tax debtors of all provinces, although the CCRA will take into consideration provincial legislation relating to life insurance and annuities.

Question No. 95—**Mr. Gerald Keddy**:

Can the government provide information on how many contaminated sites are in the riding of Perth-Middlesex, Ontario and the breakdown of the chemicals that are contaminating these sites?

Hon. Lucienne Robillard (President of the Treasury Board, Lib.): As of December 6, 2002, the federal contaminated sites and solid waste landfills inventory http://publiservice.tbs-sct.gc.ca/dfrp-rbif/cs-sc/home-accueil.asp?Language=EN did not list any federal contaminated sites in the riding of Perth—Middlesex, Ontario.

Routine Proceedings

Question No. 99—**Ms. Judy Wasylycia-Leis**:

As of December 12, 2002, and since April 5, 2001, have any programmes been funded under the Federal Tobacco Control Strategy and, if so, how much has been spent in each of the following programme areas: (*a*) Director General's office; (*b*) Ministerial Advisory Council on Tobacco Control; (*c*) programme management services; (*d*) regulatory development; (*e*) compliance; (*f*) reports control; (*g*) research and surveillance; (*h*) evaluation; (*i*) best practices in prevention, cessation and protection; (*j*) capacity development; (*k*) model resource development; (*l*) information dissemination; (*m*) mass media; (*n*) policy development and litigation; (*o*) external relations; (*p*) strategic planning and evaluation; and (*q*) knowledge management?

Hon. Anne McLellan (Minister of Health, Lib.): Following are the expenditures between April 1, 2001, and December 12, 2002, for the federal tobacco control strategy. The tobacco control programme does not track funding for all categories requested which is why zeros appear in three of the programme areas. Capacity development is a facet of the contribution spending, but delineating how much capacity in a receiving organization is enhanced through the carrying out of projects funded under contributions is extremely problematic. Knowledge management is included in (c) Programme Management Services.

Programme Areas	Expenditure
(a) Director General's Office	$1,726,772.00
(b) Ministerial Advisory Council	$620,753.00
(c) Programme Management Services	$4,661,939.00
(d) Regulatory	$339,839.00
(e) Compliance	$10,581,603.00
(f) Reports control	$60,594.00
(g) Research & surveillance	$3,405,639.00
(h) Evaluation	$747,218.00
(i) Best practices in prevention, cessation and protection	$3,796,611.00
(j) Capacity development	NIL
(k) Model resource development	NIL
(l) Information dissemination	$2,201,562.00
(m) Mass media	$34,393,580.00
(n) Policy development and litigation	$5,900,379.00
(o) External relations	$126,390.00
(p) Strategic planning and evaluation	$26,064.00
(q) Knowledge management	NIL
Total Expenditures	$68,588,943.00

* * *

[*English*]

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Geoff Regan: Mr. Speaker, if Questions Nos. 46, 47, 74, 90, 94, 96 and 97 could be made orders for return, these returns would be tabled immediately.

Speaker: Is that agreed?

Some hon. members: Agreed.

(Returns Tabled)

● (1530)

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

The Speaker: Is it agreed that the remaining questions stand?

Some hon. members: Agreed.

The Speaker: Before that happens I have to say that it is my duty, pursuant to Standing Order 39(5), to inform the House that the matter of the failure of the minister to respond to the following questions on the Order Paper is deemed referred to several standing committees of the House as follows. I must say that I have withdrawn from the list those raised by the government House leader in his earlier question of privilege, which I have taken under advisement. Otherwise a similar ruling would have followed. If I find there is no question of privilege, I presume I will be making a similar decision with respect to those questions.

Question No. 72, standing in the name of the hon. member for Dauphin—Swan River, is referred to the Standing Committee on Citizenship and Immigration.

Question No. 85, standing in the name of the hon. member for St. Albert, is referred to the Standing Committee of Public Accounts.

Question No. 91, standing in the name of the hon. member for Pictou—Antigonish—Guysborough, is referred to the Standing Committee on Environment and Sustainable Development

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PRIVILEGE

SPECIAL COMMITTEE ON NON-MEDICAL USE OF DRUGS

The Speaker: The hon. member for Langley—Abbotsford had a submission he wished to make on a question of privilege raised by the hon. member for Hochelaga—Maisonneuve before our Christmas break. I am therefore pleased to hear from the hon. member for Langley—Abbotsford at this time before we embark on a study of orders of the day.

Mr. Randy White (Langley—Abbotsford, Canadian Alliance): Mr. Speaker, I want to address a question of privilege brought up by the member for Hochelaga—Maisonneuve, who rose on his question suggesting that I prematurely issued an unauthorized disclosure of the minority report of the Special Committee on Non-Medical Use of Drugs.

I have been accused of divulging privileged information from the parliamentary Special Committee on Non-Medical Use of Drugs, and to say the least, this is a serious charge. As vice-chairman of that committee and a former House officer, I take this charge very seriously as an affront to my own integrity. Notwithstanding any whining about the positions that anyone takes on the drug issue today, I want to state very clearly my position on his question of privilege.

There is no doubt that I have grave concerns about the government's approach to drugs, harm reduction and marijuana. However, my talking to the press does not in the least constitute any particular divulging of a report.

This is not a new charge in the House. In fact, as House leader of the official opposition I had a great deal of concern expressed in the House about leaked reports. In fact, I found in many cases, which I will disclose in a moment, that there is a bigger concern not from individual members but from ministers themselves.

I might add, however, that this is not a leaked report. My comments were likely to do with the great disgust over the government's ill-planned move toward the marijuana situation and harm reduction. My concerns and that of the nation on this issue over a move to adopt a European style of life in Canada were expressed in most Canadian newspapers. If I am guilty of such a breach in confidentiality, I will be most interested to see how it is dealt with in view of the fact that confidentiality has been breached in the House time and time again.

I have not seen any documents or any substantiation of this, by the way, so I am standing in the House defending my own position and not knowing what the actual accusations have been or how tangible they were. I can assure the House that if I feel there may have been cause to believe that I have somehow breached confidentiality by speaking out against drugs, by talking to the press about the government's misled direction of harm reduction and about encouraging young people to smoke marijuana, then I intend to bring a motion in the House this week to ensure that I be brought before the procedure and House affairs committee for investigation. I would be happy to do that.

If I myself table such a motion, I expect it to be honoured and accepted. I also expect to be able to bring counsel to that meeting and, indeed, request witnesses on my behalf, such as reporters, advocates of my position on drugs, previous ministers who have breached confidentiality, the government House leader and others to provide witness to clear up the accusations that are being made.

First off, it is up to the special committee to consider this matter, not the Speaker. However, since it has been raised in the House I do have a comment or two. I would like to explain the circumstances and precedents involved in this contempt. First with regard to precedents, apart from incorrectly raising this matter in the House instead of committee, many of the member's references are quite outdated and, I would argue, have been replaced with more current ones. The usual reference to contempt is the one from Erskine May, which describes contempt as:

> —any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence.

● (1535)

I am not sure at this point whether I should go through all of the cases or not. First, I need to know what exactly I was purported to have said. Second, I would like the time to look at that and bring it back into the House. As I have said, I have the integrity inasmuch as if I feel that I have breached something I would be the first one to bring it before the procedure and House affairs committee.

Mr. Speaker, I want to reserve a lot of my comments for that instance, when we bring it back in here and you decide whether or not I have in fact breached some sort of security. I do not want to take any more of the House's time away from the important issue we are dealing with today in order to discuss any more of the possible references that may be used unless it is necessary to use them. All I can say is that when there are accusations against one's integrity in the House, I think the accusers should have the integrity to properly use the best points of reference possible, give the person accused the proof that they have, and in particular give members an opportunity to decide for themselves whether or not they have breached some form of integrity in the House.

Mr. Speaker, I leave it in your hands to decide whether or not you are willing to give me some kind of substantive documentation to show that I have in fact breached anything in the House. I would like to then return here and tell you what I think of that. I can tell you what I think already, but it would be more appropriate to wait for the real stuff to come in.

Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance): Mr. Speaker, on the same point, I have to reply that the question of privilege of the member for Hochelaga—Maisonneuve is out of order for the following reasons.

On page 128 of Marleau and Montpetit, it is stated that:

> Speakers have consistently ruled that, except in the most extreme situations, they will only hear questions of privilege arising from committee proceedings upon presentation of a report from the committee which directly deals with the matter and not as a question of privilege raised by an individual Member.

Page 128 cites precedents from *Hansard* from: June 30, 1987; December 9, 1987; April 2, 1990; November 28, 1990; June 19, 1991; November 7, 1991; May 18, 1995; September 16, 1996; and December 9, 1997.

On page 129 of Marleau and Montpetit, the matter of leaking the contents of a report and the necessity for the committee to report to the House is referred to. Page 129 cites as examples: April 28, 1987; May 14, 1987; and December 18, 1987.

Mr. Speaker, I believe you should rule that this matter should be dropped as it is out of order.

The Speaker: I want to thank the hon. member for Langley—Abbotsford and the hon. member for West Vancouver—Sunshine Coast for their submissions on this point. Hon. members will recall that when the issue was first raised, the hon. member for Langley—Abbotsford was away. He could not be here and so we deliberately left the matter for him to have an opportunity to reply.

I believe there is another hon. member who was also named who is also away and who may also wish to reply. I expect that will happen within the next day or so. If that is the case, that will put the Chair in the position of having heard all the people involved in the original complaint. I will then make a ruling on it. It would have been premature to make a ruling absent submissions, I thought, from at least the hon. members whose reputations had been affected by the words I heard from the hon. member for Hochelaga—Maisonneuve when he made his initial statements.

We will examine the matter again and I will get back to the House with a ruling in due course. I thank both hon. members for their submissions.

GOVERNMENT ORDERS

● (1540)

[*English*]

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-20, an act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act, be read the second time and referred to a committee.

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, I will be splitting my time with the member for Langley—Abbotsford.

I rise today to participate in this most important debate. I am confident that members on both the government and opposition sides of the House agree that nothing is as important in our lives as our children and our grandchildren and that therefore Bill C-20, which deals with child protection and child pornography, is of utmost importance in our minds.

Unfortunately, the bill, like all justice bills produced by this government, falls far short of the expectations of the Canadian Alliance, the official opposition. It fails to adequately protect our children from sexual exploitation, abuse and neglect. That, in my opinion, is totally frightening and unacceptable. I say that not only as a member of the opposition but also as a father of two young children.

As pointed out earlier today by my colleague from Provencher, Bill C-20 simply changes the defence for the possession of child pornography. Under this legislation, individuals arrested for the possession of child pornography may use what the government considers a narrower defence, that being the defence of within "the public good" as opposed to defending the possession of child pornography for reasons of artistic merit, educational, scientific or medical reasons, and the public good. In R v. Sharpe, the Supreme Court of Canada found that public good could have been interpreted to be "necessary or advantageous to the pursuit of science, literature, or art, or other objects of general interest".

Quite obviously, for all intents and purposes the defence of public good can and will be widely interpreted to still include artistic merit. Therefore, nothing really changes from the current status except that our courts will be further inundated with cases. Horrific amounts of time will be wasted while defence lawyers argue what does and does not constitute the public good. We all can recognize that this will become a lawyer's dream as they argue back and forth as to whether or not this constitutes the public good.

Bill C-20 does seek to increase maximum sentences for child related offences. It does not, however, impose any minimum sentence, which effectively means that pedophiles can and will continue to receive fines and conditional sentences, measures that do not in my opinion ensure the protection of society or the protection of children. They do not ensure the good that we would like to see come out of such a bill.

Bill C-20 was introduced on December 5, 2002. Less than two weeks later, when the issue of child pornography was very prevalent in the media, a Brantford police officer convicted for possession of child pornography on his home computer was given a conditional sentence of 18 months, including only 6 months of house arrest.

Similarly, a Winnipeg man who was caught with 258 pictures of naked children, some as young as six years old, posing and participating in explicit sexual activity, was given absolutely no jail time. In fact, he was not even given a conditional sentence. This child predator was simply fined for his crime against hundreds of innocent children. Although he was ordered not to use the Internet or a computer while at home, he was still permitted to use the computer while he was at work. He was placed on three months' probation and ordered not to have any contact with children under the age of 18 unless an adult was present, a restriction that nowadays would be hard for much overworked probation officers to diligently enforce given their workload, which we hear about from the media.

The provincial court judge was rather proud of the hefty fine that she placed on this individual. She noted that in other cases where persons had pleaded guilty to possessing child pornography, offenders were given lesser fines for both the possession and the wilful distribution of these despicable pictures.

● (1545)

Nothing within Bill C-20 prevents judges from handing out conditional sentences or fines to offenders convicted of possessing or distributing child pornography. In my opinion and in the opinion of the Canadian Alliance, those who possess and seek to possess child pornography are every bit as guilty of committing a crime against a child as those who take the pictures. They should therefore be sentenced to a minimum term in prison. Forget the maximum that the judges and the courts very seldom impose; they should be sentenced to a minimum term in prison for committing the offence of aiding and abetting the abuse, the torture and/or the sexual exploitation of children.

We need a law that makes sure that people do not go near child pornography. Child pornography is unacceptable. It would seem that is the type of law the government is unwilling or unable to bring forward.

Unfortunately I hold out little hope that the government will ever create that type of offence or see fit to ensure that anyone and everyone who preys on innocent children spends time incarcerated. Incarcerating those who possess and distribute child pornography not only helps protect other children from being victimized, it acts as a deterrent to those who are seeking to sexually exploit children.

Since 1995 the Canadian Alliance has been asking the government to restrict the use of conditional sentences for non-violent offenders. We have ample reason to be concerned about the release of violent offenders, particularly rapists, on to our streets, reason such as the safety of our children, the safety of our sons and our daughters.

I have often stood in the House and stated that sex offenders have the highest reoffending rate and therefore pose a very serious risk to the safety and lives of families across this nation. Despite our repeated requests, despite the requests that have been echoed by the Canadian Police Association, the Minister of Justice refuses to limit conditional sentences. Therefore clause 3 of Bill C-20 states that any person who, for a sexual purpose touches, directly or indirectly, with a part of the body or with an object any part of the body of a person under the age of 14 years is, under section 151(b) of the Criminal Code, guilty of an offence punishable on summary conviction and liable to a term in prison for a term not exceeding 18 months. In other words, anyone convicted of sexual interference with a person under the age of 14 can and will be given a conditional sentence.

If the government were interested in truly protecting our children, it would have drafted the bill to have all sexual interference considered an indictable offence and subject to a minimum term in prison.

The Canadian Police Association and the official opposition have asked for restriction on the use of conditional sentences. In fact it was one of the recommendations or resolutions of the Canadian Police Association in 2002. The government has ignored that request.

It was interesting to note that in a desperate attempt to save grace in the face of daily news stories regarding the $1 billion boondoggle of the gun registry, the justice minister proudly paraded the position of the Canadian Police Association on the firearms registry. In fact the justice minister disseminated to all members of Parliament and we all received a copy of a document produced by the CPA regarding the registry.

I challenge the Minister of Justice to distribute to all members of Parliament the resolutions or recommendations of the Canadian Police Association regarding conditional sentences. I challenge him to distribute all of the resolutions of the Canadian Police Association, such as the one calling for an end to club fed; an end to housing dangerous and violent offenders in prison and many others; the resolution regarding the elimination of faint hope; the creation of a viable sex offender registry that will work; the creation of a cyber tip hotline. I challenge the justice minister to explain why he has ignored the Canadian Police Association on so many issues yet he parades the association around when it suits him.

The police complained two weeks ago that they needed more resources to deal with child pornography, especially after foreign investigators tipped them to hundreds of users in this country.

● (1550)

Commenting on the international investigation, a Toronto police detective sergeant said that the Canadian police are hamstrung. It is time that the federal government changed it.

Our request to the government that is in power is first to recognize that what it is bringing in Bill C-20 is not adequate. It is not going to adequately help the police. It is not going to adequately protect the children. We need a bill that will do that.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member has raised some interesting issues.

I wonder if he would care to comment on whether or not he is aware of any examples that officials or others may have given him as to what would constitute public good. It seems to be a concept which has been labelled as the sole defence available. At this point I am still unaware of a matter in which child pornography would be permissible in the public good. I would like to see an example or two as to what that really means.

Mr. Kevin Sorenson: Mr. Speaker, again we recognize in the Regina v Sharpe case that Canadians were appalled at the court when on certain points it suggested that the pornography, the sexually explicit pictures that were in Mr. Sharpe's possession, held some artistic merit.

I do not believe that any other issue has brought more letters or more petitions to my office and probably to all members on all sides of the House than the decision by the court suggesting that some of what Mr. Sharpe possessed had artistic value and artistic merit.

If changing and taking away the artistic merit and including public good, but saying now the courts will debate and discuss to see if there is an educational purpose that may constitute public good, it may be allowed. If there is science that through some of these pictures it may constitute public good, it may be allowed.

The member is absolutely correct. I heard him say earlier that there is no public good in child pornography. We are all appalled at individuals and the pornography itself that depicts children in that method.

I am at the point that I do not know if the government has the ability to build any type of legislation that will protect children as long as the courts grasp for certain parts of the charter that would guarantee things and parts of their argument based on public good. I do not understand and I would thank the minister for bringing forward what the court would deem public good.

Ms. Paddy Torsney (Burlington, Lib.): Mr. Speaker, before the member came to the House of Commons he may not be aware that we made a number of changes in our legislation to protect children.

One of the areas in which we made a change was to prohibit the damaging of children's sexual organs and female genital mutilation. As the vice-chair of the justice committee at the time, we had to view slides which depicted what happens to children when that occurs to them and those who have accidents. We had to observe children's private parts to understand what the issue was at hand. That is an example of where what could be for some people a stimulus and is pornography has a public good. In fact, I think if the member was being honest about what is in the bill, the member would recognize that the—

Some hon. members: Oh, oh.

Ms. Paddy Torsney: I take that back.

● (1555)

The Acting Speaker (Mr. Bélair): The member is walking a very fine line and taking it back sounds very good. I would like the member to ask her question.

Ms. Paddy Torsney: Mr. Speaker, I apologize for the earlier word. What I should have said was if they were being more complete, they would have said it does not extend beyond the public good. It is actually a very strict definition that is being proposed by the minister. Does the member understand that?

Mr. Kevin Sorenson: Mr. Speaker, the member amazes me in that if she is suggesting that a doctor's office examination room displays pictures dealing with circumcision or other things it may be deemed pornographic, but if those pictures are circulated in a way that would incite someone using it as pornography, then it is wrong. If those pictures are taken in a doctor's office, that may not be pornographic. It is common sense.

Let me tell a little story. A young guy ran into the house with a pop bottle lid and said, “Mom, can you fill this pop bottle lid with water?” She did and he went out. She asked, “Why do you need the water?” He said, “I need to put out a fire”. She looked outside and saw the whole barn going up in smoke. He had a little pop bottle lid of water that he was going to put on the fire.

That is what the bill does. There is a tidbit of good, but the bill does not go far enough. We need to protect our children. We do not need small measures that are not going to adequately do it and that is what the justice minister has brought forward.

Mr. Randy White (Langley—Abbotsford, Canadian Alliance): Mr. Speaker, I appreciate the opportunity to speak to Bill C-20 because it is legislation in which I have been intimately involved during my complete career in politics. Today I still spend a lot of time at it.

In my opinion the country has a very serious moral and ethical crisis on its hands. There are issues which come forward in our court system today where by and large obscure judges, wherever they are, make decisions that are case precedent and are used right across the country. Those decisions tend more and more to go to the libertarian type of viewpoint. Many Canadians are very concerned where this moral and ethical viewpoint is going.

I can only cite a few of them now. There were original decisions on pornography that it would be okay to possess some but not to produce it. How on earth can some obscure judge appreciate how one could possess some pornography but not produce it? It does not even make sense for these guys to be deliberating on it and making these decisions.

The age of sexual consent is another one of these considerations. It is not in the bill but it should be. The age of sexual consent still remains at too low. I have been involved in cases, and I still am, where we have to remove very young people, 14 and 15 year olds, from crack houses. Police officers basically say that they cannot do much about it because they are probably consenting to stay with 30 and 40 year olds. These 30 and 40 year olds use them for prostitution, for their own sexual activities and to sell drugs, yet they are allowed to be in those houses.

In one particular case in which I was involved, the welfare people said to send her down and they would give her some money. That is a lot of damned good. We have to raise the age of sexual consent. That is a basic fundamental premise of our need to look after younger people today but we are not doing that.

There are other issues that I do not want to raise here because the particular exploitive issue of children is more important. However I see moral and ethical standards issues when the government does not challenge things like the definition of marriage, which comes from some obscure judge.

We have the issue of conditional sentences. I do not know why the government did not come forward and say that it would forbid conditional sentences to be used in the case of sex crimes, whether exploitive of children or others. I am not a lawyer but I get involved in these cases where individuals are given conditional sentences. They are told to say they are sorry and to go home. They do not spend a damned day in jail for the serious sex crimes they have undertaken. There is something wrong with that philosophy. The case of exploitive sex crimes against children should be prominent in the legislation, not missing.

In this legislation the government fails. The proposal to increase the maximum sentence is not the problem. The problem is that when we go into the courtrooms today for sex, drug and related crimes, which some of them are, the judges are working at too low a level.

There are only two things wrong with the justice system and it is judges and lawyers. The lawyers are looking for the lowest common denominator as a defence lawyer for their clients. Many times crown prosecutors are ill-prepared or not prepared by way of experience and the judge goes for the lowest common denominator as well. In other words, the problem with this legislation is the minimum sentence is too low, not the maximum.

● (1600)

These are common sense problems today. They are problems that can be overcome quite easily if it was not for this polarization of political views in the country. The government would be well advised to spend some time sitting down with the opposition members, not in polarized committees, and trying to get the understanding of the people who they represent, not just the people who the Liberals represent.

What is the answer? What we have today is a declining moral and ethical standard I believe of a government and a declining moral and ethical standard within the courtrooms. All the legislation that we produce in this place will not replace what is going on in those courtrooms and in the political backrooms of the country.

What parents are looking for is some rationale, some punishment and some rehabilitation. The rehabilitation while one is in prison is another problem again which has to be linked with this kind of legislation.

Over the break I found child pornography on computers in Kingston prison. The prison said that I did not find it. Very technically it was right. What the inmates were doing on government computers and on their own computers was taking adult pornography pictures and overlaying them with children's faces. Rather than standing up and saying that it was a serious problem, that the rehabilitation thing was not working that well and that there were sex offenders getting their jollies from this kind of thing, the prison system said that was not real child pornography and that they were just overlaying pictures.

I recently finished a serious study on pornography in prisons. I am talking about trying to relate the need for better rehabilitation in the legislation and some way to force the prison system to grow up and be more responsible.

There are numerous prisons in Canada that are not only stocking *Playboy* and other things in their prison libraries. The inmates also have access to any kind of subscriptions they want for pornography.

How does the government reconcile tabling legislation such as this when the sex offender who is already in the prison has full 100% access to subscriptions to pornography? How do the prisons reconcile this? This stuff here is only half-baked measures. It has to go back to the courtroom. It has to go into the prisons. It has to refer to rehabilitative programs. This is so basic, so common and so natural.

What is the answer to this? I would suggest that the government take back the legislation and go back into discussions with opposition members who obviously relate to different people in Canada than the government does. There has to be something. The government cannot simply be getting its information from everybody. Virtually everyone I talk to makes constant reference to the kinds of problems I just described: the moral and the ethical crisis in our courtrooms; the inability to rehabilitate sex offenders; and the inability to address child pornography and its definition.

● (1605)

I am frustrated every time I come into this place these days. The government tables legislation and gets all its PR marks from telling the media that it is doing a great job, but in effect it does not have the infrastructure, the base of the problem resolved. Until it does, the legislation will not go anywhere.

Mr. Darrel Stinson (Okanagan—Shuswap, Canadian Alliance): Mr. Speaker, I listened to members from all parties debate Bill C-20. I have the same concerns as the hon. member who just spoke. I have listened to members on the government side and members of the Conservative Party say that they have many great concerns with regard to this legislation. However they are willing to support the legislation in order to get it into committee to try to make some amendments. I have heard this excuse used time and time again in the House, yet legislation comes out of committee basically the same way it goes into committee and it has been a waste of time.

Does the member feel that by supporting this piece of legislation now, as some members have stated, then try to amend it in committee sends the wrong type of information to the public, which is paying close attention to this?

Mr. Randy White: Mr. Speaker, the problem with supporting government legislation is that this happens. Our pollsters say that the Liberals are predictable and I would say that is very accurate. I have been here for at least 10 years. Most legislation that has come through the House has addressed in part some very serious issues. It has addressed in part the solution and in other parts, where the Liberals will not go, it can actually destroy the legislation in effect. This half and half legislation is where our country is having problems these days. It makes great work in the courtrooms for judges and lawyers, but it does nothing for the victims of crime.

One has to look at our value system and our principles. If legislation comes through the House of Commons which has serious flaws, like not addressing the age of sexual consent and allowing sex offenders to get away with conditional sentences, then we have to stand up and say that until the legislation is where we want it, we cannot agree with it.

I really dislike the rhetoric that often comes from the other side that if we defeat or vote against a piece of legislation we do not want it. In most cases there are some serious flaws in the legislation and things that are wanting in the legislation. That is when people stand up and say that until all of it is in there, they cannot vote for it. That is where I stand.

There are serious things missing from this legislation, as much as I would like to see it passed. It is just the same as the intended legislation for the national sex offender registry, which I wrote initially. In that legislation, which came before the House of Commons, were two very serious flaws.

I stand here and say we want it, but we do not want it half-baked. Therein lies the problem. Those who stand on principle should vote against it and those who stand in between middle and mediocre, as the Liberals do in the political spectrum, can vote for it.

● (1610)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member has talked about this issue a number of times. First, could he quickly comment on why the Criminal Code right now does not define pornography but rather relies on the definition of obscenity, which has not been changed in many years?

Second, in his work on the subject matter, could he tell us whether he has participated or has some information with regard to the concerns that Canadians have about court made law, that is Supreme Court of Canada versus Parliament in terms of who makes the laws in this land. I know that I have had that input from people who feel the Supreme Court has not been—

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

Mr. Randy White: Mr. Speaker, if I am out of time I will address the last question, because judge made law is a particular pet peeve of mine.

The law of this nation ought to be made in this place, not in the courtrooms of our country. Time and time again we see obscure judges changing the laws and it is wrong. Pornography fits into that, the definition of marriage, the right of prisoners to vote and on it goes. One reason we do not see lobbyists that much any more in our offices is because they do not have to go to the backbench Liberals or to the people on the opposition side. They go as witnesses to court cases. One problem in the country is there are too many judge made laws. Parliament has to take back its right to legislate and to make laws.

Ms. Paddy Torsney (Burlington, Lib.): Mr. Speaker, I am very pleased to rise and speak to Bill C-20.

Before I go any further I wish to inform the House that I will be splitting my time with the Secretary of State for Children and Youth who I know has been working very diligently in this area.

I would like to inform the member for Okanagan—Shuswap that the chair of the environment committee earlier today tabled a bill from that committee that had 79 amendments. Committees do in fact amend legislation on a regular basis. To say anything else to the Canadian public is a misrepresentation of what in fact takes place in this parliamentary process. That bill could be further amended in third reading in the House. I encourage all members to support Bill C-20 and get it into committee where more fulsome testimony can be heard.

Throughout this discussion I hope members will be very cautious in how they present the opposing viewpoints. It was very disheartening to me, as somebody who has worked on this issue and who cares very deeply about the children of this country and other countries where some of this pornography is made, that because we do not support their perspective somehow we do not care about children. That is absolutely inaccurate. I care very deeply about children and I have been working on this issue since I came to Parliament in 1993.

The language that we use is also important. I know the headlines in our local newspaper in the case of the Internet pornography that came out of Texas had "kiddie porn bust". Kiddie porn is an attempt to make it cute and acceptable. It is not cute or acceptable. It is child exploitation. We need to be very careful in the language we use and the headlines which refer to this kind of exploitation. All members of the media need to take their responsibility very seriously.

It is important to note that through the work of CIDA we work to reduce the exploitation of children in other parts of the world. The House passed legislation that makes it illegal to travel to another country to exploit a child. That was very important legislation. We were only the 12th country in the world to pass that bill. It will make a difference for children internationally.

We also need to be very cognizant of the fact that the people who work with children on the streets of Toronto, Vancouver and any other big city in this country tell us that those pornographic materials that exploit children are being produced right here in Canada. We must do more to enhance child protection. We must ensure that we have strict laws that prohibit the production and possession of this material as the bill does. We have to do more to educate the public about what it means when they consume this kind of material. We have to turn off the people who think this is acceptable. Ultimately, laws are only there when people have done something wrong. I prefer that we turned it off in the first place.

I was very pleased to hear in the minister's announcement of Bill C-20 that he reiterated the government's financial support for Cybertip.ca and for a tip line, 1-866-658-9022, where people can call and report incidents when they think people are exploiting children on the Internet or elsewhere. We can work toward ensuring people understand what this means for the world's children.

Bill C-20 is a comprehensive set of protections and reforms to the Criminal Code. It is responding to decisions that have been made in the courts and making sure that it is Parliament that is making the laws and not anybody else. It is our job to accept or reject the decisions that are made in the courtrooms across the country. We all play a part in making sure that Canadians have the best laws in place.

The minister has introduced this comprehensive package of reforms that improve the protection for children and vulnerable persons. It fulfills key commitments that we made in the throne speech of 2002. Particularly, we will enhance the protection of children from sexual exploitation and enhance the measures that we have already taken to create new offences that target criminals who use the Internet to lure and exploit children.

● (1615)

New technologies like the Internet are making the exploitation of children a borderless crime and so the government is working internationally to try to reduce this exploitation.

The important things that have been debated today are the changes to the artistic merit and public good sections of the bill. I will touch briefly on that. However it must be clear that the proposed reforms would expand the existing definition of written child pornography to include material that is created for a sexual purpose and predominantly describes prohibited sexual activity with children. The current definition in our Criminal Code only applies to material that advocates or counsels sexual activity with children. This is an expansion of the current provisions and will do more to make sure the law achieves what we all want it to.

The other very important area is the new category of sexual exploitation to protect young Canadians between the ages of 14 and 18. The courts will now have to consider whether a relationship is exploitative based on its nature and circumstances, including any difference of age, the evolution of the relationship and the degree of control or influence exercised over the young person. It will really be up to the courts to look at the conduct and behaviour of the accused rather than the issue of consent, and that is an important issue for all Canadians.

We have heard other members say that all we need to do is raise the age of sexual consent to 16. Oh, really. Then we would somehow say that it is not appropriate for a 14 year old and a 15 year old to kiss each other. That is sexual activity. Nobody wants to criminalize that kind of behaviour. In what the minister has done, we are making sure that kind of activity can continue and that we will protect 16 year olds and 17 year olds as well, which the members opposite would not do by moving the age of consent to 16. They would not be protecting 16 year olds and 17 year olds.

It is important that we are also enhancing, doubling in fact, the maximum penalty for sexual exploitation. Contrary to what some people have said in the House during debate, doubling the maximum penalities sends a strong signal to the courts that this is a very serious issue and it can be more effective than any minimum sentence in deterring this kind of activity as much as people actually think about how they will be prosecuted.

The maximum penalty for abandonment of a child or failure to provide the necessities of life to a child will be more than doubled, from two years to five years. That is another important area where we can protect our children.

An important area that has not been touched on at all is the new offence of voyeurism. We are faced with a situation right across the world now where people are becoming involved in webcam activity. People, young and old, are having all their daily activities monitored on the web. It is a very bizarre kind of thing. I do not know why people consume it or produce it but people are doing it. We must be very careful to ensure that there is no secret viewing or recording of people for sexual purposes, or breaching people's privacies. Those are important areas to protect particularly young people who may not see the seriousness of giving up their privacy by participating in this kind of activity.

It has been a very interesting debate in another important area. I heard members of Parliament talk about how they want to do more to protect our children. I say to them that I do not understand why they oppose gun control which protects our children and our society. I would ask them why they want to criminalize activity and treat children as adults when it comes to the Young Offenders Act but they do not want to treat children as children in this particular case and work to protect them in the same ways.

We have to be very careful to be consistent in our messages. The government believes that people under the age of 18 deserve some enhanced protection, which is what the minister has done with the bill.

I would encourage all members of the House to support the bill, to have further debate in committee and to work toward enhancing the education around protecting our children.

● (1620)

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, I had the pleasure of being in a constituency with the member some years back regarding gun registration, something we oppose. We oppose the registration of guns, not gun control. I do not think she ever got that right, but one day she will understand it is the registry. To make the statement that the wonderful registry program is saving lives is irresponsible and totally untrue. To tie that in with this bill is absolutely ridiculous.

What I would like to hear from the member more than anything else, and what I know 90% of the people of Canada want to hear, is that child pornography will be wiped out entirely. There is no such thing as public good in child pornography. There is no such thing as artistic merit.

Why will the member not stand on her feet and say that we will pull that section out of the bill, deal with it immediately and send word to our children across this nation that we are determined to protect them by fighting that one issue, instead of including it in an omnibus bill that will take months, if not years, to go through a committee and be dealt with?

Ms. Paddy Torsney: Mr. Speaker, how long it takes in committee would be up to the opposition members as well. I would encourage them to look at other ways. It is not about protecting children in one way only. Several things need to be done to protect children.

The bill does in fact remove artistic merit as a defence. It very specifically narrows the possession of pictures that depict genitalia and other things of children to only when it is for the public good, such as where a doctor needs to take pictures of children to either educate others or to produce materials, such as two 12 year olds holding hands or kissing, for a sex education class.

Mr. Myron Thompson: Where is your common sense? Did it go down the tube?

Ms. Paddy Torsney: If the member opposite would stop yelling I would have an easier time speaking. I am using my common sense, thank you very much.

Mr. Myron Thompson: I doubt it. You haven't got any.

Ms. Paddy Torsney: It is important that we be very clear that this bill limits and will not allow anything that is beyond the public good. Therefore even a doctor who is taking pictures to educate others about children who have been harmed by others and to explain what happens when there is harm, that also will have to be very carefully controlled so it is not beyond the public good, that it cannot be exploitative of children.

It is a very narrow definition and I think it is a very important one because none of us would want to limit education and scientific research to protect our children. That is an important factor.

● (1625)

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, I have two very quick questions for the hon. member.

First, does she believe that it is right for someone who has been convicted of exploiting children for pornography or for sexual interference with children to be given a conditional sentence and never serve a day in prison?

The second question is along that line. On April 24, 2002, the Canadian Alliance brought forward a motion that reads as follows:

> That the government immediately introduce legislation to protect children from sexual predators including measures that raise the legal age of consent to at least sixteen, and measures that prohibit the creation or use of sexually explicit materials exploiting children or materials that appear to depict or describe children engaged in sexual activity.

What rationale can the member give that would explain her government's position on that motion and how will the members explain their own position in voting against it?

Ms. Paddy Torsney: Mr. Speaker, I guess the member was not listening earlier but I did in fact say that what I think is important is that we do not need to protect 14 and 15 year old children from kissing each other. That is acceptable behaviour. Probably the member opposite kissed a few people when he was 14 or 15. Although it is hard to imagine now, he might have actually kissed someone when he was 15. We do not need to protect them from that kind of sexual behaviour. However we do need to protect 16 and 17 year olds who are in an exploitive relationship. This bill offers more protection than his motion did on consent.

The member needs to understand that we are against the sexual exploitation of children and the use of child pornography. The bill will go much further than whatever he has proposed to protect children.

In terms of conditional sentences, we have had that debate. The member opposite should know that there is a very specific situation where they are allowed. There are cases that we all know of where they might have been appropriate.

[*Translation*]

The Acting Speaker (Mr. Bélair): Before resuming debate, it is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Lotbinière—L'Érable, Auditor General's Report; the hon. member for Prince Albert, Taxation; the hon. member for Acadie—Bathurst, Highway Infrastructure.

[*English*]

Hon. Ethel Blondin-Andrew (Secretary of State (Children and Youth), Lib.): Mr. Speaker, I rise today to speak on Bill C-20, an act to amend the Criminal Code regarding the protection of children and other vulnerable persons, and the Canada Evidence Act.

Bill C-20 proposes a broad package of criminal law reforms that seek to better protect children against sexual exploitation, abuse and neglect. It proposes reforms that will facilitate testimony by child victims and witnesses and other vulnerable victims and witnesses in criminal justice proceedings. It also proposes the creation of a new offence of voyeurism, and all the details are available in the information made available to members of the House.

I will speak strictly to the specifics of the amendments. I am not going to speak to things that we would wish were in the amendments because that would just lead to more contention, controversy, and a lot of difficult feelings and challenging situations among the various members. That is not very useful, so I would like to focus my comments on the proposed amendments relating to child pornography, as my job has to do with children. It is an issue which regrettably is not a new area of concern for all hon. members. It is ongoing and it is extremely sad that our society as a whole has to confront this, challenge it and attempt in every way possible to right this situation with our children.

The sexual exploitation of children, society's most vulnerable group, in any form, including child pornography, is to be condemned without any rationalization, absolutely condemned. Bill C-20 recognizes this and proposes amendments to our existing child pornography provisions that I believe will serve to better protect children against this form of sexual exploitation.

There are other forms of abuse of children that are perpetrated, where children are prevailed upon, such as child prostitution and sexual abuse, whether it be in the home or in any institution, by caregivers, teachers or any other member of society. Human smuggling and child smuggling have a lot to do with this issue as well. If we look at the whole commercial sexual exploitation of children in an international sense, we will see that it is pervasive and difficult. We challenge issues regarding child prostitution and we get technology merging with a whole new array of issues that we have to try to control, such as pornography through the Internet. We challenge that. We have made some progress. There is also human smuggling, another emerging issue in the sexual exploitation of children. It is ongoing. It is difficult. Those things that should work for us as a society, to make a better society, in a sense begin to work against us and against children because of the minds of those perpetrators whose intent is the exploitation of children and the most vulnerable in our society.

Bill C-20's child pornography amendments respond in a very direct and meaningful way to issues highlighted by the March 2002 case involving Robin Sharpe. We are all aware of the sad details of this case, of the absolutely abhorrent attitude displayed by this individual and his total disregard for his fellow human beings, especially children.

First, Bill C-20 proposes to broaden the definition of written child pornography. Currently, written child pornography is defined as written material that "advocates or counsels" sexual activity with a young person under the age of 18 years, which would be an offence under the Criminal Code. In its January 2001 decision in the Sharpe case, the Supreme Court of Canada interpreted the existing definition and its requirement that written material "advocate and counsel" as meaning material that when objectively viewed actively induces or encourages the commission of a sexual offence against a child.

I am sounding technical because the law is technical. These components and these amendments are technical. This is a human issue, but when we are dealing with the complexities of law making and amending legislation, this is the way it is. We cannot wish it away by just taking a simplistic approach. It does not happen that way.

Bill C-20 proposes to broaden the definition to also include written material that describes prohibited sexual activity with a child where the written description of the activity is the dominant characteristic of the material and the written description is done for a sexual purpose. Intent and depiction play heavily in the broadening of this definition. This proposed amendment recognizes the risk of harm that such material can pose to society by portraying children as a class of objects for sexual exploitation.

● (1630)

Bill C-20 also proposes to amend the existing defences for child pornography. Currently, the Criminal Code provides a defence, which is inconceivable, but it does that, as that is the law, for material that has artistic merit or an educational, scientific or medical purpose. On a personal level, I just cannot even conceive of it, but that is the way it is. I am not a lawyer. I am not a judge. I am a legislator.

It also makes the public good defence available for all child pornography offences. This is an extremely contentious, controversial and sensitive part of the Criminal Code, on which no doubt everyone has an opinion or a bias. Everyone knows that in any way they deal with it does not mean that they condone child pornography, absolutely not.

Bill C-20 proposes to merge these two defences into one defence of public good. By doing so, Bill C-20 introduces an important new second step in the analysis of when a defence to a child pornography offence would be available.

I cannot even imagine that if we cannot even define it, although we can define it, as my colleague has done, in a minimal way, if we cannot even define what a defence of public good is, that there would be any instance in which a defence would be allowed. So just on that point I think that there is a lot of room for defending children with the amendments that we have put forward, and legislation can always be amended and perfected. That is what our role is here in the House.

Under Bill C-20, a court would be required to consider whether the act or material in question serves the public good. If it does serve the public good, then a court must also consider whether the act or material goes beyond what serves the public good. If it exceeds the public good, no defence will be available. I would weigh heavily on the side of the children; if it is even perceived in any way that children would be affected and those people who are vulnerable would be affected, no defence will be available.

This proposed amendment builds upon the Supreme Court of Canada decision in the Sharpe case. In its decision, the Supreme Court acknowledged that something that is necessary to the administration of justice or the pursuit of science, literature or art, for example, may serve the public good. Under the existing defence of artistic merit, artwork or material that had any objectively established artistic value benefited from the defence.

Under Bill C-20, this is not the end of the analysis. Even if something is found to serve the public good, and that should be understood, the court must then consider whether it goes beyond what serves the public good. In other words, does the risk of harm posed by the act or material in question exceed the public good or interest that it serves? This is a kind of second review.

Bill C-20's proposed child pornography amendments are significant. Canada's child pornography laws are among the toughest in the world. They do not suit everyone, and not everyone will be happy or satisfied, but it is a work in progress. We all love our children, we all value them and we are working on it. The adoption of Bill C-20's amendments will reaffirm this leadership role in protecting children from sexual exploitation through child pornography.

I hope that all members can support these amendments because, as I indicated, they are very specific. They are not to be confused with other things we would like to see happen. This very specifically relates to child pornography and very specifically relates to providing protection that is not there now, so I am hoping that we will have support from others. There are other issues and we will continue to battle to provide protection for children and other vulnerable persons in our society.

● (1635)

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, I would like to thank the member for her submission today in regard to Bill C-20. I think all sides of the House recognize that we need to protect our children and take measures that will be strong enough, that they indeed will be protection and not simply lip service paid to a problem that is recognized by most people across the country.

My question for the hon. member is this. Does she believe that conditional sentencing is appropriate for someone who is convicted of sexual interference with a child or of producing or spreading around child pornography?

Hon. Ethel Blondin-Andrew: Mr. Speaker, I am not an expert in sentencing. I am not a lawyer, a judge or a peace officer, but I am an advocate for children. I have spent a lot of my time working against the commercial sexual exploitation of children. I believe that those who perpetrate crimes against children and vulnerable people should be punished, and there is a process for that.

● (1640)

[*Translation*]

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, I am pleased to address Bill C-20, an act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

As members may have noticed during my previous speeches in the House, I am very concerned by all the issues that relate closely or remotely to children. This is why I wanted to take part in today's debate. In fact, these issues are of concern to us all.

First, I want to point out that we support the principle of Bill C-20. As I said earlier, the idea is to tighten up several important aspects of the criminal law by introducing new provisions made necessary by the technology that surrounds us and keeps changing at an incredible pace.

However, we remain vigilant regarding certain aspects of the proposed changes, namely the wording of certain provisions relating to child pornography and to consent to sexual relations. We feel that it is appropriate to debate these issues and to hear many witnesses in committee.

An initial reluctance deals with the issue of consent to sexual relations. The Criminal Code currently contains provisions regarding consent to sexual relations. According to those provisions, the consent of a person under the age of fourteen is not a defence to a charge of a sexual nature, such as sexual assault, exhibitionism or fondling. We can, therefore, deduce that a person aged fourteen and older is capable of giving such consent.

We can also interpret this provision to mean that the consent of a complainant can be a defence if the latter is between twelve and fourteen years of age or if the accused is between twelve and sixteen years of age, if the accused is not more than two years older than the complainant or, finally, if the accused is not in a situation of trust or authority over the complainant.

We can also conclude that a person in a situation of trust or authority cannot sexually interfere with a person between the ages of fourteen and seventeen, even if the minor consents.

These provisions of the Criminal Code were strongly criticized, mainly by the Alliance, which wanted to raise the age of sexual consent to sixteen. The Alliance members concluded that unless the age of consent was raised, Canada was at risk of becoming a sex tourism destination since sexual relations with minors aged fourteen and older are not illegal here. It is important to note, however, that child prostitution is illegal in Canada.

We are still opposed to raising the age of consent. Sexual relations among youth aged fourteen and fifteen are now tolerated by society.

Furthermore, we believe that we must speak out against the inconsistencies in the Alliance's positions. In the debate on the bill to amend provisions regarding young offenders, members of the Canadian Alliance said that a child aged fourteen or fifteen is responsible enough to be tried in adult court, but when it comes to consenting to sexual activity, that same youth aged fourteen or fifteen is not responsible enough to give consent. It is impossible to know where one stands with the Alliance, given such inconsistencies.

Bill C-20, as proposed by the Minister of Justice, provides for amendments to the provisions on sexual consent, but they are not the amendments requested by the Alliance.

Instead, Bill C-20 creates a new concept of consent, namely exploitation. An adult cannot have a sexual relation with a minor if he is in a situation that is exploitative of the minor.

Subsection 153(1.2) lists factors to be considered in determining whether a person is in a relationship that is exploitative of the young person. The factors are the age difference between the person and the young person, the evolution of their relationship and the degree of control or influence by the person over the young person.

The Bloc Quebecois is reticent about the application of this new concept. At first glance, it creates legal uncertainty.

● (1645)

Based on the wording of the proposed provision, an adult who has sexual relations with a young person could never be certain whether he or she is committing a criminal offence, because sections of the Criminal Code leave it to the judge's interpretation, even though the young person consented.

These leads us to our second point. A parent who disapproves of his young child's choice of lover can always file a complaint with the police, even if the factors that led him to do so are not those provided for by the legislator. This adds to the legal uncertainty and the complexity of the interpretation, which once again rests completely with the judge.

We feel that we could define the objectives of these provisions in committee upon hearing witnesses.

One thing worries me, however. Although the purpose of the bill is to protect children and other vulnerable persons, it seems that, above all, the interests of the child must be taken into consideration. It would be preferable to be consistent in our objectives in terms of children and young persons.

The application of the Divorce Act used this same principle as a guideline for interpretation. I believe this principle must be taken into consideration here to give the appropriate direction to Bill C-20.

As for the rapid advances in communications and information technologies, we are aware that guidelines are needed in reaction to some sombre realities. I am thinking of voyeurism and child pornography.

For example, the potential abuse of netcams, which send images directly to the Internet, is a subject of considerable public concern. Some people have particular, and justifiable, concerns about the clandestine viewing or recording of certain acts or actions for sexual purposes, not to mention that such viewing or recording is also a blatant violation of privacy.

That is why we find Bill C-20 adding two new offences to the Criminal Code. The purpose of the first is to make it illegal to deliberately observe or record another person in circumstances where that person has a reasonable expectation of privacy, in three specific instances.

The first involves observation or recording for a sexual purpose. The second is observation or recording of a person in a place in which a person can reasonably be expected to be nude or to be engaged in sexual activity. The third is when the person observed is nude or engaged in sexual activity, and the observation or recording is done for the purpose of observing or recording a person in such a state or engaged in such activity.

The second offence proposed in Bill C-20 addresses the distribution of material known to have been produced in the process of committing the offence of voyeurism. The maximum sentence for all voyeurism-related offences would be five years imprisonment.

Lastly, copies of recordings obtained in the process of committing the offence of voyeurism for the purpose of sale or distribution could be seized or confiscated. In such cases, the courts could order deletion of all such material from a computer system.

We believe that the legislative provisions relating to voyeurism were made necessary by the multiplication of surveillance cameras and of means of distributing images taken by such cameras rapidly, via the Internet for example. The Bloc Quebecois is in favour of these provisions right from the start and once again prepared to address this matter in committee.

The new provisions proposed in connection with child pornography address two different aspects.

At the present time, the definition of child pornography applies only to material that advocates or counsels illegal sexual activity with children. The reforms proposed in Bill C-20 would expand the existing definition of written child pornography to include any material created for a sexual purpose which predominantly describes prohibited sexual activity with children.

● (1650)

The new subsection 163.1(1) of the Criminal Code would read as follows:

> (*c*) any written material the dominant characteristic of which is the description, for a sexual purpose, of sexual activity with a person under the age of eighteen years that would be an offence under this Act.

First, it should be pointed out that the possession of pornographic material is a crime punishable by a maximum of five years imprisonment.

I am wondering about this new clause. According to the wording of the new provision, any written material describing sexual activity with a person under the age of 18 years is child pornography.

This means that any sexual fantasy involving a minor is a criminal offence and is punishable by a maximum of five years imprisonment, because that fantasy was put in writing, even though the person who wrote this material has not shown it to anyone, and even though no child was involved in any way in the creation of such material.

I am concerned about the scope of that provision. The government now wants to criminalize people's thoughts.

Of course, the Department of Justice will argue that these provisions should be interpreted based on the ruling made by the Supreme Court in Sharpe.

Under that ruling, two categories of material should be excluded from the definition of child pornography. The first one includes any written material or visual representation created by the accused alone, and held by the accused alone exclusively for his or her own personal use. The second category includes any visual recording, created by or depicting the accused, provided it does not depict unlawful sexual activity and is held by the accused exclusively for private use.

So, the Department of Justice decided to go against the Supreme Court ruling by not specifically mentioning these exceptions in the Criminal Code.

Not mentioning these specific exceptions will create a legal vacuum that will result in uncertainty in the Criminal Code. This may in turn generate confusion when reading the code. Each person has his own definition, however imprecise, of what is meant by child pornography.

We will be able to see this confusion when witnesses appear before the committee. The members of that committee will have the opportunity to comment on the confusion and ambiguity that will result from letting everyone define child pornography.

While we in the BLoc Quebecois want to make it clear that we do not support in any way such twisted and deviant written material, we wish to point out that the lack of details and specifications in the new provisions of the Criminal Code, in light of the findings of the hon. justices of the Supreme Court, will result in even more confusion in the public.

Now I would like to add my own personal observations concerning the provisions on the defence for possession of child pornography.

At present, subsection 163.1(6) of the Criminal Code, dealing with the defence for possession of child pornography, states that "where the accused is charged with an offence under subsection (2), (3), (4) or (4.1), the court shall find the accused not guilty if the representation or written material that is alleged to constitute child pornography has artistic merit or an educational, scientific or medical purpose".

However, in Sharpe, the Supreme Court interpreted the concept of artistic merit in a way that shocked many people. It gave it a very broad interpretation.

The court has concluded that the words artistic merit should be interpreted as including any expression that may reasonably be viewed as art.

The court added that any objectively established artistic merit, however small, suffices to support the defence and that, as long as artists produce art, they basically have no reason to fear prosecution under subsection 163.1(4).

● (1655)

Based on the provisions proposed in Bill C-20, the Department of Justice replaces this defence with another based on public good. Section 162(6) provides for this type of defence and reads as follows:

> (6) No person shall be convicted of an offence under this section if the acts that are alleged to constitute the offence, or if the material related to those acts that is alleged to contain child pornography, serve the public good and do not extend beyond what serves the public good.

Currently, the possession of video cassettes depicting pornographic acts involving children would be considered a criminal offence. Under what is being proposed, it could be demonstrated that this new defence could be used in a case where a psychiatrist, specialized in treating pedophiles, would certainly be justified in possessing such cassettes for treatment purposes because his possessing them would serve the public good. In this case, the possession of cassettes is more useful than harmful. At first glance, this new defence seems reasonable.

Under the provisions and proposals in Bill C-20, the sentences imposed for offences causing injury to children would be increased. The maximum sentence for sexual exploitation would be doubled from five years to ten. The maximum sentence for child abandonment and failing to provide the necessities of life would increase from two years to five years imprisonment, which is more than double.

The court must also consider the mistreatment of a child during the commission of any offence under the Criminal Code as an aggravating circumstance that could result in a more severe sentence.

Accordingly, the Bloc Quebecois is in favour of the new provisions. It is here to protect children.

In terms of facilitating testimony by child witnesses and victims, the Department claims that the proposed reforms will ensure that participation in the criminal justice system will be less traumatic for the victim or the witness.

Current provisions of the Criminal Code would be expanded in order to allow all witnesses under the age of 18 to benefit from witness assistance in any criminal procedure. This provision would ensure that all witnesses receive this assistance, not only those who are affected by sexual offences, or other specific offences. This assistance includes testimony from behind a screen or through closed-circuit television, or with the assistance of a trusted person who would accompany the young witness.

Current provisions generally require that the Crown establish the need for witness assistance. Given the possibly traumatic experience for young witnesses in the courtroom, the reforms being proposed would recognize the need for assistance.

When it comes to all of the types of witness assistance, the judge retains full discretion to refuse assistance or protection, if it could impede the proper administration of justice. Furthermore, facilities that would allow for the use of screens or closed-circuit television would have to be available in court rooms in order for judges to allow them to be used.

The fundamental rights of the accused are therefore fully respected under the proposed amendments. The reforms would also allow children under the age of 14 to testify if they are able to understand the questions and answer them.

We support these amendments. However, in committee, we will ensure that none of these provisions threaten the rights of accused persons to a full and complete defence.

To conclude, I would like to repeat my support for the principle behind this bill, and for the principle alone. Amendments need to be made and specified. We need to hear from the experts and witnesses who will be invited to appear before committee. Once again, I would like to highlight the importance of the principle of the interests of children in any decision that affects them. This is a fundamental principle that must be safeguarded.

I, like all of my colleagues in the Bloc Quebecois, believe that our children deserve our immediate and full attention and consideration. Our children must not suffer and must never live in fear of vile abuse.

To close, as I mentioned at the outset of my speech, I am very concerned about all issues that affect children in any way. I believe that it is our duty not only to protect them, but also to give them what they need to succeed and live their lives to the fullest.

● (1700)

[*English*]

Mr. Chuck Cadman (Surrey North, Canadian Alliance): Mr. Speaker, I am pleased to speak to Bill C-20, a bill proposing changes to the Criminal Code and the Canada Evidence Act.

Mr. Speaker, I will be splitting my time with my colleague from Wild Rose.

The Minister of Justice maintains that these proposed changes will protect children in Canada. The provisions in Bill C-20 are unnecessarily complex and cumbersome. They will not make it easier to prosecute sexual predators, which is supposed to be the goal because that is what Canadians are demanding. They want their children protected.

As a result of recent court decisions and development of Internet technology which brings formerly distant places much closer together, it has become clear that more protection is needed for Canadian children. We need to be able to more easily prosecute those who exploit, abuse or otherwise violate children in Canada.

I cite the infamous Sharpe case. Canadians were appalled by this decision that legitimized literary musings about sexual relations between adults and children. There was much outrage expressed by many people in my constituency of Surrey North surrounding that case. It was the catalyst that caused Canadians to demand that the federal government take measures to protect children.

In Bill C-20 the Liberal government attempts to tackle the controversy surrounding decisions like this. The government proposes to take the existing defences of child pornography, that is, artistic merit, educational, scientific or medical purpose and public good, and reduce them to the single broad defence of public good. This is simply not sufficient. There is no substantial difference between this public good defence and the previous community standards test that was rendered ineffective by the Supreme Court in the 1992 Butler case.

There is no positive benefit in the government's attempt to recycle laws that have already been discredited by the courts. The minister has simply renamed and repackaged the artistic merit defence. Canadians want the defence, regardless of what it is called, scrapped entirely. They do not want adults able to defend the sexual exploitation of children on the basis that there is some kind of public good or artistic merit in the harming of young people.

The Liberals have not done so. They have simply hidden it in a list and labelled them all public good defences which will continue to be available and used by defendants trying to fight child pornography charges. This is not what Canadians want.

The bill does nothing to address the age of consent for sexual activity between children and adults. Canadians have consistently for years demanded that it be raised from 14 years to 16 years.

The bill we are debating merely creates a category of sexual exploitation to protect children between the ages of 14 and 18. This category requires that in determining whether an adult is in a relationship with a young person that is exploitive of that young person, a judge must consider the age difference between the accused and the young person, the evolution of the relationship, and the degree of control or influence by the person over that young person.

The problem is that it is already against the law for a person in a position of authority or with whom a young person between 14 and 18 years of age is in a relationship of dependency to be sexually involved with that young person.

Because the Liberals have failed to prohibit adults having sex with children under the age of 16, police and parents are faced with a continuing risk to children that is not effectively addressed by the bill. Only by raising the age of consent will young people be truly protected under the Criminal Code of Canada.

The Liberals have left a great deal of wiggle room by allowing debates to continue over whether a person is in a relationship with a young person that is exploitive of that young person. This is not what Canadian parents want. It is not the protection young people need in Canada. It is an escape hatch to be used by sexual predators.

The bill increases maximum sentences for child related offences, including sexual offences, failing to provide the necessaries of life, and abandoning a child. Maximum sentences are meaningless if the courts do not impose them, choosing instead to mete out little more than a slap on the wrist with time served in the community.

Canadians need to have the government eliminate statutory release and conditional sentences for sex offenders and mandate minimum sentences in order to deter child predators.

Modern technology has surpassed legislation that governs the use of evidence in Internet child pornography cases. The bill fails to address those shortcomings and amendments are required in order to deal with the child pornography cases effectively and efficiently.

● (1705)

A few short weeks ago, Canadians watched in disbelief as police vented their frustration in trying to work through hundreds of names of people in our country suspected of trafficking in hundreds of thousands of photo images of sexually exploited children. Not only are law enforcement agencies sorely lacking in resources, but they are also woefully bogged down in procedure. They refer to the federal Liberal government's support and co-operation as a nightmare.

If the justice minister were serious about protecting our children, he would provide law enforcement agencies with the resources they need and streamline the process, particularly in the rules governing disclosure. Imagine what even a fraction of the $1 billion wasted on the firearms registry could have done had it been directed to protecting children from sexual predators. This government is failing.

We have the technology to chase down these predators, but there is nothing in the bill about that. On the other hand, given advances in camera technology, the bill does provide some protection for Canadians. The bill creates a new offence of voyeurism and the distribution of voyeuristic material, making it illegal to observe or make a visual recording of a person who should have a reasonable expectation of privacy. This is a positive step.

Given the fact that the Liberals have chosen to address advances in camera technology, Canadians are left to wonder why they chose not to do something about the advances in the Internet technology and the trading of images depicting the sexual exploitation of children.

There is not much more to say about this weak and largely ineffective legislation. It is a great disservice to Canadian parents, police and young people vulnerable to sexual predators. The Liberals are missing the target with Bill C-20. It should target those who torture, harm, humiliate, degrade and violently and sexually assault young people in Canada. Instead we have legislation that merely confuses things.

In the end, defence lawyers will make a great deal of money successfully getting their clients off because of this weak and ineffective law that will no doubt be torpedoed through this place without amendment. The bill offers nothing substantive that will benefit children and their families. The government should be ashamed for turning its back on the young people whose innocent faces peer out from the images that document their suffering.

I urge each member of this place, especially members on the government side, if they have not already done so, to spend some time with the seasoned police veterans who are haunted by the disturbing images of this horrible treatment of young people. Just look at the evidence. Spend some time with the police. Spend a night in a police patrol car on the kiddie stroll in many of our larger cities. Talk to the drug addicted teen prostitutes. Spend some time with their families and understand the heartache that is caused by this. Then come back here and make a speech about how this bill will do the job of rescuing and protecting these kids.

Bill C-20 is a disappointment.

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, I have waited a long time for the opportunity to address this particular issue again. Many of us have been addressing it since 1993, including myself. Ten years ago this problem was brought to the attention of the government on a number of occasions. Ten years later there are still no solutions.

Four years ago the Sharpe decision brought about the words artistic merit. It is now four years later and nothing has been done, except we now have a piece of legislation that inserts the words "unless the material can show public good rather than artistic merit". That is a disgrace. When everybody starts bringing forth claims that there is some public good in what they are doing, it will be a great opportunity for lawyers to pocket money. It will be a real haven for lawyers and it will be at the sake of the children of this country who have suffered either on a personal basis or in the general picture.

Anytime anybody starts using child pornography to the extent it is being used in this country, every child we know, every grandchild or child of people in this room will be affected by the evil work being created out there. We have an opportunity here more than we will ever have in our lives to do something about it, to stamp it out in its entirety. We have to declare that we are no longer willing to tolerate our children or our grandchildren being exposed to this kind of garbage in this country.

Here is our chance. Let us not spend time sending a huge bill like Bill C-20 to committee where days, weeks and probably months will be spent analyzing it. There is nothing to analyze in child pornography. There is no artistic merit in it. There is no public good in it. Let us get rid of it. We can do it. Let us do it tomorrow. What is the holdup?

Since the Sharpe decision, police officers across the country have been spending hour after hour going through items of child pornography confiscated from those who claim to be people. The police have to go through each and every item, every picture, every film, every drawing, every sketch and every story to determine if there is any artistic merit. This will continue because they will now have to go through every item to determine whether there is any public good in it.

In the city of Toronto there are 1.7 million pieces of material that a handful of police officers, perhaps only four or five, have to go through. They receive psychological help from time to time. I can imagine what it does to them when they have to spend hours looking at that kind of filth and garbage to determine if there is any artistic merit and public good in it.

What kind of people do we have in here who would even hesitate for a moment to say the bill has to go to committee and through a process, and maybe a year from now it will be done? More than likely there will be an election and the bill will drop dead and nothing will have happened at all, as usual.

Child pornography is not to be messed with. When it comes to child pornography, there is nothing to discuss with regard to artistic merit or the public good. There is none. At least 90% of Canadians believe that. If members do not believe me, they should go back to their ridings and ask their constituents. They will be told to do what they can to wipe it out.

This is the place where we can do it. Whatever anybody thinks about the Supreme Court, this place is the top court of the country. Members must make up their minds to do it. Let us work together as a group of people with a little bit of common sense. Let us use our brains. We must indicate loud and clear to the country that child pornography must be wiped out. Let us get a national strategy together to help our police forces do it. Let us not make it worse.

● (1710)

Why are we debating to the extent that it could be this or could be that? That is irresponsible work on our part. Stop it now. What a joy it would be to see both sides of the House rise in unison and say that we will do one thing for the children of country, that we will wipe child pornography from the face of the earth and that we will start this in Canada. Why do we not do it now?

I cannot believe that we are hesitating for a moment. We should take that little section out of the bill if we have to, set it on the table and say that it will be dealt with at committee of the whole, everybody in the House. Then we can all stand and be united on saying that for the sake of our children, child pornography is gone. Does anybody have any problems with that?

Then we could address the courts in regard to some things like what happened in October. Listen to this. There was a story in the *Calgary Sun* about James Paul Wilson who was charged with possession of child pornography, assault and the obstruction of justice. He received a one year suspended sentence. He was in custody for nine months prior to sentencing which was taken into consideration.

In Winnipeg Leonard George Elder was convicted of sending hundreds of pornographic photos of children across the Internet. Last October the Manitoba Court of Appeal overturned a nine month jail sentence and stated that Elder should instead serve a 15 month conditional sentence.

There was an *Edmonton Journal* story about Leslie Jossy who used his work computer to print out child pornography. He received a one year conditional sentence to be served in the community.

The *StarPhoenix* in Saskatoon had a story about Kevin Hudec who downloaded hundreds of images over several months depicting sex between adult men and girls aged five to nine. He received a one year conditional sentence which he could serve from home plus probation for a year.

In a story in the Ontario-Quebec regional news of December 2002, Darryl Renton, a southern Ontario police officer from Brantford was found guilty of collecting child pornography. He received an 18 month conditional sentence which included six months of House arrest.

At that same period of time our justice system put farmers in jail. At that same time, we made millions of criminals out of a gun registry that was not working.

We can discuss all these other issues but there is no time for any more discussion. As we sit here, millions of pictures are circulating in the country. There is no deterrent to it. Let us help our police forces and our children and get together as members of the House of Commons and say that as of January 28 there will be no more child pornography and we will make every effort to see it happens. Can we do it? Should we do it? We better believe we should do it.

● (1715)

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, I thank the hon. member from Wild Rose for his passionate debate on behalf of the security and safety of our children, but I would like to ask him a question.

I have a bill that has been around for almost six years. It was first introduced by the former minister of justice and attorney general of Saskatchewan, Mr. Chris Axworthy, when he was a member of parliament. The bill basically talks about child pornography on the Internet.

I want to ask him about one simple aspect of the bill which is fairly straightforward. The bill would ensure that Internet service providers, the people who provide the services, be required to block access to identified portions of the Internet that may carry child pornography. It would also put the onus on the provider of Internet services to ensure that child pornography did not get on their sites.

Does the hon. member agree with that comment or could he elaborate a bit more? I agree with him. We must do all that we can to protect our children.

Mr. Myron Thompson: Mr. Speaker, I do agree with that. There are many things that can be done. There are people out there who are in the position to do it and they are called our police force. They want to do it. They do not want their hands tied anymore to restrictions or to whatever requirements there are to appease the courts or the laws. We do not have a justice system. We have a law system. We have a bunch of laws but no justice ever comes out of them.

What is really disgusting is this. The police are begging for a national strategy. Police officers who have looked at these pieces of garbage are asking for help. Pedophiles are not scared in Canada because they know we are not really putting in as much effort as other nations. One police inspector in Toronto said that we were not doing our part and asked for our help so they could do their part. They need the tools and the backing to do it.

Our Solicitor General has just been quoted as saying that their points of view basically are wrong. He insists the feds are really making progress on child porn. It is totally irresponsible to make that statement. The Solicitor General ought to be called onto the carpet for making a comment like that, when it has got completely out of control and snowballed into what it is today. We have been talking about it for 10 years in the House of Commons. Every member who was here in 1993 knows that this topic has always been on the floor at one time or another. Ten years later it is worse, not better.

I appreciate the member's attempt at a private member's bill. Others have attempted private members' bills. Unfortunately we have seen private members' bills passed and never implemented. That is not what is supposed to happen. When we agree something is going to happen, let us do it. By George, let us change it this time. Child pornography will be wiped out and that will be a goal of this Parliament. Let us do it.

● (1720)

Mr. Chuck Cadman (Surrey North, Canadian Alliance): Mr. Speaker, I know how passionate the member for Wild Rose is about this, but I think that sometimes there is a bit of a disconnect in the eyes of the public to understand what it is we are really dealing with when we are dealing with child pornography and these images.

I know that the hon. member has sat down with the police and seen some of this stuff, as have I and a number of members on the other side of the House. This is not the kind of thing that a lot of people think about, like Mom or Dad taking a picture of junior sitting in a bathtub full of water and soapsuds. Unfortunately that seems to be the image that a lot of people have when we talk about this.

Could the hon. member for Wild Rose elaborate, without getting too graphic, about what it is we are dealing with here, what kinds of images and what this stuff really is.

Mr. Myron Thompson: Mr. Speaker, in every police department where I have had the chance to view this material and everything that has been brought to me to see, members should use their worst, sickest imagination. Picture a six month old baby being raped. Picture a group of two and three year old young children enjoying themselves around the nudity of some man. His face cannot be seen but the little kids can. What a joy that must be, enjoying his nudeness. It is absolutely sickening.

The police warn people not to look at the pictures if they have weak stomachs. I know the member saw what I saw and that he would agree with me that it is the sickest stuff that could ever exist. It is not a little nude picture. It is not a baby taking a bath. It is the sickest stuff imaginable. If members do not believe me, they should visit their police departments and ask to see what they have confiscated, but they should be prepared for the shock of their lives.

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, I am thankful for the opportunity, on behalf of my two daughters, to contribute in this debate, albeit in a small way, and to do what I can to not only push this government but to push all governments and all legislators around the world to do the very best to eradicate, or at the very least severely minimize, child pornography not only in Canada but around the world.

I am sure you were as shocked, Mr. Speaker, as I and many others were when we heard about the international bust on the child pornography ring and how it used the services of the Internet to exploit fantasies and create what must have been horrible nightmares for those young, unwilling and unsuspecting children.

I would like to bring to the attention of the House a private member's bill which was first introduced in the House years ago by the then member of Parliament for Saskatoon—Rosetown—Biggar, Mr. Chris Axworthy. For a while he was the attorney general and justice minister of Saskatchewan but he stepped down from that post. He and various police associations across the country were very supportive of the bill he introduced at that time. Basically the bill, which is now under Bill C-234, is an act to prevent the use of the Internet to distribute pornographic material involving children.

Without going into the bill word for word, I would like to read the summary of the bill and put it on record for all those who are listening:

> This enactment provides for the licensing of Internet service providers by the C.R.T.C. on conditions to be set by the Minister of Industry by regulation. It also requires service providers' co-operation to minimize the use of the Internet for the publication or proliferation of child pornography or the facilitation of a sex offence involving a child.
>
> Anyone who uses the Internet to facilitate any of the specified sex offences involving children is guilty of an offence.
>
> Internet service providers may be required to block access to identified portions of the Internet that carry child pornography.
>
> The Minister is authorized to make agreements with provinces to assist in achieving the purposes of the Act. Special powers under search warrants may be prescribed by the Minister to facilitate electronic searches.

In my wildest dreams I do not understand why any legislator in this country, through municipal, provincial or federal obligations, would be against that. However I have had actual Internet service providers call me and condemn me for it. They said that if a bill like this ever saw the light of day they would do everything they could to defeat me in the next election. I say to those Internet service providers, "Bring it on". They should come to the riding of Sackville—Musquodoboit Valley—Eastern Shore in Nova Scotia and tell the people and the children there that they will not live up to their obligations to do everything they can—

● (1725)

Mr. Stockwell Day: Mr. Speaker, I rise on a point of order. I could be wrong but I fail to see a quorum in the House today. I would ask the Speaker to take appropriate action.

The Speaker: Call in the members.

And the bells having rung:

The Speaker: I see quorum. The hon. member for Sackville—Musquodoboit Valley—Eastern Shore has the floor.

Mr. Peter Stoffer: Mr. Speaker, to carry on with this, I encourage the Internet service providers, instead of using veiled threats, to work with all levels of government and the police forces in order to stop and do everything possible to prevent the use of the Internet for child pornography. That is not going to be easy. Nobody said that it would be. The fact is that now that the Internet is here, which is a great service for people around the world to be able communicate with each other, it can also be used in communication for some evil things. As the hon. member for Wild Rose has said and the member from Surrey said before, we must work with the police officials in our country to do everything we can to minimize the impact on our children, not just in this country but in countries around the world.

Will this Parliament or any parliament around the world be able to successfully eradicate child pornography? Probably not, but we should do everything we can in order to ensure that we try, and we should put the adequate resources in there in order to do it.

I know that in certain countries around the world, where they have devastation and poverty beyond our recognition, some parents, unwillingly or just through plain ignorance or severe lack of education, may sell off their children or use their children in this regard. Those children's pictures are shown on the Internet around the world. They do it for money, which shows that we possibly may do a lot of good in this country down the road, but we are going to have to help those people around the world. We will have to educate them. We will have to discourage them and prevent them from using their own children for sexual exploitation in order to put bread on the table.

We have heard of many cases in countries like Pakistan and India where parents will more or less sell off their children to work in weaving rooms or on looms in order for them to gain a bit of money to bring back to the family. A lot of these young children, especially girls, are sold into prostitution, not only in those countries but literally around the world. That is unacceptable, but we have to ask ourselves why they are doing that. I cannot honestly believe, no matter what culture, what ethnicity, what religion or what morality people have, that anyone who bears a child and cares for that child would honestly want to do that. I may be ignorant about that, but for the life of me I just cannot see them wanting to do that. However, when people are desperate and have nothing they resort to drastic measures.

The real problem is with the people who buy those services, the people who use those children and manipulate those families for the sake of the almighty dollar. They use those children, manipulate them like birds in a cage and exploit them, not only in their own countries but around the world through the Internet. This is reprehensible. It does not just happen in Canada; it happens around the world. We have heard just recently of that international bust of people who have done that.

For the life of me, I do not understand why people feel they need to have some sort of enjoyment or fulfillment or release, for lack of a better word, from looking at children in a pornographic way. It boggles the mind. I may not be the greatest practising Christian in the world but I do believe in God and I know that God would not want his flock to do that, so why do people do it? Is a longer jail sentence the answer? Obviously these people must be severely ill or demented. I could use much stronger language, Mr. Speaker, but you would throw me out, so I will not.

● (1730)

I will try to be as courteous and as kind as I can using parliamentary protocol, but it bothers me greatly that even though my own children are safe, along with those of many of my friends, there are probably children in my own riding who are being exploited in this regard and I would be unaware of it.

I speak to policemen on this subject, not on a regular basis, and I know that my former colleague, Mr. Chris Axworthy, did a tremendous amount of work with police associations across the country when they mounted the campaign in 1995-96 in order to facilitate this type of legislation. It is quite amazing that this bill has been on our books for six to eight years and yet the government chose not to take even any aspect of the bill into its legislation. I can assure members that I will be actively working with my colleagues in order to facilitate this type of bill into the legislation, either through moral persuasion, through the debate in the House of Commons, or through committee or public pressure to try to get the government and my opposition colleagues to look at this type of legislation and enact it into the current Bill C-20. If we can honestly do that, I believe we would go a long way in protecting not only our children in this country but children around the world.

● (1735)

Mr. Chuck Strahl (Fraser Valley, Canadian Alliance): Mr. Speaker, I think there is some passion in the speeches today because many of us share the concern about child pornography and pornography in general and also the concern about the inability, it seems, or the unwillingness of governments to deal with it. People continue to cry out for action. As the member has just said, it can sit on the books for years and everybody clucks their tongue and says that somebody should do something, yet they will not do anything. They will not act.

It is almost a shame-faced reaction on the government side. We had a quorum call a minute ago because there were not enough people in here to listen to this. The Liberal members do not want to hear about this. They just wish it was not real. They are not in favour of it, but they wish it was not real so they put their heads in the sand and hope it just goes away.

I sat on the heritage committee. A member from our party on the committee said that it is not just the Internet pornography. There is stuff on our own broadcast system that is so offensive that he said he just wanted to show us a video clip that he took from the CBC. It was from late at night, sure enough, but still, it was so offensive that he was inundated with letters saying that it could not be real that we were going to show this and use government money to rebroadcast it. Members of the committee said that it was not their job as legislators to have to watch it. In fact, they refused. They said, "If you bring it in here we'll walk out of the room because we don't want to see it". It was not that it was not real; they did not want to deal with it.

I would like to get the member's opinion on a couple of things. We talked about Internet rebroadcasting, but also about broadcasting and rebroadcasting in general. The problem with it is that because of the big time zone changes in the country, broadcasters shy away from dealing with this issue. They say that all they can do is rebroadcast it. They do not pick the time at which it is shown. What happens is that pornography, although it is bad enough that it is shown at midnight, ends up being shown at 8 p.m. in my neck of the woods or vice versa.

I would like the hon. member to comment on that. I do not think that is right. I think we should force not only Internet providers but broadcasters to screen that garbage off the television, certainly during prime time.

The second item is something the hon. member for Wild Rose and I talked about behind the curtain. Maybe what we need to do here is shut this place down for a day and get the 301 people in this place to look for five minutes at the garbage that is actually child pornography. We can see grown, hardened police investigators in tears after having been forced to look at this stuff. Maybe it is time we bumped it up from a theoretical debate to an actual screening, if members think they are man and woman enough to look at it, of what kind of garbage we are actually talking about.

I think that if parliamentarians, who are supposed to set the pace here, had to see this stuff, not that I want to because I think it wrecks one's mind, if parliamentarians were forced to look at it for a minute or two, as the member for Wild Rose said, we could take out the part of the bill that deals with child pornography and it would be strengthened, ratified, passed and given to the police forces of the country in a minute. In a day, we would be done with it.

Finally, I will conclude by asking that the member speak on the defence of artistic merit. When the Sharpe decision came down, we would have thought that seasoned and hardened police officers who have to deal with this smut day in and day would be toughened up, but they said there was stuff in there that was so offensive they could hardly look at it. Yet the decision of the courts is that if one can even show a smidgen of artistic value somehow that makes it okay.

That does not make it okay. This is one of those cases where we say that when the rights of the children come up against the rights of a pornographer, then the rights of the children trump the rights of the pornographer every single time and we should make sure of it. It is not a matter of hoping for the best, of saying that it is the law of averages and, hey, we lose a few kids, but what the heck.

● (1740)

It is not like that. There are times when one says, when it comes up against these other rights, it is time to take action. The discussion should take place quickly in the House. We should move to strengthen the hands of the courts and strengthen the hands of the police officers. All parliamentarians should stand together to say that enough is enough. There has been enough chatter and now is the time to move.

Mr. Peter Stoffer: Mr. Speaker, the first point of my hon. colleague's question has to deal strictly with the CRTC. It should have the teeth and the guts to ensure that the broadcasters and rebroadcasts of pornography are under severe and strict restrictions, if that is the proper way to say it. It should not shy away from it.

I believe that all 301 of us and those in the other place should be put in a closed room to watch the disgusting material. If that does not move us quickly to enact legislation in order to protect our children, then nothing else will. I agree with the member.

When it comes to artistic merit, I for one have great difficulty understanding that. I simply do not know how someone could call child pornography art . It is beyond me. Those people are sick and need to be dealt with. We should debate right now how to deal with it. We should debate it and deal with it.

I am sure I speak for all of us when I say that as a father of two children, if anything ever happened to my children in this regard, I would be speaking even more passionately than I am now. Fortunately, they have never gone through that, but there are children in this country who have. We need to protect the children.

Mr. Rex Barnes (Gander—Grand Falls, PC): Mr. Speaker, we talk about all these acts as though they do not exist. We have no tolerance for drunk driving. We have no tolerance for bullying in our school system and everywhere else. We do not tolerate these acts against our children, but for some reason or another we send the message to the courts to let people off free and easy.

I ask the member, should we not basically tell the courts as well that we do not tolerate these exploitive acts against our children?

Mr. Peter Stoffer: Mr. Speaker, as the French would say, oui. There is no question at all that we have zero tolerance in all aspects of our lives and different arguments, but when it comes to child pornography we have to debate it. Yes, we should debate it, but we should get it done. As my hon. colleague from Langley—Abbotsford said, bring it here to the floor. If we can give ourselves a pay raise in three hours, surely to God we can put in legislation within one hour to protect our children from the evil effects of child pornography.

Mr. Chuck Strahl: Mr. Speaker, there is one other thing I would like the member to comment on that is unacceptable in my books, which is the descriptions the member for Wild Rose, unfortunately, has to give us because we need to be shocked about this and be given some shocking descriptions.

What is shocking to me is that the commission of the act creates the commission of a crime. If the person is caught, it is a crime. However, if there are pictures of it, the distribution of the pictures is just shrugged off as a societal ill and that person will get a conditional sentence, "The person probably does not mean anything by having a picture of a one-year-old being raped or whatever. It is just a picture. Pictures cannot hurt anyone". It is ridiculous.

● (1745)

Mr. Peter Stoffer: Mr. Speaker, whether it is distributed through broadcast stations, the Internet or by hand, it is unacceptable. It should be a criminal act with a severe punishment to teach those people a lesson they will never forget. It should send out the message to those people in this country who somehow thrive on child pornography. It is beyond me why they do it because it is unconscionable, but they do. We need to send a strong message to them that child pornography and the abuse and exploitation of our children in this regard is unacceptable, period.

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, members usually stand in the House and say it is an honour and a privilege to speak to a certain topic. On today's topic, it tugs at my heart to have to get up and think that in Canada and in this House of Parliament we have allowed child pornography to take place for so long and we have to debate it in the House of Commons.

My colleague from Labrador was saying that there is no reason we should have to do this. We have laws for everything else. We have laws for minor offences.

This is one of the most horrible offences there is in any child's life. People can refer to artistic merit. What is artistic merit? I will say that when the police representatives from Toronto came to Ottawa and asked all of us to attend a meeting and they showed us pictures of children of what was supposed to be artistic merit, I had to put my head down and close my eyes.

Tears ran down my cheeks. I could not believe that anyone would do such a horrific thing to tiny children. This is Canada. There should not be one person in the House of Commons on either side who would stand for this sort of thing to happen.

The Liberal answer to the John Robin Sharpe case is Bill C-20. That answer is not good enough for all of us. The minister could have tightened the gap in the law with a very clear definition and determination of what constituted child pornography. He could have then outlawed it with a zero tolerance policy and said that it is not acceptable and it will not be allowed to take place in our country.

In my opinion a portion of Bill C-20 still leaves our little children very vulnerable. The bill does not answer in a positive manner the question raised in the Sharpe case. The bill will not act as a deterrent to those wishing to produce child pornography of what they call the imagination.

I have to say that those people who enter into child pornography and call it artistic merit are people who have a mental problem. Those people are not normal in any way, shape or form. In no way should they be allowed to continue down that road in our country.

When I was the mayor of the city of Saint John I was appointed to sit on the citizens forum on Canada's future. I travelled across the nation and interviewed and met with people of different cultures. There was a lawyer from Ottawa on that board with us. He said that we were dealing with the wrong thing. When I asked him what he meant, he said, "We should be dealing with the Charter of Rights and Freedoms. I was one who helped to draft it". I asked him why we should be dealing with that and he said, "Because when we drafted it, we left something out. We left out responsibilities. Everybody in Canada has their rights and their freedoms, but not responsibilities".

Everybody should have responsibilities. John Robin Sharpe should have responsibilities. He should have been taken to task by the court. In no way should that man have been able to be free after what he did with those little children.

If every member of Parliament sitting in the House of Commons looked at those pictures that the Toronto police department brought up, not one member of the House would have allowed that to take place ever again.

I think about the little children who have been put through that horrible situation and their future.

● (1750)

The fundamental question in this debate must centre around the harm caused to those most vulnerable in our society, the little children.

Underlying this, we must give thought to the role of the court in the context of judicial policy making as it pertains to the supremacy of Parliament and overruling Parliament. We must show how this new legislation will eradicate child pornography within the context of the artistic merit defence. Unfortunately for Canadians, the legislation does not go far enough and could once again be subjected to judicial interpretation, putting our children at risk.

There will most definitely be constitutional challenges, there is no question. The people of Canada will not allow this to take place in the future. I have to say that while the addition of a clear section for the purpose of specifically defining what constitutes child pornography is welcome, the removal of "for a sexual purpose" would, in my opinion, completely change the meaning of the legislation positively. The exclusion of these four words would send a clear message to the judiciary, removing the subjectivity of the purpose of the work and putting the emphasis on the acts described within.

I have a family. I have children and two grandchildren. I cannot believe that any of my colleagues here would allow anything like this to take place with my grandchildren. I will fight this until my dying day, until it is straightened out, so that it never happens again. I know my colleagues on the government side. I do not believe they want child pornography to take place. I do not believe that those who are sitting here tonight want to have the abuse of little tiny children called artistic merit.

All of us in the House of Commons know that anyone who would do what John Robin Sharpe did has a real mental problem. His mental problem should have been addressed. He should never have been allowed to walk out the door of the courtroom.

I understand the intent of the minister's legislation, but I fear the manner in which it is presented will not be sufficient to protect against the abhorrent creation of pornographic material depicting children. The public, along with child advocacy groups and members of the House, have called upon the government to produce a clear, concise piece of legislation which would completely remove the chance works of this nature and to see the light of day once again. Once again the minister has left open to interpretation by the courts a matter that strikes at the very heart of our democracy.

The intent of the bill is to protect children from all forms of exploitation, including child pornography, sexual exploitation, abuse and neglect. Unfortunately definitions of public good will be vague and no level of objectivity exists which will allow a court to decide what is pornographic and what is not. We have just seen that happen. Once again it will be a question of acceptability to the individual. Obviously, an argument as to what constitutes the public good will predominate, leaving our children vulnerable.

As we travel across this nation, people today stop and ask what has happened to Canada and what is taking place with the types of bills which are before the House of Commons, especially those with regard to what we are debating here tonight. Even more so they are asking about the traditional family. We are moving in the wrong direction. I have to say that for most of us who speak out, the majority of Canadians from coast to coast are with us. They do not want to see any child being abused in this manner. If anyone sitting in the House thinks this does not abuse a child, then there is something wrong.

● (1755)

The overall effect of the Sharpe decision by Mr. Justice Shaw was to leave many in society in dismay to find that a learned judge would in fact open the door to potential pedophiles and those who take advantage of youth, those who denigrate images and engage in writings that have a very corrosive effect on the norms in our society. Works of this nature go against the very fabric of what is acceptable in a moral and just society. There can be no denial that a direct correlation exists between the fantasies of sick individuals and harm to our children.

As I said at the beginning of my remarks, these people are sick. They are not normal. Why should any court or any judge be in favour of what these people are doing instead of looking after the little child out there? Why risk the potential danger when the collective will of the people is to see this material stricken from existence? In handing down the Sharpe decision, Justice Shaw effectively broadened the interpretation of the current defence of artistic merit. I cannot believe that anyone in our judicial system could do the likes of that.

What does that say to all the others out there who are doing the same thing? It says it is okay. It says these people can do whatever they want with our little ones because when they go to court they will not be found guilty. They will be given a little slap on the wrist and that will be it.

An hon. member: Shameful.

Mrs. Elsie Wayne: It is shameful, and I never thought when I came up here in 1993 that I would ever have to stand in the House of Commons on behalf of a tiny child and ask my colleagues on the government side to make the right decision.

As I have stated before, when I brought up the Charter of Rights and Freedoms one other time in the House of Commons, a lot of my colleagues on the government side said I would never get an amendment to the Charter of Rights and Freedoms putting in responsibilities because no one would allow any constitutional changes. It is now the time if the courts are to dictate to us what is right or wrong for the children of Canada, for those little innocent babies out there. If anyone in the House had seen those videos and pictures, I do not believe they would ever vote in favour of this legislation without amendments.

The contention is that section 1 limits are justifiable in this case and are correct when weighed against the potential harm to children and the intent of Parliament to protect the rights of those most vulnerable. Simply put, it is my belief that the Supreme Court erred when it favourably interpreted the Shaw decision. Unfortunately, it seems that the minister's lawyers have weighed the rights of the individual against the rights of the child. We are once again left with an attempt to correct what the Canadian public realizes is a very serious problem.

If Liberal members are unwilling to protect the rights of children and, by extension, their families, I suggest that at the very least they take the opportunity presented in the upcoming budget to consider financially supporting victims of crime.

The Progressive Conservative Party has been supportive in the past of the law enforcement community, victims' groups and child advocates who are constantly tasked and constantly struggling with the lack of resources available to them. As I have said before, what could be a more fundamental issue? We know that the lasting impact on victims of sexual abuse is sometimes a life sentence. Very often, the mental anguish and the detrimental effect on the development of young people is everlasting. It is certainly incumbent upon Parliament to take every available opportunity to make this a safer and kinder society.

● (1800)

There is a need for victims to have more support, a stronger voice, an ability to be heard in a substantive way by the individuals who ultimately will decide whether a person will be incarcerated and, after the fact, whether that person will be released. It talks directly to the issue of respect for the dignity of victims. It is clear that there has to be an equitable approach taken by the government. That is why we need a victims' ombudsman office, an idea that was brought up today by my colleague from Pictou—Antigonish—Guysborough.

We have a budget specifically set aside for the commissioner of corrections to deal with the concerns, some legitimate, some not, of federal inmates. There is a federal budget allocated to ensure that inmates, some of whom are serving time for absolutely heinous crimes and have victimized numerous citizens, have an office where they can go if their situation in prison is not to their liking. Yet victims very often are completely ignored and they have no outlet, no central office in the country where they can go to find out about important things like parole hearings or information pertaining to response to treatment.

While we debate the merits of this bill, elevating the philosophical discussion of public good, it becomes evident that this legislation is a far cry from solving the problems associated with the Shaw decision. For the sake of children, every member on the government side and in the House of Commons must do better. They have the ability to make a substantial difference in the lives of all victims in the upcoming budget. I cannot believe that any one of us would want to sit here and allow a child or a young person to be abused in the manner in which they are being abused at the present time. Because of the decision brought down in the Robin Sharpe trial, I have to say that now offenders have the freedom to do just about anything. There is no way that in this country called Canada we should ever allow this to continue.

An hon. member: We shouldn't tolerate it.

Mrs. Elsie Wayne: We should not tolerate it. Not one person in the House should tolerate it. If ever there were a subject, if ever there were an issue in the House whereby all of us should say to the minister that we want the strongest legislation to correct this, this is it. We want it done now. If all our colleagues on the government side unite with the rest of us, we can do that.

We talk about our relationship with other countries. Let me say that if we were to correct this one and bring in the right legislation, our friends across the border would be singing the praises of Canada. They would be singing our praises all over the world. That is not the way it is now. They will not be singing our praises. They will not be saying that we have done the right thing again.

I really and truly cannot imagine that any one of us here wants to see a little child abused in the manner we have seen. When the members of the police department of one of the largest cities in Canada came to Ottawa to ask us to please give them the tools so they can do the job, they were ignored. The government did not give them the tools to do the job with what has been taking place. This does not give them all that they need. They need more and more. Let us give them everything they need and they will go out and help to clean this up. Then these people will not be doing what is called artistic merit.

We have to send them the right message. It depends on what we do with what comes before the House on this subject. We must give them the right message and we have to do it now. I call on all members across the way who are listening to everything I have said tonight to make sure they put through the proper amendments to the bill that is before us to make sure that those children are protected for the rest of their lives.

● (1805)

Mr. Chuck Cadman (Surrey North, Canadian Alliance): Mr. Speaker, I would like to thank the hon. member for her submission. She brings a special perspective that only a granny could bring into this debate. Some time ago, I too was there at the same meeting that she speaks of and I certainly saw her reaction to some of the images the Toronto police were showing us.

However, this goes beyond just what is being done to these children. It goes beyond the trauma or the physical injury that is inflicted on them. Many of these children, if they survive this, go on to become the kids that we see on the "kiddie strolls" in our major cities: the child prostitutes, the child workers in the sex trade.

I wonder if the member has any comments on that aspect about the problems that are created later on and also the problems that the families suffer.

Mrs. Elsie Wayne: Mr. Speaker, my hon. colleague is absolutely correct. It has a lifelong, lasting effect on all of these children. The sex trade is out there because nobody corrected it. Nobody did anything. Nobody showed those little children that this is wrong. Nobody took them into their arms and said they were going to correct it and take care of them.

Subclause 7(1) of Bill C-20 amends subsection 163.1(1) of the Criminal Code, defining child pornography to include

> any written material the dominant characteristic of which is the description, for a sexual purpose, of sexual activity with a person under the age of eighteen years—

That addition of a clear section for the purpose of specifically defining what constitutes child pornography is welcome. As I have stated concerning the removal of "for a sexual purpose", we know, I know and everybody in the House knows that this is what this is all about for those people. That is what it is all about. It does have an effect on the families down the road and on those little children.

We owe it to those little children to correct this. We owe it to those little children, and I cry out to members tonight, like never before in the House of Commons. I would like to see us bring forth the changes we need, the additions to this bill, and we will all vote in favour of it, if it is done in the proper fashion, if we know it is going to protect them for the rest of their lives.

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, I thank my colleague from Saint John, New Brunswick, for her comments. I also would like to ask for her comments regarding my previous discussion on Internet pornography when it comes to children.

Part of Bill C-234, which was introduced into the House close to eight years ago by my former colleague and is still here now, basically states to Internet service providers that they themselves have a responsibility to monitor and eradicate child pornography on the sites provided through their services. I have received a lot of flak from some Internet service providers who have threatened me with trying to eliminate me from my electoral seat if I indeed pursue this legislation any further.

The member for Wild Rose said that he would look at something of this nature with a favourable view, so I would like the hon. member from Saint John, New Brunswick, to answer the following question. Does she or does her party believe that Internet service providers that provide the services for child pornographers, unwittingly, of course, because I do not think they do it on purpose, have a responsibility through legislation to ensure that they themselves do everything they can to make sure their services are not used for the exploitation of child pornography? In my opinion, they do.

● (1810)

Mrs. Elsie Wayne: Mr. Speaker, that is another area that has to be addressed and it needs to be addressed immediately. The Internet has created a major problem when it comes to child pornography. Yes, those who are in charge of it should be held totally responsible for it. It is happening all across the nation. I am getting all kinds of calls on this, from down in the U.S.A. and so on.

Yes, we need to take a stand. We need to have legislation in place which says that anybody on the Internet who is dealing with child pornography should be held totally responsible and should be taken to court. I mean it. As for them not having control of it, they are supposed to have control of it and monitor it. They are the ones who should be held responsible.

An hon. member: Lose their licence.

Mrs. Elsie Wayne: Yes, they should lose their licence.

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, I appreciate the comments from the member. I know where she is coming from. She is a grandma. I am a grandpa. I have seven grandchildren. She has two. That is insignificant; there are numbers of children out there.

I wonder if the member feels as much urgency about this issue as I do, the urgency that would say to me not to send this bill to committee as is, because it could be in that committee for days, weeks and months. It is a huge bill. It has everything under the sun in it. It could be debated on and on. I feel it is so urgent that we should take the section on child pornography out of this bill and set it before the House immediately to be addressed, just that particular portion, and we should do it now.

Lord knows, I have been here since 1993 as well and we have addressed this issue many times. It is ten years later and it is still not fixed. I am not sure if I have another ten years to wait, but I sure want to see it fixed and fixed now. Nothing would make me happier than to see the justice minister walk through those curtains and say, "I have decided that child pornography section is so urgent to enforce that we will put this before the House immediately to address and fix it now". Would the member support that idea?

Mrs. Elsie Wayne: Mr. Speaker, I certainly would support that. This bill should be divided. Child pornography should be a separate vote in the House of Commons. It should be taken out of the bill right now. The biggest problem we have is that if they do not and if we defeat it probably nothing will ever come up in the House of Commons. However even if we vote against it, it will not be defeated because the Liberals will have everybody in every seat to make sure they get what they want.

We must move amendments if they do not divide the bill and allow those two votes in the House of Commons, which they should. We divided Bill C-15. If the majority of Liberals were to divide the bill I would get down and say a prayer right here in the House of Commons for each and every one them. So help me, I would. However I cannot see it happening. If it does not, then we need to make sure the amendments and the changes take place.

Mr. Chuck Strahl (Fraser Valley, Canadian Alliance): Mr. Speaker, it has been an interesting debate this afternoon. I thank the member for her contribution. As another grandfather in the grandparent fraternity I share her concern. Although I think it crosses all kinds of lines, this is a broad concern.

It was interesting to hear what the member from the NDP said earlier about the Internet providers and how maybe we need to deal with them on this pornography issue.

There was an article in *Quorum* today stating that Industry Canada was considering legislating against junk e-mail. It is very concerned about junk e-mail and has said that it may have to legislate as one way to crack down on unsolicited bulk e-mail because it is seizing the nation.

Junk e-mail is a problem and it kind of annoys me but if they have the wherewithal over on that side of the House to think about legislating against Internet use for e-mail but do not have the wherewithal to legislate against Internet use of pornography, where are their priorities? If Industry Canada can do something about it because it does not want too many advertisements on my computer, I might appreciate that, but I, along with others, will get down on my knees and thank them all if they will legislate against child pornography, which is not just an annoyance, it is a criminal act. It is a travesty against young people around the world, both the victims and those who end up watching it who are victims of a sort too. It becomes generational.

I think I know her answer but I would like the member to speak about whether we could make child pornography and the banning of child pornography a bigger priority. Let us deal with that, I would suggest, before we deal with a real big problem like junk mail on the Internet

● (1815)

Mrs. Elsie Wayne: Mr. Speaker, the hon. member is absolutely correct. I cannot believe that the government would bring forward legislation regarding what it calls junk mail. What does it call child pornography? Does it not call that the worst crime there is in this whole world? We do not want to let it go and we will not let it go.

We hear talk that maybe there will be an election in early 2004. I want to tell the House that child pornography will be the number one issue in that election if it is not corrected right now. I mean it. It will not be junk mail; it will be child pornography.

Mrs. Betty Hinton (Kamloops, Thompson and Highland Valleys, Canadian Alliance): Mr. Speaker, I will be splitting my time with the member for Esquimalt—Juan de Fuca.

I am pleased to rise and speak today to Bill C-20, an act to amend the Criminal Code with respect to protecting children and other vulnerable persons.

This subject has been high on the agenda of our party for a long time. For years the Canadian Alliance has demanded a national child registry and only recently has the government acted. We have demanded harsher punishments for child predators and more resources for law enforcement to catch them. We have tirelessly advocated raising the age of consent from 14 to 16 so that those vulnerable young people have less of a chance of being cruelly victimized.

I am sad to say that in all these regards the bill is sorely lacking. There are no more resources for law enforcement to do its job, there are longer sentences but not mandatory ones, and the age of consent is still at a shameful 14 years.

Last year, John Robin Sharpe argued before the Supreme Court of Canada that he had the constitutional right to possess child pornography. Sharpe had been arrested in British Columbia after police found photographs of nude boys and sexually explicit written material, most of which were described as extremely violent, and included children as young as six years old.

At his provincial trial in 1999, Sharpe had been acquitted of all four counts of possessing child pornography, with the judge striking down the child pornography law. While the Supreme Court decision substantially upheld Canada's laws against child pornography, the exception created for personal writings was defined in such a broad way that violent and anti-social text, like Sharpe's, could still be justified under the law.

These upsetting court decisions do not properly reflect society's interest in protecting children from sexual predators. Children are the most valuable members of our society and the law must recognize that fact and the courts must uphold it.

This necessity has become increasingly apparent over the recent revelations of project snowball. Two weeks ago, project snowball, an offshoot of a worldwide child porn investigation into 250,000 people, has turned over names from every province and territory to Canadian authorities. These individuals have been paying by credit card to access a U.S. child porn site which a Toronto police detective said included “some of the most evil images of child abuse you can imagine”.

Unfortunately we cannot be sure that those individuals will ever face justice for their crimes. Police stated last week that they had the names of more than 2,300 suspected pedophiles across Canada but that only 5% had been arrested because Canada lacked a national strategy for targeting sex offenders. A lack of resources and appropriate legal tools stand in the way of an effective response to this growing problem. Canadian police are hamstrung and Ottawa must do more. We do not see any help forthcoming in the bill which will help to solve the problems our police are facing.

While police are not given the resources to do their jobs, the government will point to its bill and say that children will be better protected. Bill C-20 aims to achieve this by changing the defence for possessing child pornography from the current artistic merit to public good. The word swap is simply repackaging the same thing. It is something we see from the government time and time again.

The public good defence that the government now heralds is almost identical to the old community standards defence that was rendered ineffective by the Supreme Court in 1992. There is no positive benefit in recycling laws that have already been discredited by the courts. To do so risks even more child predators continuing to walk free.

In order to create the impression that this law will be tough on child exploitation, the bill proposes to increase the maximum sentences for exploiting children. Unfortunately, the courts have consistently failed to proportionately increase punishments when the maximum allowable sentences are raised. Child pornographers will still be entitled to house arrest, an alternative to prison. Without minimum sentences, pedophiles, like John Robin Sharpe, will continue to escape custodial sentences even when they are convicted.

● (1820)

There are areas in the bill that will increase the maximum punishment for child related offences. These include sexual offences, failing to provide the necessities of life and abandoning a child. The government proclaims that children will be better protected because there will be a greater deterrent to the offences that pedophiles and others who harm children may commit. This is simply not true.

Currently the norm seems to be for pedophiles to be given a slap on the wrist and to serve their time in the community, usually the same one in which they have committed their crime.

In this vein I would like to bring to the attention of the House examples of what a lack of minimum sentences result in. John Robin Sharpe received just four months of house arrest at home instead of doing prison time.

Recently five London, Ontario men, aged 33 to 56, nabbed in the Snowball investigation were charged with offences such as possession of child pornography, production of child pornography and distribution of child pornography. The police described the Internet photographs these men had as some of the most evil images of child abuse we could imagine. Two of those men were recently sentenced with both receiving a six month conditional sentence and eighteen months probation. Is that justice?

The Ontario Provincial Police have urged tougher sentencing for those convicted of child pornography offences saying, "Light sentences in Canada are a joke".

These penalties do not reflect the severity of these crimes. What has been done to these children to make these terrible photographs is simply unacceptable. We will continue to see more of these types of sentences as the individuals caught in Project Snowball make their way through the courts. We will see pedophiles getting off pretty much scot-free while lives are destroyed to please perverted minds.

Another serious flaw in the bill is the continued refusal by the government to raise the minimum age of consent from age 14 to 16. This is clearly shown by the comments by the Parliamentary Secretary to the Minister of Justice and Attorney General of Canada who when performing yet another stalling tactic stated that, "there are many social and cultural differences that have to be reflected in the law and we will work within the consensus". It is unfortunate that working with its cultural consensus results in a toothless bill. I would like this parliamentary secretary to name the culture to which he referred. There are no cultures in Canada that I am aware of that would accept this kind of child abuse.

It still seems under this government parents and law enforcement officers will never see the legal protection and the authority they need to give these children the proper protection from predators. The age of consent in Canada remains at 14 years even though most western democratic nations have legislated a 16 year age minimum.

The Liberal proposal is to bring in a law that requires the court to analyze each case to see if the adult is exploiting the child. This approach is cumbersome and complex and it fails to create the certainty of protection that children require.

Canada's low age of sexual consent coupled with the government's failure to protect children from sexual predators has resulted in Canada potentially becoming a preferred destination for sexual predators to prey on innocent Canadian children.

The need to protect innocent and vulnerable children from pimps and other adult sexual predators is a matter of the highest priority. Even the Department of Justice's own 1999 consultation paper expressed the view that the current age of consent was "too low to provide effective protection from sexual exploitation by adults". Until this legislation contains provisions to raise the age of consent to 16, neither I nor my party can support the bill.

The federal government's lack of action has given rise to the belief among Canadians that the rights of pedophiles, pornographers and other sexual predators are more important than protecting our own children.

A Canadian Alliance government would institute a comprehensive sexual offence registry, implement tougher sentences for pedophiles, eliminate all the legal loopholes for child pornography, streamline the administrative process for convicting sex offenders and prohibit all adult-child sexual contact.

Possessing child pornography is not a victimless crime. It degrades, dehumanizes and sexually exploits children. It destroys innocence.

● (1825)

One thing Canadians will see in Bill C-20 is that the government is more concerned with protecting the rights of child predators than in making the necessary changes to protect children. Until our parents and law enforcement agencies have the tools to clamp down on these dangerous sexual predators, they will continue to walk free. We cannot allow that to happen.

Mr. Richard Harris (Prince George—Bulkley Valley, Canadian Alliance): Mr. Speaker, I sat here listening to the member for Kamloops, Thompson and Highland Valleys and I join in her comments in describing in excellent terms how serious a problem Canada is facing in dealing with child pornographers and the whole issue of child pornography.

I have been watching the government members on the other side. Judging from their disinterest in the debate, we would think that we were discussing actuarial tables of the Canada pension plan or some other dry subject. We are talking about protecting the children of this land.

I wish to ask the member for Kamloops, Thompson and Highland Valleys about the total lack of attention, the disinterest that the government has shown on the whole issue of child pornography. Even members who should be most connected to the bill have little regard for the debate today. Is it just the arrogance on behalf—

The Speaker: The hon. member will want to be careful to avoid suggestions as to presence or absence of members. I know that is not his intention in his question. He is talking about attention to the debate. The hon. member for Kamloops, Thompson and Highland Valleys will want to respond.

Mrs. Betty Hinton: Mr. Speaker, I will bear your words in mind. I will be very careful how I answer the question.

I suppose the best way to answer it without offending anyone on the other side of the House would be to say that we have had enough evidence in the House of Commons over the last two years that I have been here to know that the government is not very good at managing any natural resource of the country. I make specific reference to the softwood lumber agreement.

If the House needs to have an example of the most important and the most precious natural resource that Canada has, it is our children. The government has made no attempt to make certain that they are protected from the kinds of people who are offending in this way.

● (1830)

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, I have a quick question. I want to know how many more people feel the same about this and I would like to ask a lot of Liberals that same thing. Is this issue important enough that possibly out of this huge bill with so many issues in it that this section could be pulled and dealt with on its own? We could deal with it quickly and in a manner that would be expected by every voter in the country who put those people across the way in Parliament and who put the rest of us in Parliament. Canadians want us to get rid of, to stamp out pornography. Would the member agree that we could do that if we had the will?

Mrs. Betty Hinton: Mr. Speaker, I would agree that we could do that if we had the will. It is also a very good idea but I would caution my hon. colleague, whom I treasure, to not hold his breath.

ADJOURNMENT PROCEEDINGS

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

[*Translation*]

Adjournment Debate

AUDITOR GENERAL'S REPORT

Mr. Odina Desrochers (Lotbinière—L'Érable, BQ): Mr. Speaker, since this is the first time I have had the opportunity to speak in the House in 2003, I would like to wish a happy New Year to all my constituents in Lotbinière—L'Érable and to all Quebeckers.

Once again, I rise in this House to talk about the report of the Auditor General. As you probably know, last December, a bombshell was dropped when the media and the public learned that the cost of the gun registry would reach $1 billion.

In fact, this afternoon, the public accounts committee as well as my colleagues from the Canadian Alliance and the Conservative Party were told that, depending upon their availability, at least two ministers would appear before the committee on February 24, to explain the situation. The Standing Committee on Public Accounts, as we know, examines why there are so many discrepancies and why the Auditor General feels the need to criticize certain situations.

The current Minister of Justice and the President of the Treasury Board will therefore have to appear before us on or about February 24 to explain why the costs have gone from $2 million to $1 billion. We had been told that the costs would be $117 million and that users would pay $115 million. We know now what the costs are.

When the Auditor General tabled her report, the employment insurance fund was mentioned once again. The problem of the fund —as you know—is the result of a Liberal invention that allows the Minister of Finance to rack up surpluses every year and to shift them into the consolidated fund. Thus, the debt is being reduced, but with money belonging to small and medium businesses and to workers, which is inconceivable.

This is the third time that the Auditor General has asked the current government to legislate and to try to bring more equity into the current employment insurance plan.

Also, when we talked about the Auditor General's report that was tabled last December, we also mentioned the many reports that are required from first nations for them to receive money. All this leads to a bureaucracy that is extremely costly, which is detrimental to the first nations.

When I asked the question to the Minister of Finance last December, I was trying to find out when the federal government would put an end to this waste of money all over the place. I am thinking in particular of the waste in the gun control program and in the employment insurance fund. We also talked about the 20 million social insurance numbers that have gone missing.

So, this government is behaving somewhat like an amateur; it is improvising. Who has to pay, in the end? It is the taxpayers and the low income earners. This is why members of the Bloc Quebecois have risen many times in the House and tried to get some explanations.

Tonight, I am asking the question once again: when will the federal government put an end to this waste in the gun control program and in the management of the employment insurance fund and at Indian Affairs? Let us not forget that each time the Auditor General tables her report, she questions the accounting methods used by the Minister of Finance. This government creates foundations to try to invest money without the foundations being accountable to the House of Commons.

● (1835)

Mr. Jeannot Castonguay (Parliamentary Secretary to the Minister of Health, Lib.): Mr. Speaker, I would like to complete my colleague's question. The question that he asked in the House at that time was clear. I will even take the time to read it, "How dare the federal government interfere in the management of health care across Canada when it is not even able to properly manage what comes directly under its jurisdiction?"

I will certainly inform the member of our position with regard to health care. I am pleased to have the opportunity to respond to his question. He has suggested that the federal government wishes to intrude upon the proper business of the provinces and territories in managing and planning health care delivery. The facts do not support the assertion that the federal government is, or has any intention of, micromanaging the health care system.

We have received the report of the Commission on the Future of Health Care, and our first response has been to sit down with the provincial and territorial health ministers to discuss the recommendations made by Mr. Romanow. We are looking to find common ground and identify the priority areas that are important to all the provinces and to the federal government and on which we can reach an agreement with the provinces and territories. This has always been our intention and this is the goal that the health ministers and first ministers are striving to achieve.

Again, we stand ready to make new investments that will assist the provinces and territories to continue to develop their health care systems to meet the present and future needs of Canadians.

We firmly believe that pointing fingers at one another will lead us nowhere and that we need instead to work together toward common objectives. That is what we intend to do and that is what the first ministers will be discussing when they meet on February 4 and 5 of this year.

We believe in the importance of partnership. Gone is the time when every jurisdiction was just looking out for itself and pointing fingers. I can assure the member that we do not intend to micromanage the health care system with the provinces. However, Canadians want to know how investments in health care will be used. I believe that we all have an obligation, whether at the federal or provincial level, to be accountable to Canadians, and we will do that. I am sure that, working with the provinces, we will succeed in reaching our goal.

Mr. Odina Desrochers: Mr. Speaker, I understand that my hon. colleague opposite took much of his inspiration from the Romanow report. However, I would like to know if, in his opinion and that of his party, and in the spirit of the recommendations in the Romanow report, they will respect jurisdictions.

Does he agree that the provinces are the ones administering health care and that the Government of Canada does not need to impose conditions, with regard to future federal government expenditures, obliging the provinces to spend health care funds in those sectors identified by the federal government? Clearly, the provinces know what the health care needs are. The federal government should restore the transfer payments. It has budgetary surpluses.

I would like to know if, in the spirit of the Romanow report, it will respect areas of exclusive provincial jurisdiction.

● (1840)

Mr. Jeannot Castonguay: Mr. Speaker, I am a federal member, but I also worked in health care for more than 26 years. I believe that there are also people at the federal level who know what Canadians need.

That said, it has always been our intention to collaborate with the provinces. As I mentioned earlier, we will continue to do so, to collaborate and to try to establish common goals together. I repeat what I said earlier. We do not intend to micromanage or to meddle. However, we will have to be accountable to Canadians about how the money invested in health care is being spent. I want to reassure the hon. member that we will do this. I am convinced that the first ministers will reach an agreement on common goals and on the importance of being accountable to Canadians.

[*English*]

TAXATION

Mr. Brian Fitzpatrick (Prince Albert, Canadian Alliance): Mr. Speaker, I am not sure the member will have the answers for my questions but if he cannot provide the answers, perhaps he could provide an undertaking to provide the answers.

The questions are about the Canadian Olympic program. We are talking about our elite athletes and the remuneration they receive by way of payment and free accommodation, room and board and so on. What is the CCRA's position in regard to the tax treatment of those benefits?

The other question I would like an answer to is whether the CCRA decision to tax Saskatchewan junior hockey league teams is going to be applied to all 130 plus junior A hockey teams across the nation.

The Saskatchewan junior hockey league is an old and strong tradition in Saskatchewan. I began following the league in the mid-1950s, which kind of dates my age. There were some pretty good players back in those days: "Mr. Goalie" Glenn Hall, Rod Berenson, Terry Harper, Dave Balon, Orland Kurtenbach, Marshall Johnston who later became the general manager of the Ottawa Senators, Autry Erickson, and many other players.

Over the years the league has evolved. It is no longer a major junior hockey league. It has become a small market developmental league that emphasizes education and development of hockey skills.

The important relationship in that league is the relationship between the parents who entrust their sons to league teams on some pretty clear understandings.

The first is that players will be billeted into solid homes in a community and the teams and billets will become the parents and guardians of those boys while they play hockey in that community.

The second understanding is that there is a strong emphasis on education, schooling and skill development in hockey.

Third, the players will retain their full amateur status with the hope of receiving a full athletic scholarship to a major American university or college.

It is also an understanding that teams will provide the room and board and the expense money that the players would normally receive if they stayed at home to receive their schooling with their parents in their home communities.

In the history of the league the CCRA has never treated that relationship between the teams, the players and the parents as some sort of employer-employee relationship. By adopting this position now, the federal government is undermining the special relationship that exists between the parents, the teams and the players. The decision, in addition to casting doubt on the eligibility of the players to receive athletic scholarships, undermines the hockey dreams of these people.

The Saskatchewan junior hockey league is about dreams. Hockey is Canada's official national sport. The decision of the CCRA is all about destroying a whole host of dreams and a Canadian institution, amateur junior hockey.

The government should be about promoting Canadian dreams and not about destroying them. In this case—

● (1845)

The Speaker: Order. The hon. Parliamentary Secretary to the Minister of Transport.

Mr. Steve Mahoney (Parliamentary Secretary to the Minister of Transport, Lib.): Mr. Speaker, I should explain to the hon. member through you that as the Parliamentary Secretary to the Minister of Transport for crown corporations, I was specifically asked to respond since the Parliamentary Secretary to the Minister of National Revenue was not available. That is why I am standing.

I will speak to two issues. First of all, it was my understanding that the issue we were discussing in the late show had to do with the Saskatchewan junior hockey league, not with the Olympic team. That is a new wrinkle the member has put on the table. I would suggest to the member that he could file an order paper question or perhaps deal with his own caucus to arrange to ask the questions in relation to the status of the Olympic team players in question period. I simply do not have that answer available now.

In relation to the answer about whether we are treating all teams across Canada the same, absolutely. There is no question.

I want to point out to the member that while I respect the fact that he is concerned about the condition of junior hockey in his province and the concerns the member might have about the dreams that he talked about, one of the most fundamental problems in dealing with an employer-employee relationship is the nub of the issue here. Are those young people employees when they are paid in one way or another, in kind, in room and board or in money in whatever way? Are they employees? If they are employees, then the employer has an obligation to make sure that they have full and complete access to all of the protection that any worker is entitled to in Canadian society.

Let me provide an example for the member. If a player was hit from behind and injured during one of the games and if the employer, the hockey team, was not paying the Canada pension contribution, then that particular employee, that player, would not have access to any kind of a disability pension. It might be small given that the player is a young person with a fairly short employment history, but this is a cumulative situation where we all pay into Canada pension and employment insurance over a number of years.

The member is suggesting that if CCRA were not to recognize these hockey players as employees, then in fact they would be treated differently than perhaps another young person who has a job working in some other industry. It could be in Saskatchewan or anywhere in the country. I think that is highly inappropriate. In fact it is kind of dangerous given the nature of the sport of hockey.

My wife and I had a junior player living with us for a season, who was playing for the Mississauga Ice Dogs. It is exciting and terrific, but it is a very violent sport and it is very easy to be injured.

Anyone who is a fan of the game would know that our good friend Don Cherry has started a program where stickers of a great big stop sign with the word “stop” are going to be put on the back of all hockey players' helmets. The hope is to eliminate the checking from behind that has become so prevalent and such a serious problem. We have seen youngsters wind up crippled and in wheelchairs. That is why we recognize these players as employees, so they can be protected.

Mr. Brian Fitzpatrick: Mr. Speaker, I would still like the undertaking on the Olympic program because the very points the member raised apply to anyone involved in the Olympic program as well. I would like to know the answers to those questions. They participate in amateur sports, are receiving remuneration, accommodations and so on. I want to make sure the government is applying these rules fairly and equally across the board.

I have just one final comment. Government should be promoting Canadian heritage and dreams, not attacking them. The decision of the CCRA could seriously drive a lot of the teens in the Saskatchewan junior hockey league, the communities that support them and the people involved in it into a bankruptcy situation. A Canadian tradition and heritage will be killed by that. This league has survived for many decades without the CCRA being involved. I really do not see the need for it to become involved in this situation or harass a Canadian institution.

● (1850)

Mr. Steve Mahoney: Mr. Speaker, although I do not necessarily feel obligated, I will undertake to get the answer on the Olympic side. It is a fair question.

Let me point out that the CCRA does have a fairness policy and is quite willing to provide relief, if it is appropriate, in terms of penalties or interest. Neither the government nor the CCRA is looking in any way to tarnish the dreams of young people or to hurt the great Canadian game of hockey. Think about how ridiculous it would be for any government to undertake that.

At the same time we have an obligation to ensure that these young people, when cast as employees, receive due and proper protection. Their employers have an obligation. CCRA will meet with them and work it out. They have an obligation to make those payments and provide that protection.

[*Translation*]

HIGHWAY INFRASTRUCTURE

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, on December 11, in the House of Commons, I asked a question of the Minister of Transport concerning the announcement made by the Minister of Labour and reported in our region's newspapers. The minister had told two mayors of the region, the mayors of Bathurst and Bertrand, that she had liked the work that they had done and that $90 million could be provided for highways 11 and 17 in northeast New Brunswick.

She even commended them for the work they had done in a committee that had been created. Also, she said, and this was reported in the newspapers, that if they submitted a request to Ottawa, they could receive the $90 million. The Province of New Brunswick could also invest $90 million, which would amount to $180 million. However, the big surprise was that, the next day, the minister said that this was old money.

I do not know if the Liberals are used to making announcements three times on the same subject and saying: "Ask for money and you will receive it". Yet, the next day, it went from $90 million to zero.

So, I asked the Minister of Transport if he was prepared to honour the promise the minister responsible for New Brunswick made in Belledune to the media and our people back home, including the mayor of Bathurst and the mayor of Bertrand, following the press conference about highway 11.

My predecessor described people back home as lazy and do-nothings. We live in a region where 20% of the people live on EI benefits and where the residents are interested in economic development. But again, we do not have the highway infrastructure required to achieve the economic development we need in Acadie—Bathurst.

I also remember that, at some point, Minister Valcourt travelled throughout New Brunswick and made commitments on behalf of his government. The Liberals, in the opposition at the time, ensured that the government kept the promises Minister Valcourt had made in New Brunswick.

My question is the following: Will he honour the promise made by the Minister of Labour and minister responsible for New Brunswick to people back home, namely that the federal government would invest $90 million for highways 11 and 17 if the provincial government were to match the federal contribution? These highways are needed to achieve economic development in our region.

My question is simple. We do not want to hear what the minister had to say the last time: "We have already handed out $6 million. New Brunswick received money and used it in the southern part of the province".That is not what I want to hear. I want a clear answer to my question about the promise made by the minister. She made a promise. She said that my constituents only had to submit a request and the money was available. Is the government prepared to honour the promise made by the Minister of Labour and minister responsible for New Brunswick? Will it honour it or not?

● (1855)

Mr. Marcel Proulx (Parliamentary Secretary to the Minister of Transport, Lib.): Mr. Speaker, I am pleased to respond to my colleague, speaking for the first time in my capacity of parliamentary secretary to the Minister of Transport.

In response to the question by the hon. member for Acadie—Bathurst regarding funding for highways 11 and 17, I would like to say that the federal government has over the years made significant investments in New Brunswick highways.

I will provide a brief historical overview, which I trust will satisfy my colleague's curiosity and provide him with some useful information for an understanding of this complex matter.

Since 1993, Transport Canada has had four different highway programs with the province of New Brunswick. Through these programs, the federal government has committed $525 million toward improvements to the highway system in that province. Approximately $39.7 million in federal-provincial funding has already been spent on various projects in the Acadian peninsula through these cost-shared agreements.

The province's priority, as well as the federal government's, is to complete the twinning of the Trans-Canada Highway. On August 14, 2002, the Prime Minister of Canada and Premier Lord of New Brunswick announced their commitment to complete the twinning of the highway in New Brunswick at an estimated cost of $400 million. The Prime Minister of Canada also announced an initial $135 million towards the federal share of this project.

Further, on September 13, 2002, the Minister of Transport signed with New Brunswick the Strategic Highway Infrastructure Program agreement providing an additional $29 million in joint funding to the province's national highway system.

Unfortunately, routes 11 and 17 are not part of the national highway system and therefore are not eligible for funding under this agreement. The only other program that remains is the highway improvement program, which was signed in 1987. At the end of this fiscal year, approximately $40 million will remain in this program.

Under this agreement, the province is responsible for submitting projects for funding. However, the province has already put forward other priorities for the remaining funds. Should the province wish to reallocate these funds to routes 11 and 17, Transport Canada would be prepared to consider its request.

I would also like to stress that highways are a provincial responsibility. Therefore, there is nothing stopping the province from improving highways 11 and 17.

With the two new announcements last year by the Prime Minister and the Minister of Transport, the federal government has now committed almost three-quarters of a billion dollars towards the highway infrastructure in New Brunswick since 1993.

Clearly the federal government is doing its share towards the improvement of highways in New Brunswick.

Mr. Yvon Godin: Mr. Speaker, I would like to congratulate the hon. member on his appointment as Parliamentary Secretary to the Minister of Transport.

I would also like to set the record straight. The Premier of New Brunswick clearly told the people at home to submit their applications because $90 million was available in Ottawa.

The leader of the provincial Liberals, Shawn Graham, moved a motion in the New Brunswick legislature asking the federal Liberals to meet the commitment made by the minister responsible for New Brunswick. It is a commitment of $90 million for highways 11 and 17. These highways are part of New Brunswick and Canada.

The federal government has a responsibility to the economic development of our region. It takes away $69 million a year in employment insurance benefits alone. It is time money was allocated to this issue to ensure the economic development of our region.

What does the Parliamentary Secretary—

The Speaker: The hon. Parliamentary Secretary to the Minister of Transport.

Mr. Marcel Proulx: Mr. Speaker, the hon. member must understand that, as I said earlier and I will repeat it, after the Government of Canada's two latest announcements, the federal government has now committed close to three quarters of a billion dollars to New Brunswick's highway infrastructure, since 1993. This is close to $750 million, over a period of not even 10 years.

I realize that the hon. member wants more money and that he may have been told that $90 million would be available. But what we are saying is that the only other program in which there are funds available is the highway improvement program, which was signed in 1987. At the end of the current fiscal year, there will be some $40 million left for this program.

● (1900)

[*English*]

The Speaker: It being 7 p.m., the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 7 p.m.)

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