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(HANSARD)

Monday, February 3, 2003

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, February 3, 2003

The House met at 11 a.m.

Prayers

● (1105)

[*Translation*]

USE OF THE WOODEN MACE

The Acting Speaker (Mr. Bélair): Order, please. I invite the House to take note of today's use of the wooden mace.

[*English*]

The wooden mace is traditionally used when the House sits on February 3 to mark the anniversary of the fire that destroyed the original Parliament buildings on this day in 1916.

The House will now proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

CARRIE'S GUARDIAN ANGEL LAW

The House resumed from October 7, 2002, consideration of the motion that Bill C-214, an act to amend the Criminal Code (dangerous child sexual predators), be read the second time and referred to a committee.

Mr. Art Hanger (Calgary Northeast, Canadian Alliance): Mr. Speaker, standing before the House today, I want to inform the House that what we see here is the result of a lot of work by a lot of people dealing with the bill, Carrie's guardian angel law.

I would like to introduce to the House, Carrie Kohan. Carrie Kohan is a fighter. In B.C., Carrie and her two year old child were relentlessly pursued by a pedophile, someone who preys upon children for sexual pleasure, a three time convicted pedophile who, despite his convictions, was out on the street attempting to prey upon children again. She reported him to the police who were powerless because that predator had served his short, full sentence and was, in the eyes of the law, untouchable. As a result of that predation, Carrie did what any mother who had the means would do. She moved her family away to safety.

However she did not stop there. Carrie started a fight; a fight against, not just pedophiles but against the justice system that forces mothers to move or face having their children become targets. Carrie started Mad Mothers Against Pedophiles. Now Carrie is perhaps the best known voice in Canada struggling to protect children from the spreading plague of pedophilia.

The trouble is that her biggest fight is not against pedophiles. It is against the people across the aisle from me today, a party in government that talks a good game about Canadian values, social values that protect the weak from the strong, values that ensure a basic equality and justice and values that ensure that there are governmental systems in place to protect those who need protection. Unfortunately, those values, as high sounding as they are, translate very badly sometimes. Sometimes, as in this case, they translate into protecting convicted pedophiles, even if it means sacrificing some children. That is the road the government has chosen and it has placed the protection of pedophiles ahead of the protection of their victims.

We can look at proof. Some very prominent names have come forward over time and some that are just as serious in their actions against children who most people do not even know about. John Robin Sharpe has been mentioned numerous times and his efforts to bring child pornography into society as an acceptable thing. Edwin Glen Thompson sexually abused his seven year old niece and was spared jail time. There is the case in Victoria of Colin Fuson who was charged 24 hours after being released from jail with a series of sexual assaults on children.

The list goes on and on and culminates with a lot of activity and focus around Karl Toft, a man charged and convicted of 34 counts of molesting 18 boys, a man now eligible, under the government's perverse priorities, for day parole; a man whom experts will agree has a great certainty of reoffending. No one makes any bones about that.

Are those isolated cases? Not at all. The average sentence for child rape in the country is just a few months. The sentence may be a year or two but when we look at actual time served, it is just a few months. One would serve a longer sentence for some thefts than for robbing a child of his or her innocence.

Does the Liberal willingness to release child sexual predators demonstrate a belief that after a short period of incarceration they will have been reformed? Is that the belief? I do not think so, because testimony given recently to the Commons committee backs up what the experts have known for some time, that there is virtually no cure for a pedophile. Once a pedophile, unfortunately, it appears that they are always inclined that way. If released back out on the street they will offend again and again.

I will relate to a personal incident that happened to me when I was visiting one of the prisons. It was pointed out to me that the latest individual who had been placed in the jail was 80 years old. What was he in there for? He was in there for assaulting children.

However that is old news. The government is fully aware of the epidemic of child sexual predation. It is fully aware every time an offender gets released and is back on the street. It is fully aware that there is no basic cure for pedophiles but it will not change the law. In fact, it will not even consider changing the law. That is why my speech is largely a waste of time.

I brought the bill forward to a Liberal dominated committee, a bill that would create a new class of dangerous offender: the serial pedophile. Any pedophile convicted of repeating his crime would be subject to a minimum 20 year sentence. However the committee decided that the bill should not even be votable. The bill was too dangerous to put before the House of Commons for a vote because, if there were a vote, then 301 MPs would have to answer to the media, to their constituents and to Canadians overall. They would have to be accountable for their vote. It is far better to deny a vote. It is far better to let the bill die a quiet death. However that will not happen. It will not happen because the energy behind the bill will not go away.

In response to the Liberal unwillingness to allow the bill to be votable, Carrie Kohan and I have decided to take this issue to the streets. We have founded, along with the Canadian Justice Foundation and the Calgary Police Association, an organization called Project Guardian. The purpose of this organization is to ensure that political pressure is brought to bear from grassroots Canadians on MPs, like those sitting across from me. We will go to every riding in Canada and tell every Canadian willing to listen about the track record of the government regarding the protection of children. We will tell them about the Liberal unwillingness to raise the age of consent from 14 to 16, the Liberal unwillingness to use the notwithstanding clause to make sure no court ever makes possession of child pornography legal and the Liberal unwillingness to keep pedophiles behind bars.

Members across from me do not have to stand up today but they will be accountable in their ridings somehow at some time. They will be accountable because we will make sure there are concerned Canadians in every one of those ridings who will force members to answer for the government record. We will be watching. We will do our best to help facilitate people to keep an eye on the Liberals across the way, just as Carrie Kohan is watching today. She sits in the gallery behind me. She is a mother who just wanted to protect her children and a mother who came here today, despite having a family to raise, despite the sacrifices she has already made fighting the justice system.

Liberal members do not need to vote today because their party got them off the hook by preventing the vote from happening.

● (1110)

Mr. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am pleased to speak today to Bill C-214, an act to amend the Criminal Code, being introduced by the hon. member for Calgary Northeast.

The private member's bill before us today seeks to create a new section, section 273.01, in the Criminal Code that would affect sentencing of offenders convicted of section 271, sexual assault; section 272, sexual assault with a weapon, threats to a third party or causing bodily harm; or section 273, aggravated sexual assault.

The amendments would come into play where the victim is a child under the age of 16 and where the offender comes within one of six prescribed circumstances, any of which could result in designation of an offender as a dangerous child sexual predator. If designated under the proposed scheme, the offender would receive an automatic life sentence.

The three existing offences mentioned in the proposed bill currently carry maximum penalties ranging from 10 years to life imprisonment, the most severe penalty known to our law. As well, if firearms are involved, there is a provision for a four year mandatory minimum penalty.

I suspect most Canadians would be surprised that these offences already attract such severe maximum penalties. In fact, surveys conducted by the Canadian Sentencing Commission in the mid-1980s showed that the public had very little knowledge of either maximum or minimum penalties generally and that many were taken aback by the severity of the existing maximum.

The Criminal Code provides that "the fundamental purpose of sentencing is to contribute... to respect for the law and maintenance of a just, peaceful and safe society". The objectives of sentencing set out in the Criminal Code include denouncing unlawful conduct, deterring the offender and others from committing offences and promoting a sense of responsibility in offenders and an acknowledgement of the harm done to victims and to the community.

The government shares the concerns of Canadians. Courts across the country have been imposing stiff sentences for this type of crime, which address sentencing objectives, such as denunciation and deterrence, and highlight the importance of individuals being able to feel safe and secure.

In addition to providing a maximum penalty of life imprisonment, which the Criminal Code already does for specified sexual offences, Bill C-214 would provide for full parole ineligibility be set at 20 years.

In Canada, we have tried to avoid reliance on mandatory minimum sentences. Our judicial system has always respected the discretion of judges to fashion a sentence that is proportionate to the gravity of the offence and the conduct of the offender. A judge having the benefit of all the facts and evidence regarding the circumstances of the offence and the offender is well placed to determine the appropriate sentence in an individual case.

The September 30, 2002 Speech from the Throne confirmed that protection of children is a key priority of the Government of Canada. Numerous legislative reforms and initiatives have since been introduced to strengthen the criminal law's protection of children against sexual exploitation. For example, Bill C-23, the sex offender information registry act, was tabled in December and would establish a national sex offender registry requiring sexual predators to report to police agencies on an annual basis and which would allow rapid police investigations through an address searchable database. Failure to register under the proposal would be a Criminal Code offence with serious penal consequences.

We also introduced Bill C-20, a comprehensive set of measures to protect children and other vulnerable persons from harm, which includes amendments to the Criminal Code providing for substantial increases in penalties for abuse and neglect, and requirements for more sensitive treatment of children who participate in criminal proceedings.

● (1115)

Other notable features of Bill C-20 include the following: tougher child pornography provisions; a new category of sexual exploitation, increasing the level of protection for young persons between the ages of 14 and 18; tougher sentencing provisions for offences where children are the victims; abuse of a child in the commission of any Criminal Code offence is now required to be considered by a judges as an aggravating factor in sentencing; distributing material knowing that it was produced through a criminal act of voyeurism; and also, the creation of the new offence of voyeurism, primarily targeting Internet activity, capturing those who observe or record others without their knowledge for sexual purposes.

Prior to the current session of Parliament, we introduced a number of other reforms that were also designed to protect children. For example, Bill C-15A, which received royal assent on June 4, 2002, amended the Criminal Code by adding offences and other measures that provide additional protection to children from sexual exploitation, including sexual exploitation involving the use of the Internet. That new legislation came into force on July 23, 2002, and resulted in the following changes: it is now illegal to use the Internet to communicate with a child for sexual purposes, as well as to transmit child pornography; courts can now order the deletion of child pornography that is posted on Canadian computer systems as well as the seizure of materials or equipment used to commit a related offence; and the procedure has been simplified to prosecute Canadians who sexually exploit children in other countries.

In 1997 the dangerous offender provisions of the Criminal Code were amended to toughen up the provisions against the most violent sexual predators. Individuals who are declared dangerous offenders by the courts are now subject to a mandatory indeterminate sentence. The 1997 amendments also included a provision that permits judges to impose a long term offender designation, resulting in up to 10 years of community supervision after serving a penitentiary term.

Police and the courts can also impose strict conditions on the activities of known sex offenders through the use of probation orders, that is, section 810, recognizances, prohibition orders and peace bonds.

Another significant impact in this area was the amendment of the Criminal Records Act to make the criminal records of pardoned sex offenders available for background checks, which greatly reduces the possibility that sexual predators would be employed or allowed as volunteers in positions of trust over vulnerable children.

In 1993, the Criminal Code was amended to create a new prohibition order, lasting up to a lifetime, to ban convicted child sex offenders from frequenting day care centres, school grounds, playgrounds, public parks or bathing areas where children are likely to be found. The order also prohibits convicted child sex offenders from seeking or maintaining paid or volunteer positions of trust or authority over children. Another provision was created to allow a person to obtain a peace bond, a protective order lasting up to one year, if he or she fears that another person will commit a sexual offence against a child.

All of these efforts demonstrate the federal government's continued commitment to protecting children. As such, there is no need to create a minimum penalty for this type of offence given the high maximum penalties already found in the code and sentencing patterns for this offence.

While I recognize the concerns of the hon. member for Calgary Northeast with respect to this type of offence, I do believe that the existing penalty of life imprisonment currently demonstrates our commitment to providing protection for children.

Furthermore, the reforms in Bill C-20, which are currently before the House and being debated, will result in changes to our laws that will be much more effective in ensuring the protection of our children.

● (1120)

[*Translation*]

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, I am pleased to speak today on the bill before the House, Bill C-214. This bill is, in fact, a carbon copy of Bill C-396, introduced by the member for Calgary Northeast during the first session of this Parliament.

I speak as a member of this House and, of course, also as a parent. My children are 18, 16 and 12. I am therefore very much aware of the realities that are out there and of parents' fears for their children.

I have also taken inspiration from the former member for Berthier—Montcalm, Michel Bellehumeur, and his highly responsible attitude toward the Criminal Code, as well as from our present critic, the hon. member for Charlesbourg—Jacques-Cartier.

Obviously, I cannot sanction the position taken by the Canadian Alliance, which is always based on the same logic that toughening up the Criminal Code is the solution. I see this as a simplistic approach that does not address the real issues.

This ideology in favour of extremely harsh criminal justice legislation is, in their minds, the key to controlling criminals in this country. We know that this is not the solution.

We have seen that with the Young Offenders Act. The pressure in favour of toughening up this legislation, coming from the United States and the Canadian west, and espoused by the Canadian Alliance, influenced the government to such an extent that it ended up paralyzing the enforcement of the young offender legislation in Quebec, which was far more practical, realistic and successful at reintegrating young offenders into society.

The bill we are looking at today is a bit along the same lines. The thought is that adding to the length of sentences is automatically going to solve our problem.

I was listening to my colleague opposite a minute ago, and it appears as though judges and the general public may need educating to learn more about the current situation. If judges enforce the Criminal Code properly as it now stands, people would see that significant penalties can be sufficient, especially if they are combined with efforts to systematically create a situation whereby there would be fewer of this type of criminal, particularly if we can succeed in returning them to society if possible. There are cases where it is not possible, but there are measures that can be taken in such cases.

We will not solve anything by sending people to the Canadian correctional system for life. When these criminals are put in Canada's penitentiary system, they wind up dealing with a quite specific dynamic, in sexual terms, that does not necessarily help them. This means that young people would not necessarily be better protected by this type of bill.

In fact, our approach focuses more on rehabilitation and strict supervision to limit the problem. Of course we must not give pedophiles the impression they can perpetrate their crimes without punishment. We must enforce the current provisions in the Criminal Code. There also needs to be sufficient pressure from society and everyone must know the consequences of such acts.

Bill C-214 would amend sections 261, 262, and 273 of the Criminal Code. Under these provisions, anyone having committed an offence would be designated a dangerous child sexual predator.

I must comment on the rather awkward translation of the English expression, “dangerous child sexual predators”, but this debate today is not about that.

The purpose of the bill may well be commendable, and at first glance, this type of solution may seem necessary. However, I believe we must be more responsible as Parliamentarians and realize that this is not the real solution to this problem.

It is as if a bill was being created for a specific case and, each time something horrible happens, the Criminal Code was being amended in an attempt to find a solution for all situations. I think that, in this regard, it is important to consider the big picture, to study things in depth, and to consider the Criminal Code as a whole; this is presently not the case.

The Bloc Quebecois is, therefore, opposing this bill for the simple reason that the approach recommended by the Canadian Alliance is, in our eyes, simply not the right one.

In considering, in a broader context, the problem for which a solution is being sought, passing the bill would mean imprisoning for life any person who has committed sexual harassment in one form or another.

● (1125)

There are different levels of seriousness. I am speaking as a father. Of course, there are things that, in my mind, do not merit life in prison, and certain others that could. People should be able to make the distinction and to understand the situation correctly.

I do not believe that the problem will be resolved by applying harsher sentences. In fact, some sexual offenders are sick. These people have issues they need to work on and a longer sentence will not result in any change in behaviour.

It is a bit like a confirmed alcoholic who has been given every possible chance of a cure. But some of them continue to drive, even if they do not have a driver's licence, even if they have already been convicted; they continue because they are in a situation, in a state of mind where they no longer obey, in any way, the law.

In the case at hand, the same type of situation could exist, and the stated sentence will not necessarily make people think twice.

I believe that the intention of this bill is commendable, but the solution is not the right one.

For example, an unwanted touch, a stolen kiss, if repeated twice with the same person, will automatically be considered sexual harassment. There are things in there that can be resolved much better through education, by working with people properly.

In this House, the hon. members each have a right to their opinion. There are some people who live in society and think there should be maximum punishment all the time to resolve the situation. I want to remind the members of this House that in Quebec, for instance, there is a higher rate of rehabilitation of young offenders and there is less recidivism than anywhere else, especially in provinces where there is an attempt to enforce the Young Offenders Act strictly.

Here there is a different practice and I think people, especially members from these provinces, need to be informed about it. They would perhaps do well to look at the situation in Quebec. This might help them to adjust their thinking and ultimately achieve much better results, rather than coming up with simplistic solutions such as those proposed in this bill.

Quite frankly, this bill seems heavy-handed and not relevant. Rather than attempt to resolve all the problems by amending the Criminal Code section by section, the Canadian Alliance members should try to find a way to overhaul it, and all the members of this House should work with the Minister of Justice to that end.

The Bloc Quebecois is therefore against this bill, which offers unrealistic solutions and ultimately will not allow for adequate corrections to be made in 5, 10, or 15 years.

● (1130)

[*English*]

Mr. Greg Thompson (New Brunswick Southwest, PC): Mr. Speaker, I want to thank the member for Calgary Northeast for bringing this bill forward. He is one of the few in this House who can speak from professional experience because if I am correct, he is a former police officer from Calgary. We respect his opinion and his efforts on this issue. We are very much in support of the bill and what he attempts to do with Bill C-214.

Normally our justice critic, the member for Pictou—Antigonish—Guysborough, would be speaking on the issue but he is out campaigning for the future leadership of the Progressive Conservative Party. We have always in the past relied on his advice and expertise in this area because he is a former crown prosecutor. In his absence I have just a few comments on the bill.

This bill would amend the Criminal Code and would deal specifically with dangerous child sexual predators. The bill would establish the offences of dangerous child or sexual predation carrying a minimum sentence of life imprisonment. As well, it would cover the sexual assault of a child involving the use of a weapon, repeated assaults, multiple victims, repeat offences, more than one offender, confinement, kidnapping and those who are in positions of trust. It would also seek to make parole ineligible for those convicted for a minimum of 20 years and they would be ineligible for day parole or unescorted absences for a minimum of 17 years.

Bill C-214, or Carrie's guardian angel law, which it is often referred to as, would amend the Criminal Code by adding a dangerous child sexual predator offence after section 273. Section 273 supplements the definition of consent found in section 265 of the Criminal Code, which defines all assault offences, including sexual assaults.

Cautious estimates note that one in three young women are sexually abused before the age of 18 and one in six boys are sexually abused before the age of 16. These are startling figures. Even more frightening is that most abused and neglected children never come to the attention of the authorities. A lot of these offences are never discovered or recognized. We have no way of knowing how many of these go unreported. The cases that we do hear of are just a fraction of the real number.

Sexual predators in many cases are never caught. This is a sad reality but it is a reality. There is a serial element to their behaviour. There are no deterrents or consequences for these people. They can be found in every province; it is not a rural or urban issue. It affects all parts of Canada. It is not a case of a higher instance in one province versus another; it is a situation that prevails throughout the country. There is a high rate of recidivism, in other words, repeat offenders.

The life altering and lasting implications for the victims result in shocking statistics for all Canadians. We have heard time and time again of the impact of these types of offences against children.

Clause 2 in the bill introduces the new offence and defines the circumstances under which someone would be charged under this new amendment to the Criminal Code.

● (1135)

This definition of a dangerous child sexual predator would include anyone who has been convicted of such an offence within 10 years; in the commission of the offence commits a sexual assault on more than one occasion or victim; or is in a position of trust or acts of concert with another. In other words, those people who are in a position of trust, like teachers and troop leaders or coaches or whatever. It would address that reality. That person would be guilty of an indictable offence and would be designated as a dangerous child sexual predator.

The intent of the bill is clear. Anyone convicted under this section of the code would receive a sentence of 20 years to life with no chance of parole. We are talking of cases of sexual assault and aggravated sexual assault where children are involved.

It would create a separate type of sentence in the Criminal Code. This is quite clear from the wording of the amendment, which would in effect amend the Corrections and Conditional Release Act to prevent unescorted temporary absences, day parole, full parole or statutory release from being granted to individuals who have committed child predatory offences or have been found to be child predators under the new provisions of the Criminal Code for at least 17 years. With respect to sentencing this bill seeks to ensure that a minimum of 20 years is served in custody in every case in which a child predator offence is perpetrated.

Bill C-214 is about what happens after the fact, after the finding of guilt. In other words, the bill speaks to what happens after the verdict is rendered. This is a very important point. Because of the special nature of the offence and the special type of harm to society and the individual that results from it, we need a change in response and attitude by the justice department. That is implicit in the member's bill.

The bill would amend the Criminal Code and allow the court to find people to be child predators on the basis of having committed offences against children or their inability to control their sexual behaviour. A finding of guilt and a finding of that designation would have certain consequences. We are talking about a type of dangerous behaviour, a dangerous offender application, something that is already permissible under the Criminal Code. We are talking about the worst of the worst.

I shudder to think of it. I know we all get chills when we mention the names Olson and Bernardo in reference to this bill, but these are the types of predatory, sexual and violent offences envisioned by the change in the Criminal Code that the member has in mind. We can talk about rehabilitation in the context of some offenders, but at the upper end of the scale rehabilitation means nothing and is no longer a consideration. Rehabilitation of these offenders is virtually non-existence and cannot happen.

When looking at the intent of our justice system, the protection of the public must be given precedence. This is brought about by deterrence and denunciation. This is why I recognize what the hon. member is trying to do. He is drawing a clear line to distinguish the types of offences that are so horrific and damaging to their victims. The psychological and physical impact on the victims cannot be over-emphasized.

Such offences require special treatment. The offenders should be denied early release or any leniency that could be misinterpreted in the sense of condoning or embracing that type of behaviour.

At a time when the government is trying to remove the artistic merit defence through the introduction of Bill C-20, the vulnerability act, this piece of legislation would seem to fit in with that agenda. We support this initiative because we think it is very important. We hope that the government members will support it.

● (1140)

Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance): Mr. Speaker, I want to thank the member from the Progressive Conservative Party for his fine speech and also my colleague from Calgary Northeast who, as he mentioned, was a police officer and knows this issue very well.

The first thing I want to address is the speech that came from the government. I cannot believe that the government would have the audacity to put forth such a piece of bureaucratic bafflegab that completely defies imagination. It is a speech that completely flies in the face of the experience of everybody in the House who has seen the effect of child abuse and of pedophilia.

Let me go through some of the comments made by the government. The speech said that the public is taken aback by minimum sentencing for pedophiles. I would like the member to show us one person in this country who is taken aback by minimum sentences for repeat pedophiles.

I want to emphasize that this bill, Carrie's guardian angel law, is not about an individual who has made a single assault on a child, as horrendous as that is. This is about an individual who has not only made multiple assaults and has been convicted once, but this person has come to the attention of the legal department of the police again and again.

In fact, if we look at individuals who have been convicted once for a sexual offence against a child, we know that those persons have not assaulted one child, but that they have assaulted many children. Pedophiles, before they are caught and convicted, have sexually assaulted multiple children before they come to the fore of the legal authorities. Then they come again because they have committed other sexual offences.

At the end of the day, this bill only applies to individuals who have sexually assaulted more than two dozen children. What kind of person does the government want to protect who would sexually assault, sexually abuse, and rape two dozen or more children?

As my friend from the Progressive Conservative Party said, one-third of all girls before the age of 18 and one-sixth of boys before the age of 16 have been sexually abused. They have been abused by individuals who are parasites, who are predators, and who in no way, shape or form should have the protection of the law above the protection of Canadians.

The member also said that Canadians want to feel safe and secure. They want to have high penalties, they want peace, and they want a safe society. That is why my colleague and Carrie Kohan have put the bill forward. That is why I have underneath my hand the names of more than 60,000 Canadians who have signed and supported this initiative. That is why Canadians want the law changed. That is why Bill C-214 should be adopted unanimously by the House.

The problem with the current law for the hon. member and the government is that the law is not protecting innocent people. The sentences are not being applied. Individuals are actually spending only a few months in jail for repeatedly sexually assaulting children. That is the line in the sand and that is the crux of the matter.

This is not like somebody who makes a one-off mistake by stealing something, by committing some offence where the victim is an adult, as horrendous and terrible as those offences are. This is about an entirely different circumstance, where the victim is a child or a baby. The victim is someone who cannot in any way defend themselves and the perpetrator is an adult who has done this multiple times before, two dozen times before the bill would actually come into force. That is what this is all about.

● (1145)

If the members of the Liberal Party do not support wholeheartedly Bill C-214 and unanimously adopt this in the House of Commons, they will pay a terrible price at the election booth. Worse, when they look into the eyes of their constituents and children of those constituents, they will have to ask themselves why they did not stand up to defend those children from sexual predators and from rape.

The gentleman from the Bloc Québécois spoke about rehabilitation. We are all in favour of rehabilitation. I used to be a guard in a maximum security prison, and I am a physician. The problem with pedophilia is that it is incurable. On balance, what we and the justice department have to do for justice to be served, is put the protection of children from pedophiles first and foremost. We have no alternative. That is the line in the sand.

The public may want to ask itself why it has taken so long for this issue to come to the House, why has the government not brought it forward itself and why has the government not made a bill that is patently in favour of the protection of children votable? Why has it prevented that from happening?

Government members were elected 10 years ago. This is not rocket science. As my colleagues have mentioned, a litany of violent pedophiles have raped dozens and dozens of children in our society. As Carrie Kohan would tell us, the justice department and the police are not there to protect them, not because the police do not want to, but because the police do not have the power to do so. Our justice department has not given the police the tools to do the job. Heart-rending as it is for our police officers, they cannot protect those children.

I have known Carrie Kohan for 17 years. She is a fighter. She does not quit. She, my colleague from Calgary Northeast and people across the country, including police forces, want to do something. It is not because they want to be punitive, or unforgiving, or lenient, it is because they recognize that the current state of affairs of the laws do not protect innocent children from pedophiles.

Why should a parent or parents not have information that a pedophile has moved next door to them and is a dangerous threat to their children's lives? Why are pedophiles sentenced yet serve only a third of that sentence? Why are they going on unescorted day paroles when only a fraction of their sentence has been served? Why is the public not informed of this?

This is not an action against an adult. This is an action against a child. I ask the hon. member and the government members who have children to look into their hearts and ask themselves if they were in Carrie Kohan's shoes, where a pedophile moved next door and tried to assault their child, what would they do? Would they still stand up in the House and oppose this bill or would they wholeheartedly support it?

I ask for full support of Bill C-214, and we want this passed for the people of our country forthwith.

● (1150)

Mr. Darrel Stinson (Okanagan—Shuswap, Canadian Alliance): Mr. Speaker, we were sent here by the public. We were always taught that one of our foremost responsibilities was to protect those who needed protection at all costs. Nobody needs protection any more than our children. That is a given. As politicians we see every day abuses against the children of Canada. We read about it every day. In some instances we get to meet the parents and also the children. Yet what have we done? I have been here since 1993. In 10 years the same problem crops up year after year, day after day and nothing has been done.

The government members use all kinds of nice soft, kind words. We hear them every time there is a throne speech. One of their foremost priorities is the children of Canada. I have heard it in the House time after time. I hear it every time members on the other side of the House stand to speak. They say that they have these concerns. They tell us they have these concerns. They ask how we can say that they do not have these concerns and that they are parents and grandparents. Then we start to believe that maybe they do have these concerns.

However every time legislation comes before the House in regard to the safety of the children and in regard to giving them the protection they need, where is the government side? It runs, it hides and it disappears. All the good words that government members like to say, all the things that are said in the throne speeches and all the things that it says it is, the great sharing, caring Liberal Government of Canada, disappear. They all go out the window because the government has a conflict within itself. It has a conflict on what are the rights of individuals of Canada.

The Liberals cannot seem to get this straight. If these rights are in conflict with one another, they always take what they think is a safe road. They will go with the rights of the person who has to be incarcerated, instead of the victim. It is so sad, because time after time they say these people can be rehabilitated, but what about the victims? The suffering is with them for their lives and the Liberals do nothing to address that. Instead, they leave our children, those whom the they were sent here to protect, out there on their own.

It is time for members in the House finally to stand up for those who have to be protected the most, our children. They have an opportunity to do that with this bill.

● (1155)

Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance): Mr. Speaker, I join my colleagues and citizens across the country in a shared frustration over the lack of support from government members of Parliament for this bill which has been so properly and appropriately brought forward by our colleague from Calgary Northeast.

That frustration comes from the fact that we are at a loss to understand why there would be a reluctance to do what practically every citizen I have talked to and my colleagues have talked to think is right when it comes to protecting our children. We are at a loss to understand why there would be a reluctance on the part of the Liberal government to put in place a minimum sentence for somebody who has repeatedly violated the most intimate aspect of a child's life, in many cases committing that child to a lifetime of horrendous difficulty because of those incidents.

We see the same reluctance when we have asked in the past that the age limit of sexual consent between an adult and a minor, and we are not talking about between two adults or between two minors, be raised to the age of 16 as it is in many civilized countries. We cannot get the government to agree with that.

Many times the Canadian Alliance and its members stand to defend those who cannot defend themselves because we believe in the value of every life being protected from those who would try to do harsh and atrocious things to human beings, especially to children. Time and again we hear lame, hollow excuses. Sometimes the public, as it watches the deliberations, wonders why the opposition verbally expresses its frustration or why we moan and groan when we hear the government and its members stand up and talk about the importance of children and their rights. We moan and groan because we know what happens when we propose concrete measures to protect our children. The government refuses to do it.

I said this in the past and I will say it again. When the government of the land refuses to protect the children of the land from the predators of the land, it forfeits the right to govern the land.

Mr. Art Hanger (Calgary Northeast, Canadian Alliance): Mr. Speaker, I thank the members who engaged in the debate. We do need to debate this issue because it is one issue that will not go away. It needs a much broader debate than what has been delivered in the House this morning.

I will draw a line. On one side of it are those members who have clearly supported this initiative, having recognized the need to support it. There is a growing number of sexual abusers in our society who need to be put out of circulation. On the other side of that line are members who look at this issue as not being a significant thing and have declared that this kind of legislation is not necessary. Those members are basically the Liberals and the Bloc.

I suggest that the Parliamentary Secretary to the Minister of Justice look at "Juristat". This Government of Canada document clearly defines how much time a pedophile or a sexual abuser of children will get. The sentence is not even close to life. It is not even a few years. Rather the average sentence served is just a few months. Members should look at this document because it contains the government's own figures.

In the eyes of Bloc members the bill is not the right one. Certain acts do not justify life in prison was a statement made by a member of the Bloc who spoke on behalf of his party. I suggest that neither he nor his party view children as a high priority, pure and simple. The Bloc member said that my bill is an exaggerated one. He used the example of somebody giving a child a kiss. What is more exaggerated than that.

The Bloc clearly stated it is against the spirit of the bill. Unfortunately I think the government is also against the spirit of the bill and does not want to see hard protection for our most vulnerable.

This issue relating to the protection of our children will not diminish as long as there are parents and grandparents and as long as there are those in authority who would stand up and fight against anyone intent on exploiting our children, those most precious little souls that God gave to most of us in this House. On that basis, I appeal to my colleagues in the House and I seek unanimous consent, through you, Mr. Speaker, to accept this bill at second reading and to send it on to committee for further study.

● (1200)

The Acting Speaker (Mr. Bélair): Is there unanimous consent to send the bill to committee?

Some hon. members: Agreed.

Some hon. members: No.

[*Translation*]

The Acting Speaker (Mr. Bélair): The time provided for the consideration of private members' business has now expired. As the motion has not been designated as a votable item, the order is dropped from the order paper.

GOVERNMENT ORDERS

The House proceeded to the consideration of Bill C-6, An Act to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other Acts, as reported (with amendments) from the committee.

[*English*]

SPEAKER'S RULING

The Acting Speaker (Mr. Bélair): There are eight motions in amendment standing on the Notice Paper for the report stage of Bill C-6. Motions Nos. 1 to 8 will be grouped for debate and voted upon according to the voting pattern, copies of which are available at the Table.

[*Translation*]

I will now put Motion No. 7 to the House.

MOTION IN AMENDMENT

Hon. Lucienne Robillard (for Minister of Indian Affairs and Northern Development) moved:

Motion No. 7

That Bill C-6, in Clause 76, be amended by replacing lines 20 to 30 on page 29 with the following:

"(2) On completion of the review, the Minister shall cause to be prepared and sign a report that sets out a statement of any changes to this Act, including any changes to the functions, powers or duties of the Centre or either of its divisions, that the Minister recommends.

(3) The Minister shall submit to each House of Parliament a copy of the report on any of the first 90 days on which that House is sitting after the Minister signs the report, and each House shall refer the report to the appropriate committee of that House."

● (1205)

[*English*]

The Acting Speaker (Mr. Bélair): I am informed by the Clerk that the previous set of motions will not be tabled unless there is a new mover. Therefore I wish to advise the House that the motions submitted by the member for Saskatoon—Wanuskewin will not be moved and we are now debating Motion No. 7.

Hon. Stephen Owen (Secretary of State (Western Economic Diversification) (Indian Affairs and Northern Development), Lib.): Mr. Speaker, the proposed legislation is a key step among the legislative initiatives we are taking to clear the way for first nations to play a fuller part in the life of this country. We must move to bring closure to the climate of adversarial litigious debate that has marked the negotiation of land claims for far too long. We must settle the existing inventory of outstanding claims and establish a process that is more independent, impartial and transparent.

The proposed specific claims resolution act would establish the Canadian centre for the independent resolution of first nations specific claims. For ease of reference, I will refer to it is as the claims resolution centre.

The claims resolution centre focus is straightforward: negotiation, instead of litigation. The feedback we have had to date shows that we are on the right track to bring certainty to the process of specific claims settlement and bring closure to these historic grievances.

We have before us an amendment calling for the minister to report on the review of the claims resolution centre, which clause 76 of the proposed legislation requires to be completed after three to five years, to be reviewed by the standing committee. However, upon examination of this proposed amendment, a few concerns come to light.

One concern is that the amendment only references the standing committee of the House of Commons, whereas it would be more appropriate to refer the report to the standing committees of both Houses.

A second concern is that the proposed amendment specifically names the Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources. In light of the fact that committees at times are restructured or renamed and can have changing responsibilities, it would be prudent to refer the report to the "appropriate committee" of each House. In this way future problems can be avoided should the standing committee be renamed or reconstituted.

As a result of the foregoing, I am please to propose an altered version of the earlier amendment which would go beyond that currently before us. The version I am proposing would first, shift the placement of the amendment to subclause (3) of clause 76 instead of subclause (2); second, require that the report be sent to the appropriate standing committees of both Houses; and three, use a generic reference to the appropriate committee of each House to prevent technical problems in the future.

As a result the amendment would change subclause (3) of clause 76 to read as follows:

> The Minister shall submit to each House of Parliament a copy of the report on any of the first 90 days on which that House is sitting after the Minister signs the report, and each House shall refer the report to the appropriate committee of that House.

By including the reference "the appropriate committee" of both Houses, a better opportunity is provided for the examination of the report, Allowing for a broad examination of the report will signal the government's desire to have a truly independent claims resolution centre.

In introducing this legislation, our government is fulfilling a pledge. This is truly a win-win for first nations and Canada. Together it benefits all Canadians.

The effectiveness of this proposed legislation would also take us a step closer to resolving historic grievances involving land claims disputes between first nations and the Government of Canada.

With this proposed legislation we are in addition helping to fulfill the vision of Canada's aboriginal action plan which we put in place in response to the report of the Royal Commission on Aboriginal Peoples. That vision sees increased quality of life for aboriginal people and the promotion of self-sufficiency through partnership revenue generation, responsiveness to community needs and values, and a place for aboriginal people with other Canadians. In order for that to occur, we need this legislation to deal with claims in a fair and efficient manner, to resolve historic grievances, to remove economic development roadblocks and promote self-sufficiency of aboriginal peoples in a new climate of partnership.

● (1210)

Mr. Gurmant Grewal (Surrey Central, Canadian Alliance): Mr. Speaker, it is a great pleasure to rise on behalf of the constituents of Surrey Central to participate in the report stage debate of Bill C-6.

The bill provides for the filing, negotiation and resolution of specific claims and makes amendments to other acts.

The stated purpose of the bill is to establish the Canadian centre for the independent resolution of first nations specific claims. The centre will be composed of a chief executive officer, a commission and a tribunal, with the commission and tribunal playing the most significant roles in the day to day process of dealing with specific claims.

Specific claims arise from the breach or non-fulfillment of government obligations found in treaties, agreements and statutes.

Interestingly, Bill C-6 has met with opposition from first nations across Canada, including in my home province of British Columbia. The British Columbia Alliance of Tribal Nations representing 23 member first nations feels that Bill C-6 completely fails to meet its stated principles, namely, to establish a process for the resolution of specific claims that is independent, fair and timely.

The amendments proposed in Motions Nos. 1 through 8 would help alleviate these concerns and therefore would have my support.

For example, Motion No. 7, the amendment put forward by the Minister of Indian Affairs and Northern Development, adds a small measure of accountability to the review process and reflects an amendment passed in committee.

Motion No. 2, if accepted, would give the proposed centre increased independence from government. This clause gives the government the right to hold up the claims process as it decides whether or not to hear a claim. It provides no timelines or final deadlines for the government to provide an answer and provides no mechanism for the commission or the claimant to move the process forward in the event of an extended delay by the government.

When we see how much control Bill C-6 gives the federal government and specifically the Minister of Indian Affairs and Northern Development, it is little wonder that aboriginal groups are opposed to the legislation.

The title of the bill suggests the newly created body will be independent. Independence is essential to the successful working of the centre. Independence must exist in fact and be perceived to exist by the parties and the public.

Under Bill C-6 however, commission and tribunal members, including the CEO and chief adjudicator, will be appointed by the cabinet on the recommendation of the Minister of Indian Affairs and Northern Development alone. How can aboriginals have confidence in the centre under these circumstances? Suspicion about partiality, patronage and conflict of interest will plague the centre, destroying its legitimacy in the eyes of first nations and for good reason.

Under the proposed legislation the Minister of Indian Affairs and Northern Development is directly involved in the claim process. Once a claim is filed, the commission must provide a copy with supporting documentation to the minister. After preparatory meetings the commission must then suspend proceedings until the minister decides whether or not to accept the claim for negotiation.

Allowing the minister, who is a party himself, to determine the next step in the proceedings essentially takes carriage of proceedings away from the claimant and the centre and places it with the respondent. It is essential that the bill place power within the proposed centre. That is what the centre is there for. As presently constituted, too much power resides in the hands of the Minister of Indian Affairs and Northern Development.

Motion Nos. 2 and 3 would help accomplish this objective. They would take power away from the government and thereby increase the independence of the proposed centre.

Similarly, clause 32 allows the government to require the claimant to meet an excessive threshold of proof of having used all available mediation mechanisms before allowing the claimant to request a move to the tribunal in the case of an unresolved claim. In other words, it can be used as another stalling mechanism by the government.

Upon the initial introduction of the bill during the first session of this Parliament, the national chief of the Assembly of First Nations observed that he looked forward to the legislative process to address the need for important changes to this defective bill.

● (1215)

Besides the obvious lack of independence of the proposed centre, the AFN also found fault with the capped claim limit. Motion No. 6 responds to this criticism. It establishes the guidelines for compensation in a specific claim, including a $7 million cap. However, as a footnote in the legal analysis of Bill C-6, the Assembly of First Nations notes that AFN technicians have been informed by a commission counsel for the Indian Claims Commission that of 120 claims only 3 eventually were settled for less than $7 million. The AFN analysis adds that in the past three years, 8 out of 14 claims paid out by the federal government were for amounts above $7 million. The government should be allowing much more flexibility regarding the claim values it allows the centre to consider. In committee, we, the Canadian Alliance members, proposed a cap of $25 million but the government voted against that idea.

Motion No. 8 seeks to amend Bill C-6 by deleting clause 77, which gives the governor in council the authority to make regulations. The Canadian Alliance objects to the government's practice of passing incomplete, vague legislation, bills that need to be fleshed out by the government after the bill has been passed in the House, fleshed out somewhere other than in Parliament, where there are less eyes watching and where it is protected from much of the scrutiny and the accountability process of Parliament. This is simply undemocratic and is another example of the current government's hostility to the principles of accountability and transparency. This is at least one reason why the Liberal government is an elected dictatorship. It is almost criminal, by all standards.

Bill C-6 would create a process that is even worse than the current historically flawed process, which has over 500 claims sitting in its backlog awaiting the minister's decision on whether or not they are acceptable for negotiation. In this backlog, 48% of the specific claims are from the first nations in British Columbia, the most from any region in Canada. First nations in B.C. have the most to gain from the establishment of a truly independent, fair and timely process for the settlement of specific claims, but they also have the most to lose if the bill before us is passed without amendment.

Bill C-6 would institutionalize the federal government's conflict of interest in judging claims against itself and would authorize and reward the Minister of Indian Affairs for indefinite delays in deciding whether or not to accept a specific claim for negotiations.

The Canadian Alliance strongly supports the speedy resolution of claims, whereas Bill C-6 would not speed up the resolution of claims, particularly larger and more costly claims.

The new claims resolution centre would not be independent. All adjudicators and commissioners would be appointed by the government for patronage purposes. Who is standing up for the first nations? Who is standing up for the taxpayers in this process? A system that avoids accountability for government stonewalling and discourages the use of alternative dispute mechanisms over more costly court claims is a waste of taxpayers' money. Who is standing up for taxpayers? No one from that side of the government.

This new institution would not be transparent. Government members of the Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources voted against all amendments that would require the government to declare openly its reasons for deciding against a claim or for holding up this process.

To summarize, Bill C-6 would not ensure a faster claims resolution process. No timelines are mentioned in this process. In fact, there would be numerous opportunities for the government to delay and stonewall. The bill needs major amendments. Canadian Alliance amendments will advance justice, speed up the claims resolution process, reduce conflict of interest, increase organizational independence and save taxpayers' dollars.

Therefore, since this arrogant, weak and incompetent Liberal government does not accept the Canadian Alliance amendments, I have no choice but to oppose Bill C-6 as tabled. In addition, the Alliance of Tribal Nations asks that I oppose this legislation vigorously. Therefore, I and my colleagues will oppose this legislation if it is not amended.

● (1220)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, as the aboriginal affairs critic for the NDP, I am happy to join the debate at third reading of Bill C-6. I should mention at the outset that our party does not believe we can deal with or do justice to Bill C-6 when it is viewed in isolation. It really constitutes part of a larger suite of bills, part of legislation aimed at what the government is selling as first nations governance issues in Bills C-6, C-7 and C-19.

In the early debate around Bill C-6, formerly Bill C-60, it was abundantly clear that the leadership of the first nations communities in the country felt that the bill fell far short of the recommendations of the joint task force on specific claims, which laboured for years to develop a comprehensive package of recommendations by which they believed legislation would be crafted which would address the nagging issue of the hundreds and hundreds of outstanding specific claims. These are not to be confused with general land claims in the larger picture, but have to do with issues of specific shortcomings in settlements already agreed to, be it a body of land or financial remuneration, et cetera.

The joint working group and the origins of the bill were really formed, we should be clear, out of Oka. They came out of the national tragedy that was the Oka crisis, when something seemingly as petty and as insignificant as the development of a golf course led to the largest outburst of violence on aboriginal issues in recent memory. At that time it was felt that we needed a dispute resolution mechanism that was truly independent, whereby the parties could seek recourse without feeling they had to resort to the courts and without the added compounded frustration, which led aboriginal people to feel that they had no avenue of recourse to make their point other than to occupy the land in dispute.

My first observation in the failure of the government to accept any of the amendments to Bill-6 is to point out that the claims body as contemplated by Bill C-6 falls far short of the recommendations of the joint working group that laboured on the issue for the many years leading up to the bill.

There has been almost an overwhelming amount of activity in this area in recent months. I do not say that for my own benefit as a critic on aboriginal affairs, I say that on behalf of first nations, which are trying to respond to this virtual bombardment of legislation in recent months. These three bills, the specific claims legislation, the first nations governance initiative and the financial institutions bill, Bill C-19, really represent the most comprehensive overhaul of the Indian Act in 50 years. I should point out that this is happening at the very point in time that the Assembly of First Nations, a legitimate, recognized plenary body of first nations in the country, has had its budget slashed by 50%, and thereby, its ability to respond effectively to this complex suite of bills. It is really finding itself overwhelmed, as are we, in trying to cope with what is coming at us in complex pieces of legislation like this and in the whole suite of legislation.

I should point out that during the committee stage of Bill C-6, the NDP moved substantial amendments after broad consultation with the Assembly of First Nations and first nations leadership. I am disappointed to say that not one of these amendments, put forward by the member for Palliser who was on the committee at that time, was allowed to pass. It makes a bit of a mockery of the committee process in the House of Commons, in that there is always a hope and optimism that the standing committee will really be seized by the issue to the point where it has a vested interest in crafting legislation that will be widely accepted and that some level of consensus will be achieved before bills go through.

● (1225)

In actual fact, the Assembly of First Nations and aboriginal leadership made it very clear at the outset of Bill C-6 that this is not the bill they anticipated. This is not the language and these are not the changes that they anticipated. It fell short of the recommendations of the working group. Even though they made this abundantly clear and brought forward amendments that would have changed the bill to the point where they could actually support it, none of these amendments were entertained or allowed by the standing committee.

I suppose it is no big surprise that the only amendment we see at third reading stage, which will succeed, is the amendment brought forward by the minister himself. Other thoughtful amendments brought forward at third reading stage, in this case by the Canadian Alliance, are being rejected universally, all but Motion No. 7.

To deal with some of the specific reservations that the NDP has about the bill, the first and foremost specific detail that we sought to have amended was the cap of $7 million on these specific claims.

Any time we draw a line in the sand and say “this is the rule”, there will be some claims that will fall exactly on that line, or just short of that line, or just above that line, claims that cannot be resolved by the bill, which also excludes much larger claims. Many of these specific claims are actually a nuisance, almost to the point where they are a nuisance amount of money that could easily be resolved under the $7 million cap. The $7 million cap does not even factor in the legal costs that brought the complainant, the griever, to this stage.

In many cases we have a 30 year outstanding complaint whereby the government may have expropriated part of first nations land 30 years ago and the first nation has been struggling to get remedy to this grievance for 30 years and has spent literally millions of dollars in the courts trying to get satisfaction. With a cap of $7 million that does not include legal costs, they may receive less than half of that amount because they will have already burnt up so much money on legal costs.

There is a second specific point that we sought to have amended. I see that further attempts have been made to have it amended at third reading. It is the point about the independence of the independent claims body when all the appointments to the claims commission would be made by the minister without input or consultation from first nations. Can we believe this?

We believe that it was a reasonable amendment we asked for: that first nations would put forward names and then the minister would appoint from that list, a pre-qualified list, a pre-approved list. Ultimately the decision would be the minister's, but at least those people affected by these specific claims would have had that input. Incredibly, that amendment has been rejected. In the interest of basic fairness, the minister should have allowed at least that recommendation, but more and more in these pieces of legislation, all three that comprise the suite of legislation, we see enhanced discretionary authority for the minister and diminished authority or input from the House of Commons or, in this case, from the elected representatives of first nations around the country.

I cannot believe I am out of time already, Mr. Speaker, because I am just getting started. I would like to draw attention to a petition I am holding that has on it 50,000 names of first nations people who are opposed to Bill C-6. I am not allowed to table this petition in the House of Commons because unfortunately it was not drafted in the required format, but I have boxes and boxes of names from first nations communities who are opposed to Bill C-6. I want it on the record that there is that widespread opposition to this bill, and the NDP caucus joins in that opposition today.

Mr. Rick Borotsik (Brandon—Souris, PC): Mr. Speaker, I wish the hon. member for Winnipeg Centre could have continued. He is very knowledgeable on this. I say that with some trepidation.

I stand in place of my colleague from Dauphin—Swan River, the member who sits on this particular committee. He has done yeoman's service in understanding and putting forward our prescribed amendments, positions and opinions. I know that the whole House and certainly the committee send out their best wishes to the member for Dauphin—Swan River who, unfortunately, is now recuperating and convalescing. We would love to have him back in the House sooner than later. I can assure the members in the House that I have talked to him. He is doing well and we wish him a speedy recovery.

As for Bill C-6, it is legislation that the minister responsible for western economic diversification and Indian affairs stood in the House and said was legislation that ultimately would be a win-win situation. All I have been able to glean from the information that I have read in the past day and from all of the opinions that have been put forward by the opposition members speaking against Bill C-6, is that the only win is the win from the Minister of the Department of Indian and Northern Affairs. There is no win with respect to the stakeholders, with respect to the first nations community and with the settling of the land claims that are taking an inordinate amount of time and effort to resolve something that is legitimate.

The first thing I would say is that the government cannot stick its head in the sand and suggest that this will simply go away with the process that is being proposed in Bill C-6. The fact is that these are legitimate land claims. They come in the form of numbered treaties, modern treaties and the land claims. The fact is that there has to be closure. Both the first nations themselves and Canadian society want closure. Unfortunately that closure cannot come in the timeframe that is being proposed by Bill C-6. There are a number of deficiencies.

The member for Dauphin—Swan River stood in the House and said that we were prepared to send Bill C-6 back to committee so it could be improved by putting amendments on the table, having those amendments approved and accepted by the government of the day because it does not have all the best intentions at heart. Those amendments were put forward but none of them were approved, not one amendment to make the legislation better was approved by the government. Therefore the legislation that has been brought forward in the final version right now at report stage is totally flawed.

I can talk about a couple of very glaring issues that have been talked about recently by other members. The first one is obviously the make-up of the commission itself.

I know the member for Palliser will be speaking to this, although he may not agree with this particular point, but when appointments are made by the government to a commission there is a tendency for that commission, or the wheat board but we will not go there, not to be independent.

When the appointments are made by the minister, the commission will take the minister's position forward, make no mistake about that. It has been seen in the past and it will happen in the future. That is not the independence that the first nations want and not the independence that this side of the House wants and needs, and that the government side of the House should in fact put into place.

The other issue is the cap on the dollars. Is this about reality? Is this about the fairness that is necessary to put forward to first nations to make a final resolution on land claims that have been in place for literally 10 years? There is no fairness on that cap, the cap being, I believe, $7 million. If the land claim is beyond $7 million it will take years to resolve. At what I believe is $122 million a year that has been identified for this particular commission, it will take something like 24 years to resolve the existing land claims that are before the commission at the present time.

I have been told that somewhere in the neighbourhood of 1,000 new land claims may be brought forward. With that 1,000 thrown into the mix, Mr. Speaker, you and I will be long gone before any kind of resolution is made to this very serious issue of land claims within our country.

● (1230)

Canadian citizens in society want a resolution to this problem. The bill does not resolve the problem. I personally am terribly disappointed that the government would go forward with this flawed legislation and certainly with the attitude of the Secretary of State for Western Economic Diversification and Indian Affairs and Northern Development who said that it was win-win. That absolutely is not the case and I do not think Canadians will buy it. The spin the government is putting on it is totally wrong.

There are more questions, if the truth be known, than there are answers given in Bill C-6. How would this body be independent when the same minister, who would be charged with defending the crown against these claims, would be the same minister recommending the appointments? Talk about a conflict of interest.

Is there any explanation as to how the bill would change the current situation whereby the federal government controls almost every aspect of the process when the minister retains so much of the control over the timelines of the process? Talk about a conflict of interest. An answer to that question is absolutely mandatory before the legislation can be passed.

How would requiring the first nations to weigh liability in order to access the tribunal be consistent with the resolution of claims arising from the fiduciary responsibility or relationship? It is impossible.

What assurances do first nations and Canadians in general have that this process would reduce the outstanding liability that is growing year by year? There are no assurances that this process would reduce that liability, a liability of billions of dollars. That is a realistic reality. It is not something about which we can stick our heads in the sand and say that it will simply go away if we do not deal with it. That is not the case.

Why is the cap on the tribunal set at such a low level? We talked about the $7 million level. Why is it set arbitrarily at that number? Is it that the government wants to bring, I believe, some 400 to 500 outstanding claims forward and suggest that will be the number? The reality here is that is not the number. We should be realistic when setting up the legislation. We should be realistic when setting up the tribunal.

Could the minister tell us why there is no significant increase in the capacity to resolve more than these claims? I understand there is no significant increase to support any kind of initiative to expand the mandate or the boundaries of this particular tribunal. It just does not make any sense at all under the legislation.

Why can larger claims not have access to public inquiries as currently with the Indian Claims Commission? This is another deficiency with the legislation.

The Progressive Conservative Party, and the member for Dauphin —Swan River, who spoke eloquently with respect to Bill C-60, now Bill C-6 coming forward, stand in the House in opposition to Bill C-6. We are opposed to it for any number of reasons, but particularly because the government of the day would not accept logical amendments to the legislation that would have made it better. It would have taken a flawed piece of legislation and brought it forward to the House in a form in which it could have received support from the opposition.

We oppose it because the minister has not consulted with the aboriginal community, members of the first nations and the stakeholders. He did not consult with them before bringing forward the legislation, which in itself should not be allowed to be brought forward because of that. It also is because the minister himself has disregarded the four year joint task force report between aboriginal groups and government that actually had some reasonable implementation that could have worked in a piece of legislation. Not having taken that joint task force into consideration in putting legislation forward and not consulting with the first nations groups and the stakeholders themselves is unspeakable.

I would ask that the government not pass this and, if anything, it would accept the amendments that were put forward in committee. Let the minister come back to the House and put those amendments forward and we would support those amendments and the legislation. However, until that happens, this is not legislation that will be supported by this party.

● (1235)

Mrs. Betty Hinton (Kamloops, Thompson and Highland Valleys, Canadian Alliance): Mr. Speaker, it is with great frustration that I rise today to speak to Bill C-6. The bill aims to establish a centre for the resolution of aboriginal specific claims up to $7 million. The centre purportedly would reduce the time and expense of making specific claims. The legislation as written does not guarantee this. In fact, it may likely increase the time and expense involved in gaining a resolution of a claim.

The Canadian Alliance supports the fair and expeditious resolution of claims in a manner that benefits the relations between aboriginal Canadians and the people of Canada. Article 56 of our declaration of policy states:

> Our position in land claims negotiations will be to ensure respect for existing private property rights, affordable and conclusive settlement of all claims, and an open and transparent process involving all stakeholders.

There is no provision in the bill for the respect of existing private property rights or an open and transparent process involving all stakeholders. We need a process for resolving these claims that is fair to aboriginals and other Canadians as well. All citizens, regardless of who their parents are, should be equal partners in Canada, and we have to, over the long term, work toward accomplishing this goal.

The process of setting up a claims commission has been going on since 1947. I was not even born then. When a joint Senate and House committee in 1947 recommended this, it was put into place. The Liberals have advocated for such a body since 1963 when they initiated legislation on it. One would hope that after all of this time they would have come up with something better to present to Canadians than this flawed bill. Unfortunately, for all concerned, the government has chosen to draft a bill creating an expensive patronage bill of bureaucracy that has no guarantees of hurrying along the settlement process.

There are no guarantees to spend and no timelines are mandated in this process. In fact, there are numerous opportunities for the government to delay and stonewall. For example, in clause 30, the government is given the right to hold up the process as it decides whether or not to hear a claim. It contains no timelines or final deadlines for the government to provide, and has no mechanism for the commission or the claimant to move the process forward in the event of an extended delay by the government. This clause should be deleted.

Government members in the committee of aboriginal affairs and northern development voted against all amendments that would require the government to declare openly its reasons for deciding against a claim or for holding up the claim process. Because of that, the claim centre could summarily reject claims and the decisions secretly made would never be publicly explained. That is not transparent.

Another problem is that the bill creates a false hope of speedy resolutions and correspondingly lower costs. The exact opposite would happen. The bill opens the floodgates for more claims that have been held back. The claim centre risks being overwhelmed by cases, just like the Liberal gun registry, resulting in an even larger backlog and less expedient helpfulness.

In three decades the government has settled only 230 claims. That bears repeating: three decades, 30 years, 230 claims. Not much of a record. Some 500 are still waiting to be heard. Aboriginal representatives say that they expect up to 1,000 more claims to be filed once the new centre is opened. This new bogged down claims process would further confirm the fact that claims between aboriginals and the people of Canada result in few benefits to any except lawyers, with all due respect, who keep getting richer and nobody wins.

How can the government say that this claim centre will be successful and expedite matters when the only thing it would do is create thousands more claims? It seems that the government has it backward. Instead of clearing up the claim backlog and resolving aboriginal issues, this institution will create more delays and dissatisfaction. The bill would not speed up the resolution of claims, particularly more costly claims.

We should work toward a way to create an environment where trust and open agreements, arrived at openly with respect for private property holders, can work.

● (1240)

One plus is the government's understanding that there should be at least some semblance of accountability contained in the bill. Government Motion No. 7 is something that we can support as being an expression, however small, of that accountability by mandating the minister to submit a report to Parliament of any change in the centre. Unfortunately this does not change the fact that any changes are at the whim of the minister and Parliament will only be told about these changes long after they are done.

The bill would create an institution that would be just one more in a long line of adversarial, bogged down bureaucracies big on promises and short on delivery. The 1993 Liberal red book promised an independent claims commission that would be jointly appointed by aboriginals and the Government of Canada. Bill C-6 breaks yet another promise from that book.

Since all the adjudicators and commissioners in the Canadian centre for the resolution of first nations specific claims would be appointed by the minister, the idea of an independent impartial body to oversee the resolution of claims is already ruined. There is too much power in the PMO already and adding more useless appointments that benefit no one makes it worse.

It amazes me that the minister, who put this forward, is a resident of British Columbia, as I am myself. As a member of the Canadian Alliance, one of my first assignments was to spend a full year as the chairman of the leaders advisory committee on Indian and Northern Affairs. My job was very simple. I was to go speak to both aboriginal people and non-aboriginal people, the other stakeholders. I did that. Some of the things that I learned were amazing. I have tried to share them with the government on other occasions but it has had no time to hear it.

Let us look at B.C. just as an example. Under the bill there is not supposed to be any geographical limit which means B.C. could be a part of the process. We count on the other parts because the government has decided to dump the responsibility onto the provincial level of government and we have been unable to do anything to prevent that. However in this case, because there are no geographical limits, B.C. could actually be covered under specific claims. It sounds good on the surface but wait until we dig a little deeper.

There are no claims in B.C. for under $7 million. This is according to the claims commission and the aboriginal people of B.C. When we put a limit of $7 million on it, once again the government has told B.C. to figure it out for itself because it does not want to get involved. It has a fiduciary responsibility to be involved and again it has abdicated it.

I spoke with aboriginal people across the country who make up, according to census figures this year, approximately 4% of Canada's population. Of the 4%, about 0.2% of that population had a driving urge to have the land claim issue settled. Those people are a minority among the aboriginal people to whom I spoke.

The people to whom I spoke were everyday band members. What everyday band members want is what all Canadians want. They want the opportunity for their children to have a better life than they have. They want to have some measure of success and they to have that opportunity to make that success happen. Aboriginal women want equality. It is something we enjoy in the country as non-aboriginal women but for aboriginal women it is lacking.

I realize I have gone off the subject of specific claims but I do not think there is much else that can be said about it. This is not an answer. It does not listen to the other stakeholders involved in the process, whether they are ranchers, tourism people or private property owners and it does not answer the needs that aboriginals have related to me. Because of those reasons, I will not be supporting the bill and neither will my party.

● (1245)

Mr. Dick Proctor (Palliser, NDP): Mr. Speaker, it is a pleasure once again to rise and discuss Bill C-6. I had an opportunity representing our caucus when the bill was before committee late in the fall session.

I listened in some disbelief as the minister talked about the legislation being on the right track and that it was a truly independent proposal that would resolve historic grievances. He stated that it would deal with claims in a fair and efficient manner. The minister presented a certain vision of Canada with regard to compromise and fairness between the Government of Canada on the one hand and first nations on the other.

As the House heard today, nobody on this side of the House shares that view. If there is any vision of Canada, it is the historical vision of father knows best which first nations have endured for several hundred years as European settlers arrived and treaties were subsequently arrived at.

The current federal government, exclusive of Bill C-6, decides if specific laws have validity. Unfortunately, those decisions tend to be made in secret and that is what we are trying to alter. My colleague from Winnipeg Centre talked about that when he pointed out that the joint task force report and the Assembly of First Nations together with the Government of Canada tried to work out a modus operandi, something fair to both sides that would resolve treaties that had not been resolved for decades but needed to be resolved.

Compensation is currently decided by negotiations. The federal government already has a high level of control over the application of the rules. In fairness it was seen that the government seemed to be in a conflict of interest. On the one hand it was the defendant and on the other it was the adjudicator. Perhaps one might say judge and jury. That is what we want to change.

My colleague and other members in the debate today talked about the fact that the joint task force report was a good initiative but was sabotaged by federal bureaucrats who wanted something different. However I will not go over that ground again.

Under Bill C-6, which is now the replacement for the joint task force report, there is no independent, impartial body to clear the existing extensive backlog. Instead, the federal government retains carte blanche to control the pace of settlement and decisions therein. Access to the tribunal is tightly limited. Appointments are at the unilateral discretion of the Government of Canada. The delay by the federal government is a financial reward to it and not a penalty.

Claims are not prioritized even after decades of no resolution. They are not recognized as legal debts. Instead, claims are a matter of discretionary spending to be tightly controlled. The end result is a conflict of interest because the government decides land claims against itself and all that is entrenched in the legislation it introduces.

My colleague talked about other legislation that seemed to be coming fast and furious. We think the bill damages the relationship because it arbitrarily imposes limitations upon first nations people regardless of their input, and in this case, even when the government knows there is massive objection to what is being proposed. This is again a father knows best approach.

Treaties are nation to nation agreements that date back several hundred years. They should be central building blocks to the creation of a fairer and more just Canada which we all want to see. They are legally protected under section 35 of the Constitution but Bill C-6 simply does not respect the spirit of treaties.

I talked about the government being in a conflict of interest by being both defendant and adjudicator. We find it insulting in the extreme that the government asked the Assembly of First Nations to take part in the joint task force report, but then ignored the model of the bill that was initially proposed.

● (1250)

First nations leadership desperately want changes to the Indian Act, yet Bill C-6, which would replace in part the act, has generated an unprecedented amount of animosity and disgust from first nations people. That is one of the many reasons why the New Democratic Party caucus vigorously opposes the bill.

Specifically, I want to make these points. In our opinion the bill does not create an independent and impartial committee. We say that because the minister has the final word, the last say about everything in the bill, contrary to what the government said earlier today.

Bill C-6 dismisses the role of the Assembly of First Nations when it comes to its inherent right to self-government. Not only does the bill dismiss the joint task force report, but nowhere does the legislation even reference the Assembly of First Nations.

In addition to dismissing the report, the consultation process has been farcical. Just three weeks were set aside for consultation on the bill and there was no opportunity to really hear from the witnesses who wished to appear and register their objections to Bill C-6.

There are no provisions for appointments, renewals and approvals, which was outlined in the joint task force report. All appointments, including the chief executive officer, the commission and the tribunal will be made on the recommendation of the minister and the minister alone.

Bill C-6 ignores the task force report in three ways. First, it excludes obligations arising under treaties and agreements that do not deal with land or assets. Second, it excludes unilateral federal undertakings to provide land or assets. Finally, it excludes claims based on the laws of Canada that were originally United Kingdom statutes or royal proclamations.

My colleague talked about the $7 million cap. Another part of that is that interest and costs are included in the cap of $7 million, which means, as I said before, that the government will benefit financially from delaying settlements as the real value of these settlements will obviously decline over time. Lengthy processes will mean extremely expensive legal fees for first nations and put them under pressure to settle for what they would consider to be much less than the real value for which they are looking; 10 cents on the dollar.

There are a number of difficulties with the bill. Delay is a major problem in the current system and it cannot be overestimated. There are 550 land claims outstanding. Bill C-6 will not create an independent and impartial body. The vast majority of those 550 claims are in excess of $7 million. Under the proposed legislation, the government is not even in a position to hear and consider this proposal. It will several hundred more years with Bill C-6 before we have settled all of the outstanding land claims settlements.

The spirit and substance of the joint task force report is not being embodied at all in Bill C-6. The bill is regressive even in comparison with the current system, the one that we want to fix. It seems to us that the government should recognize that Bill C-6 is entirely unfaithful to the spirit of the joint task force report. It is not consistent with the red book promises, as the previous speaker correctly pointed out.

No reasonable person would conclude that what is here before us today is in any way, shape or form a progressive step toward justice and finality. What is needed is a co-operative partnership. The government has rejected that with "it is my way or the highway" approach. Bill C-6 is not the way to go and that is why the New Democratic Party caucus is opposed to it.

● (1255)

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, I appreciate the chance to rise and speak to Bill C-6 and state for the record where my party stands on this legislation.

The reason Bill C-6 has even been introduced is because the government quite rightly recognizes that it has failed completely and utterly to deal with the issue of native land claims.

A number of members have pointed out that the government has only been able to deal with 230 land claims in the last 30 years and there are still something like 500 that are pending today. According to first nations spokespeople there are supposed to be around a total of 1,000 that will be ultimately brought forward. This is an admission of failure first of all because the government has not been able to deal with this issue.

What the government is doing now is what I would call a bait and switch. What it is trying to do is to convince the public and natives that if we put together a big bureaucracy in the form of a new agency, then we would be able to deal with these problems.

I would argue that this would actually make things worse which necessitates to some degree the reason for us to even consider the amendment that one member has brought forward. We want to see these land claims dealt with as quickly as possible. We want to see the government make it a priority. We want all sides to be treated fairly.

There are billions of dollars in liabilities at stake. Whenever the government brings down its books and we go into the section that has unfunded liabilities we see $10 billion, $20 billion, $30 billion and $40 billion in there. A lot of that has to do with land claims that have yet to be settled. We are talking about an astronomical amount of money.

We want proper scrutiny to ensure that when these land claims are settled that not only natives would be treated fairly, and they should be treated fairly and there should be respect shown for their claims, but that taxpayers must be treated fairly as well. There is a tremendous amount of money at stake here.

What I worry about, and I think many colleagues on this side of the House worry about, is that if we were to establish this independent claims commission then we would lose the ability to hold these people to account.

We have seen what happens whenever that occurs with the government. Let us look at some of these independent agencies that have gone wild. Maybe the best and most recent example is the firearms registry where we decided to let the bureaucracy run the registry. It ran up a bill of $1 billion. It was 50,000% over budget and it withheld all kinds of information from Parliament.

Let us look at the pest management regulatory agency. That should be the poster child for government agencies that do not run well. It is one that the Auditor General is constantly bringing before Parliament as an example of something that does not work well. The government still cannot get it right.

We are concerned when the government hives this sort of responsibility off and expects that all of a sudden we should forget about it and not worry about it any more, and that it will get better because it is now an agency. I do not buy that. It exacerbates the problem because now it is easier for the government to hide its failures.

I would much rather see the government step up to the plate and address the problems that it is running into now under the full light of parliamentary scrutiny instead of hiding it in some agency somewhere.

That is why we need to address the issue of the amendment that the member has brought forward. The amendment would force the government to bring any reports on how effectively the agency is running to the Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources. That is a pretty reasonable amendment and I do not understand why the government is so opposed to it. It would bring some scrutiny to this agency. Lord knows after all that has gone on in this place in the last number of months we need that kind of oversight.

I want to make a point about bureaucracies in general. Many people think that people on the public service side of things are in their job simply because they care more about the public and they are not self-interested at all. Whereas the self-interest of people who are in business is that they only care about profits.

● (1300)

That is completely wrong. People on both sides of these things, to some degree, are motivated by self-interest and to some degree they are motivated by what is good for the public. That is why we see people who are in business donating to charities, getting involved as volunteers and doing all kinds of things.

We see the same thing, frankly, when it comes to the public service. We see people who are there to help the public, but they are also to some degree motivated by what is good for them. That is why I get very concerned when we start hiving all kinds of things off to independent commissions and agencies away from parliamentary scrutiny.

There was an economist who won a Nobel price for economics based on something called the public choice theory. He asserted that if we give money to people in the public service they will act with it in the exact same way as people in the private sector. They will start to use the bureaucracy to benefit them.

The government should be wary of these sorts of things because if it is not, what tends to happen is that these people who start out with good intentions start to find ways to perpetuate their jobs.

Here is a situation where we would be asking the independent claims commission to wrap up all the land claims, but I think the tendency would be to prolong how long it would take to deal with these land claims because it would guarantee jobs. The tendency would be to build a bureaucracy bigger because it would guarantee more security and a bigger salary. We see it over and over again. We really do not need any degree in economics to understand that. All we have to do is consult our common sense and our own experience. We have seen it a hundred times, certainly parliamentarians have, when we deal with different agencies, independent commissions and that kind of thing when we are dealing with the government. That is why I become very nervous.

I am worried that as this commission is formed that there would be all kinds of examples of foot dragging when it comes to dealing with some of these problems. There would be examples of bloated expense accounts and people building empires. We would see one more agency that the government would lose control of and that would start to act in all kinds of ways that would be completely antithetical to what the government was trying to achieve. I caution the government on that.

I will wrap up by urging the House to adopt the amendment that has been proposed. The amendment says that the report on how this commission is functioning should go back to the standing committee every three to five years, whenever that report is released, so it could make judgments and provide some parliamentary scrutiny of this new agency, which I think people rightly have a concern about.

I will leave it at that and urge members across the way to think hard about what I have said as they prepare their votes.

● (1305)

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

Some hon. members: Question.

The Deputy Speaker: The question is on Motion No. 7. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

An hon. member: On division.

(Motion No. 7 agreed to)

Hon. Stephen Owen (for the Minister of Indian Affairs and Northern Development) moved that the bill, as amended, be concurred in.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Deputy Speaker: Call in the members.

And the bells having rung:

[*Translation*]

The Deputy Speaker: The division stands deferred until Tuesday, February 4, at the end of oral question period.

[*English*]

CRIMINAL CODE

The House resumed from January 27 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. Richard Harris (Prince George—Bulkley Valley, Canadian Alliance): Mr. Speaker, I wish I could say that I am pleased to be debating Bill C-20, which the government purports to be a bill that would protect our children from perverts and predators, the pedophiles of our nation, but as we saw just a few short moments ago the government has no intention of protecting our children from the likes of predators or perverts who would prey upon our children. The Liberals sat in their seats and denied our member for Calgary Northeast from putting forward a purely common sense private member's bill by making it votable.

We sat and watched several ministers vote against making a bill votable which would have added an undeniable measure of safety to the children of our nation. It was a shameful act. The Parliamentary Secretary to the Minister of Justice and the President of the Treasury Board should be hanging their heads in shame today, as should their Liberal colleagues who refused the children an undeniable, extra measure of safety against the sick and perverted actions of pedophiles. Shame on them.

● (1310)

I am honoured that I can speak on behalf of the children of our nation. As my colleague from Okanagan—Coquihalla said earlier so eloquently, and has said on many occasions, if the government cannot, or will not in this case, protect the children from predators, then it forfeits the right to govern our nation. No words could be truer, particularly in the case of the Liberal government which has chosen, by its action or its inactions, so many times in dealing with this issue to stand firmly on the side of predators and perverts and against the children. Shame on it.

One has to ask the question, and that is what this debate is all about, do the children of our families have an undeniable right to be protected from pedophiles and perverts who roam the streets? The answer is yes, of course. Does the government have an undeniable responsibility to ensure absolute protection of the children from predators and perverts who roam the streets? The answer to that is yes.

The Liberal government has already made its position clear. Do we as a society believe that pedophiles should have rights under the law that they could use to take advantage of and pursue their perverted activities against the children of our nation? No, but the government allows them to. Time and time again we have stood in the House and demanded that the Liberal government bring in some legislation that reflects what the people are thinking in regard to this disgusting and perverted act of pedophilia or child pornography.

Time and time again we have stood up here and time and time again the government has stood on the side of pedophiles by its inaction. Yes, that is a strong statement. Of course it is, but the government is guilty by its inaction. The government has brought in Bill C-20, supposedly to add a measure of protection for children. Where in the bill, after our years of calling on the government to act, is the mention of raising the sexual consent age limit from 14 to 16? It is not there.

Who in their right mind could imagine that an adult having sex with a child of 14 years is in any possible way acceptable? Who in their right mind could believe that there could be a reasonable argument not to raise the sexual consent level from age 14 to age 16? Who in their right mind could stand up in the House, as some of the Liberal members have done, and say that this is something that is very complex, that we may find ourselves offending some people of different cultural backgrounds who may have differences of opinion?

A 14 year old is a child. This is Canada. Have the values of our country fallen so far into a pit of hell that there are people in the House who can imagine that a sexual act between an adult and a child of 14 can somehow be rationalized?

Mr. Speaker, the Parliamentary Secretary to the Minister of Justice finds this amusing. Sir, it is not amusing.

● (1315)

Mr. Paul Harold Macklin: Mr. Speaker, I rise on a point of order. The insinuation that I am laughing at something that a member is speaking about in the House is totally uncalled for and totally inaccurate. I resent that remark, because it does not reflect my position on the bill.

The Deputy Speaker: It certainly is a point of clarification but not a point of order. I know that all members will continue to treat this matter with the seriousness that it should be afforded.

Mr. Richard Harris: Mr. Speaker, there is nothing in the bill, nothing, that deals with raising the age of sexual consent from 14 to 16. The Liberals have simply chosen to leave it out, once more standing on the side of adults in our society who would cause actions to have sex with children who are 14 years old.

Where in the bill do we find that the sentencing we have given to pedophiles in our country is made to become more meaningful? As the member for Calgary Northeast pointed out, the sentences for child pornographers, predators and pedophiles are not in the years that one would expect, that any sane person in this country would expect, for someone so depraved and perverted, someone we would want to take off of the streets for as long as we can. Months: that is the average sentence that a pedophile gets in this country for taking advantage of a child. Months, and nowhere in the bill is this addressed.

Where in the bill do the Liberals talk about changing their mind about the sex registry, the registry that is going to keep track of the perverts and pedophiles who have caused harm to our children, who are in jails now and who will be coming out, knowing full well that the recidivism of pedophiles is almost 100%, if not 100%? Where is the action to ensure that those people behind bars who are going to come out and commit again are in the national registry? It is not there. Once more the Liberal government is standing on the side of sexual perverts, pedophiles and predators and against the children of our nation. The actions of the government are disgusting.

We cannot support Bill C-20 in any way unless it is totally amended. We have put forward the amendments, not with much hope given the track record of the government, but it is time for all of us as parliamentarians, including those in government, to stand up for the children of this country and against the perverts of this country.

● (1320)

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, I came to the House of Commons in 1993, along with my colleague from Prince George—Bulkley Valley. During the last 10 years we have heard throne speeches, budget speeches and all the promises about how the government was going to rid this country of child poverty, which is worse than ever according to all the statistics, but mostly the government talked about how it was going to treat the children of the country as its number one priority, its most important asset, and how it would by all means take every measure it could to protect this young society from any harm or danger. I have seen absolutely no success in accomplishing those vague promises from red books, throne speeches and budget talks.

We are moving into an era where an election is coming, with a possible leadership change for the Liberals. I wonder if the member could identify for me what his position would be on whether any one of these Liberal candidates, whether it is the former finance minister, the present finance minister or the heritage minister, shows any promise of making any difference to what we are talking about today, which is the security of our children?

Mr. Richard Harris: Mr. Speaker, I thank the member for Wild Rose for his question. Since 1993 those cabinet members he mentioned have had an opportunity to stand up in the House on the side of the children of our nation and bring forward and support meaningful measures to protect those children against the perverts and the predators of our country. Sad to say, they have remained silent. Still we wait for the government to protect children from being at the hands of adults by acting to raise the age of sexual consent from 14 to 16. Surely it would be a common sense measure. We wait to see pedophiles and perverts who commit crimes against the children of our nation taken out of society so they can hurt no more. We wait for those sentences to become meaningful instead of being a matter of months. The entire nation is crying for these people to be taken out of our society. We wait for the government to understand, to get the message that pedophiles are basically incurable, that medical science has shown that clearly.

We wait for the government to add the names of the people already incarcerated for these terrible crimes to the sex registry, to change the legislation so that can be done to protect our children from these people who will come out and commit offences again, which they will. We wait. The former minister of finance has not helped the children of our country in this matter, nor have the minister of heritage or the deputy prime minister, none of them. Still we wait, and every moment that we wait, our children are still at risk.

The Deputy Speaker: There is slightly over one minute left in this intervention so I will ask the hon. member for Lethbridge to be brief in his question. Hopefully the answer also will be.

Mr. Rick Casson (Lethbridge, Canadian Alliance): Mr. Speaker, I will be brief. The hon. member mentioned in his presentation that the government has had many opportunities over the past number of years to act on this issue and has chosen not to. I think back to the Sharpe decision. I would like him to expand a little on the opportunity there was at that time for the government to act. It did not.

Mr. Richard Harris: Mr. Speaker, when the Robin Sharpe decision was handed down, the nation was shocked. Society was shocked that the court, in its questionable wisdom in this case, determined in some perverse way that personal writings, musings, poetry or pictures about child pornography, about children in forms of sexual acts, somehow could be determined to have artistic merit. The government did not do anything about this. It still is not doing anything about this. Children wait for the government's protection.

● (1325)

Mr. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am pleased to rise today to join in the debate on Bill C-20, an act to amend the Criminal Code, respecting the protection of children and other vulnerable persons, and the Canada Evidence Act.

Although Bill C-20 responds to a number of important issues, its overall objective is to provide increased protection to children against sexual exploitation and abuse in all forms. In particular, it addresses child pornography which, unfortunately, is an issue that is all too familiar to all hon. members.

I have found the second reading debate on Bill C-20 to be very interesting from a number of perspectives.

First, the debate serves to highlight the importance of careful scrutiny of measures that we have taken and propose to take to better protect children against sexual exploitation. The government welcomes this debate for it is through such discussions that we, as parliamentarians, can broaden our knowledge and our understanding of the issue at hand and thereby ensure the right response to what has already been said are very complex issues.

Second, the debate on Bill C-20 demonstrates that we do not all share a common understanding of what our criminal laws currently prohibit, that is vis-à-vis, child pornography or what Bill C-20 proposes by way of amendments. I believe that to fully understand and debate what Bill C-20 proposes, it is essential that we first fully understand our existing child pornography prohibitions.

Third, I note that while it may appear that there is a divergence of opinion among hon. members about what is the best way to protect children against sexual exploitation through child pornography, I believe that we all share a common, overarching concern and objective, namely, to better protect our children against this form of sexual exploitation. Let me reiterate the comments of the Minister of Justice in that regard. This government's commitment to the protection of children is clear and strong and it is reflected in Bill C-20's proposed amendments.

As I have already said, before considering the proposed child pornography amendments in Bill C-20, it is important to fully understand and appreciate what our existing criminal law already prohibits.

Since 1993, the Criminal Code has prohibited, first, making, printing, publishing or possessing for the purpose of publication any child pornography. This carries a maximum penalty of 10 years imprisonment on indictment.

Second, it prohibits the importing, distributing, selling or possessing for the purpose of distribution or sale, of any child pornography. This carries a penalty of 10 years imprisonment on indictment.

Third, it prohibits the possession of child pornography. This carries a maximum penalty of five years imprisonment on indictment. I note that the Supreme Court of Canada upheld the constitutionality of the possession offence with a very narrow exception. It does not apply to self-authored works of the imagination that are made and kept solely for one's personal use. However the child pornography offences do apply to self-authored works of imagination that are shared or otherwise disseminated.

Since July 23, 2002, and as a result of Bill C-15A, the Criminal Code also prohibits the transmitting, making available, exporting or possession for the purpose of transmitting, making available or exporting, any child pornography. This carries a maximum penalty of 10 years imprisonment on indictment. It also prohibits accessing child pornography. This new accessing offence carries a maximum penalty of five years imprisonment on indictment.

● (1330)

Bill C-15A amendments also allow the courts to order the deletion of child pornography posted on Canadian computer systems such as websites. These new measures directly address the misuse of new technologies to commit child pornography offences. On a related note I would add that Bill C-15A also created a new offence of luring. That is using a computer system in such a way, such as through the Internet, to communicate with a child for the purpose of committing a sexual offence against that child.

These are existing child pornography offences and they are very comprehensive. They recognize and address the many different ways that child pornography can be made and disseminated. When we look at them altogether, they show why Canada's child pornography provisions are among the toughest in the world, and they are.

Bill C-20 goes further yet and builds upon this comprehensive set of prohibitions against child pornography in two very key respects.

First, it broadens the definition of written child pornography. Currently the existing definition of written material only applies to material that advocates or counsels sexual activity with a young person under the age of 18 years. That would be an offence under the Criminal Code. Bill C-20 proposes 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.

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. It also directly responds to the concerns flowing from the most recent Sharpe decision.

Bill C-20 also proposes to amend the existing defences of child pornography. Currently the Criminal Code provides a defence for material that has artistic merit or an educational, scientific or medical purpose. It also makes the public good defence available for all child pornography offences.

Bill C-20 proposes to merge these two defences into one defence of public good. As a result of the proposed amendment, 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 the court must also consider whether the act or material goes beyond what serves the public good. If it exceeds what serves the public good, then there is no defence available. In other words, does the risk of harm posed by an act or material in question outweigh any potential benefit to society? That is the question we have to ask.

The question has been asked, when or how could anything related to child pornography ever serve the public good. I can understand this question, particularly from those who may be less familiar with the intricacies of criminal law, but this is not a new defence or indeed one without any existing legal interpretation or understanding.

In January 2001 the decision of the Supreme Court of Canada in the Sharpe child pornography case, the court considered the meaning of public good. The court noted that the term "public good" had been interpreted as including matters that were necessary or advantageous to the administration of justice, the pursuit of science, literature, art or other objects of general interest.

● (1335)

An example given is that of possession of child pornographic material by police or crown prosecutors for the purposes associated with investigation and prosecution. I hope all hon. members can see the public good to be served by enabling our police and prosecutors to possess child pornography for these investigative and prosecutorial purposes. The law must take these realities into account and Bill C-20 does exactly that.

The proposed amendment to have only one defence of public good should not be misconstrued as saying that child pornography is good. Of course it is not and the government has taken very real and concrete measures that strongly condemn child pornography.

The existence of child pornography defences was a key element in the supreme court's decision to uphold the constitutionality of the overall child pornographic scheme. Bill C-20's proposed amendment to allow a very limited defence in limited circumstances that requires the balancing of the risk of harm against the risk of good to be served by that act or material in question draws from the supreme court's wisdom in this regard.

In other words, the government has taken very seriously its responsibility to protect children against sexual exploitation, as well as its responsibility to uphold the charter. It is not a question of doing one or the other. Bill C-20 does both. It protects the right of child victims to equal protection and benefit under the law and the charter rights and freedoms of the accused.

I would also like to acknowledge concerns noted by hon. members regarding the sentencing results in some child pornography cases. In this regard concerns are twofold; namely, that the sentences being handed down are generally too lenient and that they are inappropriate where they consist of a conditional sentence.

To this I would like to draw the attention of hon. members to a part of Bill C-20 that has received little attention and that is clause 24. Clause 24 proposes to make the commission of any offence against a child, and not just against one's own child, an aggravating factor for sentencing purposes. First, I believe that this part of Bill C-20 speaks directly to the concern noted by some members regarding how seriously courts should view child pornography. Second, on the question of the use of conditional sentences in child pornography cases, I would note that the Standing Committee on Justice and Human Rights is currently in the midst of a review of the use of conditional sentences since their implementation some six years ago. I certainly look forward to seeing the results of that review on this issue.

Bill C-20 proposes significant reforms that will better protect children against sexual exploitation through child pornography. I call on all hon. members to support this important bill.

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, since I came here in 1993 I have talked about waiting and waiting for something to happen in regard to protecting our society from these kinds of predators and of doing a better job of it. What I am hearing today from the Parliamentary Secretary to the Minister of Justice is exactly the same rhetoric we have heard for 10 years.

Here we suddenly have the answer but it has been in the Criminal Code all the time. The parliamentary secretary said that we have the toughest child pornography laws in the world. If they are the toughest in the world, could he explain to me why the Toronto police department has 1,700,000 pieces of child pornography in its possession that it has to investigate and determine whether it has any artistic merit? If we were to add the hundreds of thousands of other articles from all across the country, are we the toughest in the world when we have 1,700,000 in one city in the country?

I cannot believe for a moment that he would say that we have the toughest laws in the world.

I would like that member or any member on that side of the House to give me one example of where a child pornographer has received a 10 year maximum sentence, just one. I can give him hundreds of examples of conditional sentences and home arrests. I would ask the member to just give me one of a 10 year sentence, the toughest in the world.

This is back to the old rhetoric that we have heard for 10 years. It is no solution and, praise the Lord for the lawyers, the courts will be crammed with people saying that they did it under the public good. They will be busy. Every lawyer in the country will pocket a lot of change because we do not have the intestinal fortitude to say that child pornography is no good for anybody in the land and that collectively we should stamp it out in the House. We do not have enough brains to say that our children deserve that kind of protection.

Why do we have this continued rhetoric? Why is the government trying to convince us that we have the toughest laws in the world when we have millions of pieces of this junk in the country?

● (1340)

Mr. Paul Harold Macklin: Mr. Speaker, I do not think there is any doubt that we are always concerned about issues relating to the protection of our children and that we do and have as a government taken a very strong stand on the issue.

I just recited for the members assembled in the Chamber the number of provisions that we have that limit, in extraordinary ways, those who would attempt to commit an active dissemination or making of child pornography. When we look at our history of legislation I think all of us can sit back and reflect that simply making laws does not ultimately result in the protection that all of us would like to see.

We within the Chamber are limited to the obligation and opportunity to go forward to make the best laws and provide the best tools that we can for those who have to enforce the laws of the land.

I believe that in providing a more limited defence, as we are suggesting in the bill, through public good, it will be much more limiting than the previous defence. I think that is advantageous to those who would try to enforce the law.

As the Supreme Court clearly stated, we must be prepared to allow for some of those areas as defences, otherwise it would be declared unconstitutional. The question is, how do we provide for defences, for example, as I set out, that clearly limit it to areas where we believe it is extremely important to have the freedom, in particular with respect to the prosecution of those offences? We need to have that available to protect those who would investigate and prosecute.

I believe we are making great strides in this area. We have a comprehensive program. I believe this will add to it. With respect to the Sharpe case, we must remember that Mr. Sharpe was convicted using our existing laws. It was within our purview to provide the tools for the law to be there and it was enforced. He did receive a penalty under the law as provided.

If we are going to go forward and deal with the matter I believe that what we have brought before the House is an excellent basis on which to do so.

● (1345)

Mr. Art Hanger (Calgary Northeast, Canadian Alliance): Mr. Speaker, there has been a lot of so-called tough talk on the part of the Liberals when it comes to laws dealing with the protection of children. This issue has gone on and on, as my colleague from Wild Rose has said.

We came here in 1993 and the government was talking about making it tough for sexual abusers of children, making it tough for abusers of children, let alone sexual abusers, and nothing really has happened other than the fact that the number of abusers has certainly increased over that period of time.

If we look at the legislation that has come from the Liberal side we see that even the release programs dealing with convicted pedophiles and convicted sex offenders have been almost brushed away. There is no criteria hardly. They are being placed in their homes or being locked up for a day or two and then being released back into the community.

Some of the petitions that I hold in my hands today, with thousands and thousands of names on them, call for the Minister of Justice to hold persons who are charged with an offence of child abuse, sexual abuse against children, in jail until their court appearance.

The Parliamentary Secretary to the Minister of Justice talked about how tough the law is. Is one of the provisions in the bill, that a sexual abuser of a child will be held in court until his trial?

Mr. Paul Harold Macklin: Mr. Speaker, within the confines of the context of what we are proposing, we have always taken the position that the judges within our courts have to look at all the facts in each individual situation and determine whether there is risk to society if the person is put out on bail or given interim release of some nature, and that is important. We have valued that within our system.

I will specifically refer to clause 24 of the bill which states that we can draw the attention of the judiciary to the issue that we believe is very important by saying "this is an aggravating factor that we want you to take into consideration when sentencing". I believe that is the way in which we as legislators are able to draw to the attention of those who sit on the benches throughout the country the way in which we want them to proceed with matters which we believe are important and what we believe they have to put their minds to.

I believe the bill would succeed in that regard. It would bring the attention of the court to it. It states that it would be considered as an aggravating factor when the court looks at sentencing. I believe that is the way in which the House operates to assist the judiciary in the country to go forward and properly deal with those who come before it with respect to these offences.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance): Mr. Speaker, I will be splitting my time with my friend and colleague from Surrey Central.

I want to address the statements the parliamentary secretary made in his speech. I have some sympathy for him being forced and obliged to give a government position that is so weak and effete in its intent.

As my colleague from Calgary Northeast mentioned, many of us have been in the House since 1993 and we have been trying to get the government to act on something that should be very basic, yet it refuses. This deals with the safeguard and protection of children in the face of sexual abuse and predation.

I want to address the comment made by my friend, the parliamentary secretary, about the case of Mr. Sharpe, who was, as he quite correctly said, convicted of an offence under the laws of our land. The reason we are putting forth an alternative and a tougher position in the case of Mr. Sharpe is that he did receive a conviction but the penalty did not fit the crime. That is the problem. At the end of the day, Mr. Sharpe paid but he spent a very small amount of time in prison. In fact he was let out after a small period time and the parliamentary secretary knows that.

That is the crux of the matter. One of our concerns with the bill is that this is not a case of where somebody stole something from somewhere else. This is not a young person or any person who has made a mistake. Anyone can make a mistake, that is part of being human. However the type of creature with whom we are dealing, to which this law applies, is a serial predator and sexual abuser of children. That puts these types of individuals in a class by themselves I would think.

At the end of the day our objective is to protect the most vulnerable people in our society against those often violent repeat predators and sexual abusers of little children. In its blunt form, that is what this is all about.

What we would like to see, in the case of Mr. Sharpe and individuals of his ilk, is that they will not be released into the public until the authorities are sufficiently confident that they will not reoffend. One of the deep and pervasive concerns that many of us have, as I said before, having worked in a jail, is that individuals who we know will reoffend and sexually abuse a child or even an adult, are let out. A singular failure of our judicial system is that it allows individuals who commit these heinous crimes out of prison knowing full well that they will reoffend.

We know we cannot treat this lightly. We know we cannot put individuals behind bars forever. That is not the mark of a free and fair society. However, on balance, surely in the case of children, we have to err on the side of being conservative and on the side of protecting children.

I personally hope the government will, under the bill, modify it and make changes so that at the end of the day we will have a mechanism to assess those individuals, who are sexual abusers, violent individuals or pedophiles, to see if there is sufficient cause for concern that they will reoffend before we let them out of jail. We must be sufficiently confident that they will not reoffend before we allow them out of jail.

When I was working in a jail on a Sunday night I remember being called to see a person who was going to be released the next day. The person had a very long rap sheet for extremely violent offences. As the physician responsible I was asked to see the person because he was acting up. I went into his jail cell and started to interview him. Within three minutes the person attacked me.

● (1350)

We managed to get the person into a psychiatric institution. The day after I went to the head of the jail and asked how we could possibly have a system where an individual with a long history of repeated violent offences who had been incarcerated was going to be let out into the unsuspecting public to commit another violent offence and perhaps kill somebody. Within three minutes of merely interviewing him, the person attacked me. What kind of a system is that? The response was, "That is the law. I cannot do anything about it". That happened before I got into politics.

It points to a deficit in our system which we desperately need to fix. It is our responsibility to give our police and judicial system the ability to protect innocent civilians. We can all agree that has to be a fundamental job and responsibility of our judicial system. The problem is we do not have that right now. We are trying to offer the government a way in which the protection of innocent civilians can be put first and foremost. Specifically we are dealing here with children.

I personally would like to see it extended to other groups, to the violent offenders, to the sexual abusers, and also to the pedophiles.

There are two somewhat related areas with which we have not dealt. One is an international problem concerning how we deal with pedophile rings, people who travel on pedophile journeys to Thailand and Colombia. Many countries have laws on their books that are supposed to apprehend and convict individuals who travel on these journeys as a group of pedophiles to sexually abuse children in some of the poorest and most impoverished countries of the world.

I hope the parliamentary secretary can take back to the justice minister a commitment on his part to work with the international community to better track, apprehend and convict individuals who are involved in pedophile travel rings. We have to do a better job at that. Very few people in the world are ever convicted for that.

Another related issue involves prostitution. There are pimps and organizations that sexually abuse and enslave young women and some young men into the sex trade in Canada. The judicial system has been unable to deal with those individuals. Many of these people are immigrants to Canada, and some of them are illegal immigrants. Be that as it may, these individuals are still human beings. We need a system that penalizes individuals who are profiteering from sexually and physically abusing individuals involved in the sex trade.

Those people often are swept under the carpet and ignored, but they often live lives of virtual slavery in many of the large cities in our country.

I ask the hon. member to please take that back to the justice minister. Perhaps he could incorporate it in a way where we could go after the pimps and the gangs that are involved in this type of sexual slavery of individuals.

In closing, the government has an opportunity to work with parties in the opposition and indeed some of its own members to put forth a law that will protect children, that will get tough with individuals who commit these offences, that will ban conditional sentencing, and that will no longer allow the spurious argument of "for the public good" for allowing individuals to possess child pornography. We fear that is going to put an enormous loophole in the system which will enable individuals to possess child pornography.

We want tougher penalties. We want to stop conditional sentencing. We want to ensure that people who are a danger to children will be incarcerated until there is sufficient evidence that they are not going to be a danger to society. We would prompt the parliamentary secretary and the Minister of Justice to listen to our constructive solutions for the betterment of all Canadians.

● (1355)

The Deputy Speaker: After question period when we resume the debate on Bill C-20, the hon. member for Esquimalt—Juan de Fuca will be allotted a five minute question and comment period.

We will now proceed to statements by members.

STATEMENTS BY MEMBERS

[*Translation*]

MINING EXPLORATION

Mr. Guy St-Julien (Abitibi—Baie-James—Nunavik, Lib.): Mr. Speaker, the Association de l'exploration minière du Québec is asking the federal finance minister to extend by five years the investment tax credit for exploration in Canada and to make five minor changes to the eligibility criteria for the temporary flow-through share program.

Eleven of the fifteen mines currently operating in the Abitibi—Témiscamingue and Chibougamau regions will shut down by 2006, leading to the loss of 2,300 direct jobs and approximately 4,700 indirect jobs.

The five minor changes being proposed are as follows: extend the investment period from December 31 to the end of February; allow the use of up to 15% of the funds obtained to pay management-related costs; make the big Canadian mining companies eligible to participate in the program and maintain the look-back rule at 365 days; increase the non-refundable tax credit to 25% in 2004, decrease it to 20% in 2005 and then to 15% for the three following years.

* * *

[*English*]

SPACE SHUTTLE *COLUMBIA*

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance): Mr. Speaker, the people of North America share a common heritage, one of discovery. The history of our planet is the history of the movement of people. As has always been the case, that spirit of adventure is not without danger. The exploration of space brings us together globally.

So it is the world mourns the loss of the two women and five men who were aboard the space shuttle *Columbia*. By a single act we can honour their contribution to the exploration of space by learning from this tragedy and move forward with our efforts to reach out into space. Ever since man gazed at the first star in the night sky, he has been fascinated by the possibilities. The legacy of these seven courageous pioneers will be the continued pursuit of space travel, strengthened through their sacrifice.

And even though our hearts are heavy, we are at peace in knowing that the crew of the *Columbia* is at one with the heavens they so dearly loved.

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● (1400)

ROY ROMANOW

Mr. Mac Harb (Ottawa Centre, Lib.): Mr. Speaker, I am pleased to rise today to congratulate Roy Romanow on being named the recipient of the Atkinson Award for Economic Justice. Mr. Romanow, the former premier of Saskatchewan and head of the Commission on the Future of Health Care in Canada, received this prestigious award for his work on health care, which provides a more powerful future for all Canadians.

The Atkinson Charitable Foundation award includes a financial endowment which will allow Mr. Romanow to continue with research and public education efforts to strengthen public health care in Canada.

I ask the House to join me in congratulating Roy Romanow on being honoured with this very important award.

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SPACE SHUTTLE *COLUMBIA*

Mr. Walt Lastewka (St. Catharines, Lib.): Mr. Speaker, I am certain that all Canadians and all members of the House will join me in expressing our deepest sorrow at the loss of the space shuttle *Columbia* this past weekend.

The seven astronauts on board the space shuttle were a symbol of the hopes and achievements of all humanity: Commander Rick Husband; pilot William McCool; payload commander Michael Anderson; Kalpana Chawla, the first woman from India in space; specialists David Brown and Laurel Clark; and Ilan Ramon, the first Israeli citizen in space. We will not forget them. Their lives may be lost, but their dream lives on.

I ask the House to join me in sending our condolences to the friends and families of the astronauts and to the people of the United States and Israel at this time of tragic loss.

* * *

BLACK HISTORY MONTH

Ms. Judy Sgro (York West, Lib.): Mr. Speaker, February is Black History Month. I am pleased to rise today to pay tribute to the remarkable achievements of black Canadians.

Black Canadians have a long history in Canada. Through generations, both black women and men have enriched our culture and our society.

In Ontario our rich tapestry includes many extraordinary individuals, such as Mary Ann Shadd, the first black woman in North America to edit and public a weekly newspaper; Lincoln Alexander, the first black cabinet minister and first black lieutenant general; and our own Jean Augustine, the first black Canadian woman to be appointed to the federal cabinet. We celebrate their contributions to Canada's cultural, social and political development.

I also want to acknowledge Rick Gosling, the former chair of the race relations committee and the great work that he continues to do.

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CURLING

Mr. Charlie Penson (Peace River, Canadian Alliance): Mr. Speaker, it is my great pleasure to announce that the Alberta Junior Women's Curling Team is here in Ottawa today to compete in the Karcher Canadian Junior Curling Championships from February 1 to 10.

Coached by Heather Moore, the team hails from Grand Prairie Curling Club. The team, with Desiree Robertson as skip, Cary-Anne Sallows as third, Jennifer Perry as second and Stephanie Jordan as lead will be vying for top spot at the competition.

I would like to take this opportunity to congratulate the team on making it this far. I wish them the very best of luck in the days ahead. I know they will do very well.

* * *

JUVENILE DIABETES

Mr. John Maloney (Erie—Lincoln, Lib.): Mr. Speaker, there are over 200,000 Canadians with juvenile diabetes. To stay alive, diabetics must balance insulin injections with the amount of food intake and must always be prepared for low blood sugar or high blood sugar, either of which could be life threatening.

Juvenile diabetes can also be very costly. One child with diabetes costs a family up to $20,000 per year to manage the disease. Diabetes and its complications cost Canada more than $9 billion a year in health care, absenteeism and lost productivity. These Canadians live with the realization that the results from diabetes are a lifelong problem and could result in serious and permanent complications to their health.

Diabetes is the leading cause of kidney failure, non-traumatic amputations, adult blindness, stroke, heart attacks and is the seventh leading cause of death in Canada.

Let us all work together to find a cure for diabetes.

* * *

● (1405)

[*Translation*]

BLACK HISTORY MONTH

Mr. Yves Rocheleau (Trois-Rivières, BQ): Mr. Speaker, this being Black History Month, I would like to highlight the important contribution of black communities to Quebec's social, economic and cultural vibrancy.

Many black people of various origins have settled in Quebec over the past four hundred years. Slaves freed under French rule, Afro-Americans fleeing slavery, workers from the West Indies who came to build the railroad and dig the Lachine canal, young West Indians who came to work in hospitals and schools in the 1950s, professionals from Haiti, and refugees and immigrants from numerous African countries all played an essential role in the development of modern Quebec.

In closing, I would like to point out the challenges still faced by the black community in being fairly represented in all sectors of Quebec society. To this end, it is particularly important to maintain a dialogue between Quebeckers of all origins, so that Quebec can be an increasingly inclusive and egalitarian society.

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SOIRÉE DES MASQUES

Ms. Carole-Marie Allard (Laval East, Lib.): Mr. Speaker, I am very pleased to rise today and extend congratulations to the nominees and winners at last night's Soirée des Masques.

To list just some of the winners, *L'Homme de la Mancha* received the Loto-Québec award; *Amours délices et ogre*, the Enfants terribles award; *Le ventriloque*, the Montreal production award; *Les trois soeurs*, the Quebec production award, and *Encore une fois si vous permettez*, the regional production award.

There was also a moving tribute to theatre personality Paul Hébert.

Thanks to Quebec theater, we have an opportunity to experience moments of magic, tragedy and joy. The time we spend in the theater is always unforgettable, and I encourage our artists to continue to offer us the opportunity to experience the whole gamut of emotions.

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[*English*]

BRITISH COLUMBIA AVALANCHE

Mr. Stephen Harper (Calgary Southwest, Canadian Alliance): Mr. Speaker, this was a weekend of double tragedy. As we mourned the loss of seven astronauts, we learned of another avalanche in British Columbia which took the lives of seven students from Strathcona-Tweedsmuir School near Calgary.

What makes this tragedy all the more saddening is the young age of the avalanche victims. From all reports, they were great kids who had accomplished much in a very short time, excelling in sports, music, and drama while maintaining high academic standing and a zest for life.

As parents, Laureen and I were saddened to learn that the lives of these bright young people with such unlimited potential were cut so short. On behalf of the Canadian Alliance, we offer our sincere and heartfelt condolences to their families and friends. Our thoughts and prayers are with them during this difficult time.

Also, may we express our sincere thanks to the rescue workers who prevented additional loss of life and also to the teachers and support workers who continue to help those affected come to terms with this terrible tragedy.

[*Translation*]

BLACK HISTORY MONTH

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): In December 1995, the House of Commons passed a motion declaring February Black History Month, thereby acknowledging the long and rich, yet often neglected, history of black Canadians.

[*English*]

Black History Month is dedicated to the recognition, learning and celebration of black history in North America. The event emerged from Negro History Week which was started in the United States in 1926 by Carter G. Woodson. As a black educator and publisher, Mr. Woodson founded the Association for the Study of Negro Life and History to help uncover the history of black people in Africa and America. He launched Negro History Week to increase awareness in the United States of the contributions of black people throughout American history.

[*Translation*]

I encourage all Canadians to take part in the numerous activities organized around Black History Month.

* * *

[*English*]

TRAGIC EVENTS

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, on behalf of my fellow New Democrats and our leader Jack Layton, I wish to express our deepest sympathy to the families, loved ones and friends of the seven young Canadians who died so tragically in Glacier National Park on Saturday.

As young students, they exemplified a love of life and its challenges through their school, their sports and their community.

The loss suffered by family members, friends and classmates at Strathcona-Tweedsmuir school is difficult and painful. We join with all members of the House in not only expressing our sorrow, but also hope for what these young Canadians represented.

I also want to express our shock and pain, shared by all people at the catastrophic accident of the *Columbia* space shuttle and the loss of life by seven men and women who gave their lives for the ongoing quest for understanding our human place in this universe.

We respectfully offer our deepest sympathy to their families, to the people of the United States, Israel and India. We honour their memory and the memory of the young Canadians at Glacier National Park.

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● (1410)

[*Translation*]

SPACE SHUTTLE *COLUMBIA*

Mr. Odina Desrochers (Lotbinière—L'Érable, BQ): Mr. Speaker, on Saturday morning Americans once again suffered a blow that shook the world.

The space shuttle *Columbia*, the oldest of all the shuttles, broke up in the sky, taking with it the lives of seven astronauts.

As I watched the terrible images on Saturday, I was remembering that in June 1982, in my work as a journalist, I had the privilege of watching *Columbia's* fourth launch from Cape Kennedy.

The launch and re-entry of a shuttle are crucial moments in a space mission which often seem to tread a fine line between fiction and reality.

In January 1986, when the *Challenger* exploded, all the wonder of the launch quickly turned to nightmare.

On behalf of all my colleagues in the Bloc Quebecois, I offer my sincerest condolences to the families of those who perished and to the American, Israeli and Indian peoples.

The intrepid men and women who explore space have our greatest admiration and respect.

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[*English*]

CHINESE NEW YEAR

Mr. John McKay (Scarborough East, Lib.): Mr. Speaker, February 1 marks the beginning of the lunar year 4701 of the Chinese calendar. Chinese New Year started more than 4,000 years ago and is celebrated today by people all over the world and in Canada. It is a time for families to come together and to rejoice, looking forward to the year to come.

Legend has it that in ancient times, Buddha asked all the animals to meet him on Chinese New Year. Twelve came and Buddha named a year after each one. This new year comes under the sign of the ram, an auspicious symbol, offering amiability, sensitivity and peace in the coming year.

The Chinese New Year presents an opportunity for Canadians to learn more about each other and about the richness of Chinese culture in Canada.

On this important occasion, we would like to wish our Chinese Canadians a happy and prosperous new year.

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SPACE SHUTTLE *COLUMBIA*

Mr. Loyola Hearn (St. John's West, PC): Mr. Speaker, on Saturday morning Canadians, like others all around the world, were watching the re-entry of the *Columbia* space shuttle. Minutes from home the space shuttle disintegrated before our unbelieving eyes.

The world not only lost seven great space pioneers; it also lost crucial scientific information, particularly in the health and science field.

To prepare for tomorrow, we must test our outer limits today. We will have a better world because of the work of these astronauts and of the people in our space programs. The people on the *Columbia* may be gone, but their good deeds will remain. We will not forget.

The members of the Progressive Conservative Party offer their condolences to the families and to the nations of these great astronauts.

Oral Questions

TRAGIC EVENTS

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, the thoughts and sympathy of all Canadians are with the friends and families of the seven students of Strathcona-Tweedsmuir school in Calgary who died this weekend in a terrible avalanche.

Ben Albert was a scholarship recipient who played junior varsity volleyball and was in his first year at the school.

Daniel Arato had a great sense of humour and was known for juggling while riding a unicycle in the Terry Fox Run.

Scott Broshko was on a number of school sports teams and played in the school jazz and concert bands.

Alex Pattillo was an artist who performed in many of the school's musicals.

Michael Shaw was an accomplished sailor who was also on the junior varsity basketball and volleyball teams.

Marissa Staddon was a scholarship recipient who competed in the junior national skating championships, enjoyed mountain climbing with her father and played in the school band.

Jeff Trickett was an honours student who played in the school band and was an active sportsman.

Canadians feel the pain of the loss of these enthusiastic and accomplished young people. I ask the House to join with me in expressing our deepest condolences and regret at this tragic accident.

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AGRICULTURE

Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance): Mr. Speaker, the old adage, "I'm from the government and I'm here to help" has a whole new meaning for elk farmers in my riding. The past two years have been a nightmare of government red tape and contradictory directives from CFIA bureaucrats to the hardest hit farms.

To that end, a class action suit against the government's continued mismanagement and abusive tactics has been initiated.

One of those litigants, elk farmer, Rick Alsager, had his house raided and searched by CFIA vets when no one was at home. Quarantined farms that have been ordered "cleaned up" have followed the directives. At huge costs to themselves, they have removed the topsoil and buried it and have sanitized buildings and equipment, only to have the rules changed and the quarantines imposed indefinitely.

A sentinel program that was promised has never been implemented. That program would see a small herd of elk contained on the quarantined premises for three to four years, then tested for CWD. The government must realize that more science is the answer to CWD, not this program of stalling an industry to death.

As usual, the Liberal government's shortsighted agriculture policies are a day late and a dollar short.

ORAL QUESTION PERIOD

● (1415)

[*English*]

HEALTH

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, tomorrow the first ministers conference on health care begins. Canadians have been clear they want the federal government to work with the provinces, not to bicker with the provinces. Instead, the Prime Minister fired off a take it or leave it letter to the premiers in which he said most federal money would only be available for new health care initiatives.

I ask the Prime Minister this. When Canadians and the provinces are saying that the existing system needs more money, why is the government focused on spending money on new health care programs?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I would like to take the opportunity to pay my respects to the seven young Canadians who lost their lives in an avalanche over the weekend and to the seven astronauts who lost their lives in a tragic way in Texas last weekend.

On behalf of Canadians, I talked with the President of United States and offered our condolences.

On the question, I think the Canadian people want us to put more money on the table, but they want to have a real change to ensure the Canadian health service is better for every Canadian in every part of the country. That is exactly what I want to do and what most of the premiers want to do too.

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, one of the federal proposals, when it comes to accountability and transparency, is apparently to create a new council to monitor health care.

To put this in perspective, we have the federal Department of Health, the provincial health departments and, in most provinces, we have regional health authorities, hospital boards and independent health research institutes.

Why does the government propose to spend money on yet another new expensive bureaucracy?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the intention is not to have an new, expensive bureaucracy. It is a council that would monitor the situation to ensure that the accountability and the transparency are acceptable to the Canadian people. It would be made up of officials of different levels of governments, stakeholders and people who would report to the Canadian people in a very objective way.

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, Health Canada already has been hiring recently at record rates. Surely we do not need yet another bureaucracy to get some accountability.

[*Translation*]

Canadians want transparency in the health care system, but they do not want the federal government to impose its will on the provinces.

Will the Prime Minister promise to respect the priorities of each province and reach bilateral funding and accountability agreements with each one?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, all Canadians, regardless of which province they come from, and those responsible for health at the provincial and federal levels, have only one goal and that is to ensure that the health care system works much better and that we are able to provide all citizens with modern care at an affordable cost.

[*English*]

Mr. Rob Merrifield (Yellowhead, Canadian Alliance): Mr. Speaker, two of the three priorities in the Prime Minister's health reform fund miss the target of fixing the existing health care system. The provinces have laid out eight priorities that address the core problems in health care. By the way, it is the provinces that deliver the frontline health care services.

Will the Prime Minister assure Canadians that the bulk of the new funds will go to the priorities that have been identified by the provinces?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, the Prime Minister and I have been absolutely clear over and over again that we understand the provinces are on the frontline of delivery of health care.

I had the opportunity to meet with my provincial and territorial colleagues in December, where we identified a list of shared priorities. Those priorities include primary health care, home care, pharmaceuticals, diagnostic medical equipment, human health resources and information technology, all things that are highlighted in our draft accord.

● (1420)

Mr. Rob Merrifield (Yellowhead, Canadian Alliance): Mr. Speaker, unless there is an actual dollar figure to go with these so-called priorities, there is no commitment at all. The Prime Minister has not been bargaining in good faith when it comes to health care. In fact the Prime Minister has leaked the accord and the priorities, without any dollar commitment.

The provinces were upfront with their priorities and, as well, the amount of money they needed to fix the system.

Canadians want to have governments that are upfront. How much money is the Prime Minister putting on the table?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, the Prime Minister and I, and the Minister of Finance, have been absolutely clear that new money is required. The federal government will be there to do its fair share. We all know that new money alone will not bring about the important structural and systemic changes that we all agree are necessary in the system.

I can reassure the hon. member that the Prime Minister and his first minister colleagues, beginning tomorrow evening, will be discussing, among other things, the money required to ensure we have a renewed, sustainable health care system.

* * *

[*Translation*]

IRAQ

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Bloc Quebecois is trying to convince the government of the need for a second Security Council resolution to legitimize any action by the international community against Iraq, but to no avail. The Prime Minister claims that if Iraq does not disarm, resolution 1441 would authorize action. Yet, Tony Blair is in favour of a second resolution and George Bush says it would be welcome.

If he truly wants to give peace every chance, will the Prime Minister finally recognize that there must not be any military intervention in Iraq without a second resolution?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I have always spoken in terms of legality and of what is desirable. Right now, clearly a second resolution would be desirable.

I had the opportunity to discuss the matter this weekend with the President of the United States and the leaders of several other governments. We hope that Mr. Blix's report and Mr. Powell's presentation this week will bring clarity to the situation.

If a decision on the matter is needed, the Security Council will review the situation. If there must be action, I, like everyone, think that a second resolution would be desirable. However, I must point out that it is not legally necessary.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, with 90% of Canadians—and even more Quebeckers—against any intervention in Iraq without the approval of the UN Security Council, how is it that the Prime Minister continues to say that resolution 1441 gives him this authority, when the final paragraph of the resolution states clearly that the Security Council remains seized of the matter? That means that if the Security Council says no, then it is no. If there is a veto, then there is a veto. Are we going to follow the United States or the United Nations?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, since last summer, we have been very clear in our support for the United Nations option, while the United States and Great Britain were leaning toward a unilateral intervention. We were saying, "We must act through the UN, no matter what".

This is still our position. The matter must be taken back to the Security Council, and decided on as required by Security Council regulations.

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, I am just back from the Council of Europe, where the parliamentary assembly is calling upon all countries, including those with observer status, to reject any recourse to force without an explicit decision by the Security Council.

Does the Prime Minister not realize that, if his objective is to defend the authority of the United States, he needs to listen to the Council of Europe, and call for a second UN resolution before there is any intervention whatsoever in Iraq? Even Prime Minister Blair has adopted that position. What justification is there for Canada's still having an ambiguous position on this?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, our position has never been ambiguous. We have, right from the start, supported the Security Council's authority, as the Prime Minister made clear to President Bush in their very first conversation on the subject.

Our behaviour in this respect has always been the same. The Prime Minister has been honest with the House. He has said that legally there is a situation, but Canada has always backed the authority of the Security Council and its responsibility for taking the necessary steps.

We shall see how things develop over the coming weeks, but we do support resolution 1441. It is our way out of this impasse. We are confident that the Security Council will provide us with the opportunity to avoid war if possible, while at the same time disarming Iraq.

● (1425)

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, there are very few countries that share that opinion. We read in the weekend newspapers that the Pentagon was contemplating dropping some 3,000 bombs on Iraq over 48 hours, clearly indicating its intention of waging out and out war, which has very little connection with disarming Iraq.

Are we to understand that the Prime Minister of Canada, by refusing to come out clearly in favour of calling for a second UN resolution, is providing unacceptable support to the warlike attitude of the United States?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, we have been very clear. We have never adopted a position with any option in favour of war. We are fiercely opposed to war, and made that clear here in this House the other evening during our debate. This is the position of the Prime Minister, but it must also be acknowledged that the Security Council has imposed certain obligations on Iraq. Those obligations must be respected. We are counting on the Security Council to commit to ensuring that Iraq meets those obligations. We are opposed to war, except as an absolutely last resort.

* * *

[*English*]

HEALTH

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, we are on the eve of the first ministers' conference, which we all agree is a turning point when we can begin to construct a new blueprint for public health care. I want to ask the Prime Minister his intentions for adhering to one of the most fundamental recommendations of the Roy Romanow report, which called upon the government to establish reliable, predictable long term funding, and an increase in the federal share of the financing of health care to at least 25%.

To lay the cornerstone of the future of health care, will the Prime Minister today tell Canadians that he will present the 25% funding commitment to the premiers this week?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I am not in the business of using the usual battle with numbers. The reality is that too often the provinces have refused to recognize that the federal government is giving them tax points and so much so that provinces that are receiving equalization payments receive more equalization payments because their tax points are not sufficient to meet the revenues of the big provinces.

The federal government is paying 42% of the public financing of health care at this time. There is some need for more money. There will be more money, but I do not intend to play politics with that. I want to have an agreement that will give us a new health care system with real changes.

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, let me remind the Prime Minister what he said in the 1993 red book:

> It is essential to provide financial certainty and predictability for our health care planning.

Let me remind the Prime Minister that under his watch health care funding has dropped to dangerously low levels to the point where medicare is at risk. Today we have a chance for a new beginning. It requires federal leadership and a commitment to that basic 25% share of funding of health care.

I want to ask the Prime Minister, will he set a new tone for this important meeting starting with a straightforward timetable for the basic 25% federal funding formula?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, to go down to 25% would be very disappointing if we are at 42%. That is why the hon. member is playing the numbers game.

She should recognize that in September 2000 we signed an agreement where we gave the provinces $23 billion for the next five years. They want more and we will do more.

However, the hon. member always makes the same speech that is based on rhetoric rather than reality. The federal government has always taken its share of the responsibilities. We will keep doing that and improve on it this week.

* * *

IRAQ

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, Secretary of State Powell will brief the Security Council on Wednesday respecting new intelligence reports on Iraq. My question for the Prime Minister is precise and I am not asking him to reveal the contents or the details of intelligence briefings.

My question is, has Canada been given intelligence information that establishes a clear link between the regime in Iraq and the al-Qaeda attacks of September 11, 2001?

● (1430)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I do not comment on international communications that we receive from different governments. However, Mr. Powell will be making a presentation to the Security Council. That will be public and we will see what kind of evidence the American government can make public to that effect.

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, the Prime Minister of the United Kingdom gets invited to Camp David and he reports regularly to his Parliament. This Prime Minister does neither.

Will the Prime Minister explain to the House why he will not treat, on the conclusions of intelligence matters, the Parliament and public of Canada with the same respect that the Prime Minister of the United Kingdom treats the Parliament and the public of the United Kingdom?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the Prime Minister of Great Britain appears in the British House of Commons once a week.

I appear three or four times a week and take questions for half of question period every day. Sometimes a lot of them are repetitive coming from that corner, but I reply graciously.

* * *

TRADE

Mr. James Rajotte (Edmonton Southwest, Canadian Alliance): Mr. Speaker, the U.S. government will soon require that all commercial trade with the United States be subject to 24 hours of advance notice before crossing the border.

Canadian exporters say that this will hit both economies hard and is an impossibility for just in time operations, such as the big three auto makers that ship $100 million in components across the border each day.

Can the Prime Minister tell the House when he will be meeting with the President of the United States or discussing this matter directly with the President of the United States?

Hon. Elinor Caplan (Minister of National Revenue, Lib.): Mr. Speaker, the member opposite may have heard of the smart border accord and the 30 point plan which is being implemented at the present time.

There are always discussions about new ideas and proposals to come forward, but I would say to the member that the 30 point plan is being implemented extremely well. We are working cooperatively with the Americans. We believe that cooperation programs, such as free and secure trade, which is facilitating commerce between our two countries in the interests of both countries, will succeed.

Mr. James Rajotte (Edmonton Southwest, Canadian Alliance): Mr. Speaker, in the fall of 2001 the Canadian Alliance and Canadian industry told the government to take a leadership role in addressing American security concerns.

The government's failure to do so endangers Canadian trade, Canadian industries and Canadian jobs. Because the government has failed to adequately address the security concerns of our neighbours, we are now faced with this 24 hour notification. The 30 point plan has failed to address the concerns of our American colleagues.

Is the government's relationship with the United States so bad that we cannot get an exemption from the 24 hour notification?

Hon. Elinor Caplan (Minister of National Revenue, Lib.): Mr. Speaker, I would suggest that the member opposite not engage in fearmongering nor should he assume that issues that are under discussion have been finalized. They have not.

We are working cooperatively with the Americans to ensure that our border is smarter, and that "secure-er", but also ensuring that trade moves between our two countries because that is in the interests of both Canadians and Americans.

* * *

[*Translation*]

SOFTWOOD LUMBER

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, the Minister for International Trade will be in the United States on Tuesday and Wednesday to discuss the softwood lumber crisis. However, we are extremely concerned about his contradictory statements regarding the possibility of an export tax

Will the minister very clearly confirm that Canada's position is still to seek a resolution before the international tribunals, and that there is no question of giving in to the Americans and imposing an export tax on Canadian lumber, as his recent statements unfortunately seem to suggest?

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, discussions were being held all weekend in Washington. I will, in fact, be in Washington Tuesday and Wednesday to discuss numerous issues with the United States. The border situation and wheat will certainly be on the agenda. I also expect to talk about the softwood lumber issue.

In this regard, I have always said that our government's objective is very clear; it is to find a long term solution and ensure the free trade of softwood lumber, as there is with other goods.

Also, we have always felt that we have an excellent case before the tribunals. Of course, since this process takes a long time, we are continuing dialogue and negotiations at the same time to try to reach a more rapid resolution.

● (1435)

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, we must let this case go all the way before the tribunals. The industry and the workers need help.

How can the minister justify the fact that phase two of his plan is still non-existent, despite the government's promises in this regard and despite the fact that the industry and workers are in great need of assistance to get through this trade war?

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, I want to take this opportunity to clarify a little what the member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques asked me to do regarding this tax. I did not have the chance to do so during my first answer.

With regard to the export tax, I must say that this remedy will be taken only after consulting the industry and, of course, the provinces, as we are presently doing, but only within an agreement to transition to free trade. Our government has no intention of proposing this as either a remedy or as a means. There is still much work to be done in this matter.

[*English*]

Mr. John Duncan (Vancouver Island North, Canadian Alliance): Mr. Speaker, a border tax but not necessarily a border tax. The Minister for International Trade is unclear as to why he is going to Washington this week, has delivered an unclear position on softwood and is part of a government that regularly offends the U.S. administration.

Last week the minister said his trip was not about softwood. Two days later the minister reversed himself and said he was going to Washington for softwood meetings.

Quite simply, what is the minister's position? What is Canada's negotiating position? What is it?

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, I am going to Washington for two days. I will be speaking to the United States Chamber of Commerce in Washington. Does the member imagine that I would go to Washington without raising the softwood lumber issue? The United States is a country to which we export more than 80% of our exports. Do we think I will be talking about other files and other exports? Of course, because I want us to continue to do great business in the United States, so I will be going to Washington to promote Canada's interests, including those in softwood lumber.

Mr. John Duncan (Vancouver Island North, Canadian Alliance): Then why, Mr. Speaker, did the minister's office say that there definitely were not softwood meetings this week?

Canadian provincial and lumber stakeholders are in Washington talking to the U.S. Department of Commerce, all 200 of them. Some are there for self-preservation, some believe a quick deal is the answer and some, such as the $2 billion independent British Columbia lumber remanufacturers, are never invited.

Meanwhile, the minister has compromised free trade in lumber by hinting at this border tax. If the minister cannot come up with coherent leadership or positioning, why does the minister not just stay home?

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, I will be visiting Washington with a group of parliamentarians. I hope the official opposition will be part of that delegation tomorrow, because for two days we will be calling American congressmen's and senators' attention to Canadian interests and promoting them.

As for the remanufacturers, I am well aware of the difficulties that the remanufacturers are going through in the present dispute over softwood lumber, and I want them to know that they are very welcome in Washington at any time, that we consult with industries and we consult with the provinces, and the remanufacturers association's views are absolutely welcome if they want to join us in Washington any time.

* * *

[*Translation*]

DAIRY INDUSTRY

Mr. Roger Gaudet (Berthier—Montcalm, BQ): Mr. Speaker, Americans are getting around the tariff rate quota that limits dairy product imports. In order to get around the 50% rule, American producers dilute their milk byproducts by adding sugar and this has contributed to Quebec farmers losing 3% of the market.

Will the Minister of Agriculture follow the dairy farmers' suggestions and decrease the 50% threshold, making it more difficult for foreign producers to dilute their products?

● (1440)

[*English*]

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the government has made it very clear to the dairy producers in Canada and to all supply management producers in Canada, and we have made it a very strong component of our initial negotiation position at the WTO, that marketing decisions will be made in Canada. In the dairy industry there are three pillars of that industry that are very important and necessary for the strength and the continuation of the supply management regime in Canada. We will work to maintain that as we always have, and we have demonstrated that we have been successful.

[*Translation*]

Mr. Roger Gaudet (Berthier—Montcalm, BQ): Mr. Speaker, Quebec dairy farmers already criticized the lax attitude by the government during the national Liberal caucus meeting in Chicoutimi last summer. The Minister of Agriculture promised them an inquiry and a report.

Six months later, can the minister tell us the results of his inquiry?

[*English*]

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the trade department and the agriculture department have been meeting with the industry. We put together a working group as a result of that meeting with the dairy industry in Chicoutimi this summer, and that working group will be reporting to the Minister for International Trade and me in the very near future with a number of recommendations. We will take it from there, in full consideration of every way in which we can continue to support the dairy industry as we have in the past.

FIREARMS REGISTRY

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, on January 8 the justice minister said that KPMG was "contracted to...verify the adequacy" of the gun registry's "financial systems" and confirm "the validity of the Program's financial statements".

The minister's comments seemed to leave little room for KPMG to find any mistakes with his billion dollar boondoggle. Will he please explain to Parliament how the consultants were able to find financial records that the Auditor General could not, or is this just an elaborate spin job?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, since the tabling of the Auditor General's report, we on this side of the House have been saying, first, that we believe in our policy and in gun control and in public safety, and as well, we have been talking about cost and efficiency, and transparency as well.

We have asked for these two reports. I am pleased to tell the House that after question period this afternoon, I will table the two reports, the one from KPMG and the one from Mr. Hession on the management.

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, this is not a gun control issue. This is a government out of control issue.

The justice minister has been banking his future and the future of the billion dollar gun registry on two consultants' reports to help him answer questions he has not been able to answer for the last two months.

The Auditor General said the gun registry will not be fully implemented for three or four years. Is the minister prepared to tell us today how long it is going to take to fully implement the gun registry and how much is it really going to cost?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, actually the program is up and running, and of course it is running at low cost at the present time.

I know as well that the hon. member does not like it, but we have said that we like our policy. We like this policy because it is about public safety, and we will fix the problems. It is a policy that is highly supported by Canadians. We said that we wanted to be transparent and we wanted to fix the problem, so this afternoon, and it is another stage, we will table the two reports and after that we will come forward with a good plan of action for Canadians.

* * *

[*Translation*]

CANADIAN SPACE PROGRAM

Ms. Yolande Thibeault (Saint-Lambert, Lib.): Mr. Speaker, we were all dismayed by the space shuttle *Columbia* disaster on the weekend. On behalf of all Canadians, allow me to offer our sincerest condolences to the families.

My question is for the industry minister. In this context, can the minister tell us what his intentions are for the future of the Canadian Space Program?

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, as minister responsible for the Canadian Space Agency, I am certain that all Canadians and my hon. colleagues join me in offering our sincerest condolences to the families and loved ones of the seven courageous members of the space shuttle *Columbia* crew.

For 40 years, Canada has worked closely with NASA in a true partnership.

● (1445)

[*English*]

I can tell the member and the House that Canada and its space agency are determined to continue the international effort in space exploration. I can also say we will work closely with NASA, assisting it to determine the cause of the tragedy, and we will fly again with the Americans. Eighty per cent—

The Speaker: The hon. member for Halifax.

* * *

IRAQ

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, Canadians want clarity. They want the government to be an unapologetic voice for peace.

Why are these Liberals so afraid to differ from the Alliance? Jimmy Carter, Nelson Mandela and Lloyd Axworthy all are pleading for the voices of peace to prevail. Why is Canada refusing to be one of those voices?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, we were here in the House the other night when our government made it clear where we have been. We have been clearly in favour of peace from the start, but we have also recognized, like others, that the best way to peace is to make sure that Saddam Hussein is disarmed, and disarmed within the context of the United Nations system that has been put there to ensure the peace of the world, and we continue that. It is a solid policy, it is the best policy, and it is the one that is best assured for peace and for the security of not only the United States but Canada and other countries in the world as well.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, the consequences of refusing to stand for peace will be catastrophic. If the U.S. goes to war in Iraq, the UN predicts 500,000 Iraqi casualties. Some 500,000 civilians will need emergency treatment and 400,000 citizens will become diseased.

Canadian doctor Eric Hoskins' international study team reminds us that the death rate among Iraqi children is already two and a half times greater than before the 1991 gulf war.

Would the Prime Minister at the very least agree to grant a vote in the House before another war is inflicted on Iraqi children?

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I explained to hon. members on Friday that we have had debates in every single instance of deployment since 1993. Before that there was no acceptable formula. We have done so.

I am already negotiating with some House leaders about having yet another debate on this very important issue.

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AGRICULTURE

Mr. Rick Borotsik (Brandon—Souris, PC): Mr. Speaker, the Minister of Agriculture has 60 days to develop a replacement safety net program for an industry that is on life support.

He has bullied and intimidated the provincial ministers into accepting his destructive vision for agriculture, but farmers are not buying what he is selling. They want the minister to hold off and maintain the existing programs for one year.

Why will the minister not do what farmers want him to do?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, I find this very interesting coming from an hon. member who has stood in his place for a considerable period of time wanting the government to work with the provinces and the industry to fix the system that is there at the present time and not working as well as it could or as it should.

We have been doing that and working with everyone for 18 months. As a result of a federal-provincial ministers meeting the other day, all of the ministers in the country with the exception of one, and even that exception says its wants to continue to move forward and improve our business risk management support to our producers in Canada, agreed with the communiqué saying that we are going in the right direction and that we need to and will have that completed by April 1, so that farmers know and can plan with what support is there from the government for next year.

Mr. Rick Borotsik (Brandon—Souris, PC): Mr. Speaker, the minister is living in a dream world. Believe me, the stakeholders and the farmers are pulling away from the minister and his APF vision. As a matter of fact, one of the planks is going to be crop insurance. Farmers are going to be asked to pay 30% more for less coverage.

Why does the minister think that these programs are going to be accepted by the farmers, who right now are not going to buy into that program because of extra cost and less coverage? Why?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the hon. member's statement regarding the support for crop insurance is absolutely false. That is not the discussion that is taking place.

What we are saying is that the federal government will give the same level of support to crop insurance, and the provinces will give the same level to crop insurance across this country for basic crop insurance.

If a province wants to build upon that on its own, it can do so, but we will be maintaining in the future the level of support from the federal government to crop insurance that we have in the past, and that has been worked out with the provinces and with the producers for many, many years.

* * *

● (1450)

FIREARMS REGISTRY

Mr. Darrel Stinson (Okanagan—Shuswap, Canadian Alliance): Mr. Speaker, the gun registry is a billion dollar garbage collection system. Two years ago, documents from the minister's own department predicted that it was going to take 8.8 years to register all the firearms accurately.

Last August, documents from the minister's own department showed that three-quarters of the firearms registration certificates had blanks and unknown entries. More than 800,000 had been issued without any serial numbers.

How long is it going to take to go back and correct all these mistakes and how much is that going to cost the Canadian taxpayer?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, what the hon. member is talking about is the question of the quality of the data. We are aware of that and the RCMP as well is aware of that. It has invested in technology and in training as well in order to make sure that we will keep having very good data, which is important for our gun control system.

The member said that the gun control policy is not good. I just would like to say that it is a valid and important tool for our Canadian society, and that again we must bear in mind as well that we are talking about public safety. We can look at what stakeholders have said over the past few weeks. People are asking the government to keep proceeding with the policy, and this is exactly what we are going to do. We will fix the problems that we have seen in the Auditor General's report.

Mr. Darrel Stinson (Okanagan—Shuswap, Canadian Alliance): Mr. Speaker, the gun registry simply does not work. It has already cost Canadian taxpayers well in excess of $1 billion, with another eight years to register all firearms and another billion dollars to fix this registry mess. When will the government finally admit that the system is a failure and just scrap it?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, there is a question of good faith here. The hon. member should recognize that the policy of gun control is a good and valid policy that works in this country and elsewhere. Gun control exists in other countries in the world.

In terms of licences, about two million people have a licence. In terms of registered firearms, we now have close to six million registered firearms. Of course there are problems with the management. I have already said that we will table the two reports, one from KPMG and the other from Mr. Hession, this afternoon. We will move quickly to make sure we have a good tool for public safety.

[*Translation*]

SEAL HUNT

Mr. Jean-Yves Roy (Matapédia—Matane, BQ): Mr. Speaker, the Minister of Fisheries and Oceans just announced that the seal hunt quota will allow for a significant number of seals to be caught, a decision that we have been awaiting for a long time now.

Does the minister plan on distributing this 350,000 annual seal quota fairly across the eastern regions of Canada?

Hon. Robert Thibault (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I am very pleased to advise members that we will be using a management regime, like last year. We will be flexible, depending on the weather and market conditions, to ensure that everyone in the Atlantic region who wants to participate will be able to benefit from this economic opportunity.

Mr. Jean-Yves Roy (Matapédia—Matane, BQ): Mr. Speaker, because of its geographic location, it is difficult for the people of the Lower North Shore to access a sufficient share of the quota. Will the minister agree to setting aside 10% for the exclusive use of the Lower North Shore?

Hon. Robert Thibault (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, the member's question involves details, and I am unable to respond in terms of exact percentages. I can assure the member that there will be a fair distribution and we will use flexible management criteria to ensure that everyone benefits from the opportunity.

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GOODS AND SERVICES TAX

Mr. Rahim Jaffer (Edmonton—Strathcona, Canadian Alliance): Mr. Speaker, the government has been warned on numerous occasions of major GST fraud.

The first warning came from foreign tax specialists at a 1994 conference on the subject, and the Auditor General reiterated this more recently in 1999. We have learned that the government's refusal to heed these warnings is costing the taxpayers $1 billion yearly.

Why has the government ignored all these warnings?

[*English*]

Hon. Elinor Caplan (Minister of National Revenue, Lib.): Mr. Speaker, the member opposite keeps repeating a number that is clearly false and which has no foundation.

I have given him the facts. Last year the courts determined that $25 million was lost to GST fraud. I am pleased to tell him today that last year we actually recouped $850 million because of the expertise of our auditors who go after those who do not properly pay their GST.

● (1455)

Mr. Rahim Jaffer (Edmonton—Strathcona, Canadian Alliance): Mr. Speaker, that clearly is still not attributable to just GST. That is the fraud in general. She has used those figures before.

The government's refusal to heed the warnings has made it complicit in the crimes of those who are bilking Canadians of billions of dollars in GST rebates. In fact, it took the parliamentary secretary on Friday to confirm that the government has known all along that drug dealers, gun dealers and organized crime have been abusing the system.

Why did the minister do nothing to stop this? Do we have to wait for her parliamentary secretary before we get a straight answer again?

Hon. Elinor Caplan (Minister of National Revenue, Lib.): Mr. Speaker, we do not currently have any GST cases in court that involve traditional organized crime. We do have a special enforcement unit, comprised of some 175 investigators, assigned specifically to organized criminal activity, all kinds of fraud.

I have been clear in the past but let me say once again that if we identify fraud we do not discriminate, we prosecute. We are doing our job.

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HEALTH

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, tomorrow and Wednesday the Prime Minister and the premiers will meet in what could become an historical conference on the future of our health care. Canadians will hear their leaders talk about values and proper access to quality health care. I wish to raise an issue that has received far too little attention.

How does the Minister of Health plan to ensure that the anglophone minority in Quebec and the francophone minority in the other provinces and the territories will receive the same access to quality health care as other Canadians?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, the hon. member raises a very important question.

Let me reassure everyone that the Government of Canada is committed to working with our partners in linguistic minority communities to improve access to health care services. We have been consulting with francophone and anglophone communities on measures to address their health care needs. I want to thank everyone who has participated in those consultations.

We have reallocated within our department funding from the primary health care transition fund to improve primary health care services and delivery to minority language communities. Also, I am working very closely with my colleague, the Minister of Intergovernmental Affairs, on an action plan for official languages to fulfill our government's—

The Speaker: The hon. member for Elk Island.

* * *

TAXATION

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, in 1970 about 3.5% of our economy was underground. Now it is 16%. This costs Canadians about $44 billion per year in lost revenue. High income taxes, punitive payroll taxes, EI premiums, CPP premiums, GST, excessive regulations and the high costs of filing all of those reports has driven too many businesses underground.

What steps are being taken to ensure that honest taxpayers will not be stuck with the tab for this?

Hon. Elinor Caplan (Minister of National Revenue, Lib.): Mr. Speaker, the Canada Customs and Revenue Agency takes the concern about the underground economy very seriously, notwithstanding the fact that some of my colleagues joke that Canada is the mining capital of the world and that underground activities are very important to our economy.

We do, however, in all seriousness, have working groups with interested parties that are conducting pilot projects in areas of the economy of particular concern because our goal is to see that everyone pays their fair share of taxes in the country.

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, the truth is that honest, law-abiding citizens are picking up the tab for others who are breaking the law: $44 billion per year, the same amount as we spend on interest on our debt.

I ask again, what specific measures will the minister and the government take to stop this fraud?

Hon. Elinor Caplan (Minister of National Revenue, Lib.): Mr. Speaker, this is an issue that requires more than a 35 second answer here in the House.

However I can say that we are particularly concerned about the hospitality industry, the construction industry and the fishing industry, particularly lobsters.

We know there is activity taking place. However I want to assure the member that we take this very seriously. We are taking appropriate action with others who share our concerns.

* * *

● (1500)

[*Translation*]

SEAL HUNT

Mr. Ghislain Fournier (Manicouagan, BQ): Mr. Speaker, the seal hunt to be authorized by the minister needs to be divided fairly, as I called upon him to do in a letter last December 11. A minimum 10% of the quota needs to be reserved for the people of my riding.

Can the Minister of Fisheries and Oceans provide me with a guarantee today that the quota will be sufficient to make possible the immediate start up of a processing plant in my riding, at Blanc-Sablon?

Hon. Robert Thibault (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I am not in a position today to release the details on how the allocations will be broken down by community or region. I can, however, assure the hon. member that we will see to it that there is fair distribution and sufficient flexibility, to ensure access by most communities to this valuable resource.

* * *

BLACK HISTORY MONTH

Mr. Eugène Bellemare (Ottawa—Orléans, Lib.): Mr. Speaker, in Canada, Black History Month is celebrated each year in February.

[*English*]

Would the Secretary of State responsible for Multiculturalism and the Status of Women inform the House as to what the government is doing to help Canadians celebrate Black History Month?

Hon. Jean Augustine (Secretary of State (Multiculturalism) (Status of Women), Lib.): Mr. Speaker, Canada strongly supports the activities that will be taking place this month in cities, towns and our many constituencies. Indeed, February is dedicated to recognizing, learning about and celebrating our black history and African heritage in Canada.

Because of Black History Month, we are beginning to know each other and to discover the extent and significance of our contributions. The multiculturalism policy stresses social cohesion, cross cultural communication and ways in which we can work against racism and discrimination.

Let us all celebrate for the rest of the month black heritage.

ROUTINE PROCEEDINGS

[*Translation*]

GUN CONTROL

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, our government promised to review the operations at the Canadian Firearms Centre.

[*English*]

I rise in the House today to table two reports on Canada's gun control program.

I would like to thank the authors of the reports, the consulting firm of KPMG and independent management consultant Raymond Hession, for their excellent and timely work.

[*Translation*]

The first KPMG report confirmed to the Department of Justice that all the necessary systems are in place to ensure the integrity and completeness of the relevant financial data.

This study assured the Department—

The Speaker: Order, please. I believe the minister is tabling documents. He is entitled to make a statement under ministers' statements. I hope he has not started his statement yet. He should only be tabling the document at this time.

Hon. Martin Cauchon: Mr. Speaker, in fact it was the preamble. I would like to table both reports in both official languages.

The Speaker: The minister has tabled both documents. The Minister of Justice for a ministerial statement.

Hon. Martin Cauchon: Mr. Speaker, as I was saying, the KPMG study assured the department that the information compiled about past spending was accurate and corresponds to the figures submitted to this House in the public accounts. In addition, the KPMG report provides us with a basis for continuing to report the full costs of the program, as requested by the Auditor General of Canada.

The second report, prepared by Mr. Hession, presented 16 recommendations for improving the management and operations of the gun control program. To make good on the promise I made to this House and the Canadian public to act quickly, I will review the recommendations in detail and announce a plan of action as soon as possible.

I would like to point out to this House that according to the report, the measures under Bill C-10A are essential to the success of our efforts to streamline the gun control program.

● (1505)

[*English*]

The government remains firm in its resolve to improve the efficiency of the firearms program and to further reduce its costs. These two reports will play a critical role in helping us achieve these two objectives without, in any way, sacrificing our goal of increased public safety for all Canadians.

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, none of us has had a chance to read the two consultants' reports that have just been released. They seem to indicate an attempt to whitewash a billion dollar boondoggle and absolve the minister and his senior bureaucrats for their incompetence. All the minister confirms today is that they really did waste a billion dollars.

On January 8 the minister's news release stated the review by KPMG was:

> ...to verify the adequacy and appropriate application of the CFC's financial systems and controls. This will also assist in confirming the validity of the Program's financial statements

Today the minister reports that KPMG found exactly what he told them to find. With respect to Mr. Hession's report, the minister says Parliament now has to wait another few weeks while the minister prepares an action plan.

Why does Parliament have to wait a few more weeks? Have the minister's bureaucrats been doing absolutely nothing for the last several months? The minister tabled estimates in March 2002 saying, “Everything in the gun registry is fine. Give us another $113.5 million”. Why did he not know the program was in trouble then?

The minister tabled supplementary estimates in October saying “Everything in the gun registry is fine. Just give us another $72 million”. Why did he not know the program was in trouble then?

The minister had the Auditor General's report for weeks before it was released on December 3. Why did he wait for the media to make a big story out of it before he acted? Why did the minister wait for eight provinces and three territories to demand the review of the program before he acted?

The minister demands that Parliament pass Bill C-10A and that these two year old amendments are needed to fix the problem, when even his own user group on firearms admits they fall far short of fixing the myriad of problems in the gun registry. If Parliament is going to amend the Firearms Act, let us do it all at once.

Finally, the two reports that the minister tabled today still keep Parliament in the dark. They do not say how long it would take to fully implement the registry or how much it would cost. Worst of all, Parliament and the public would have to wait years before the Auditor General confirms that the program is totally ineffective at controlling the criminal use of firearms.

This is no longer a gun control issue. This is a government out of control issue.

[*Translation*]

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, it is with great interest that I rise in the House to respond to the statement made by the Minister of Justice about the gun control program.

Although the Bloc Quebecois supports this program, we strongly condemn the lack of rigour in its administration.

At issue today are two reports intended to establish the financial integrity and improve the faulty administration of this program. We are skeptical about the relevancy of these reports, given the lengthy delay in releasing them. Why did the government wait so long?

It is worrisome that this problem only become public because of the insistence of opposition members. It is also worrisome that the government was apparently not aware of this disastrous situation. If the government was aware, why did it wait so long to investigate the problem? What happened exactly? And, above all, why did no one at the Department of Justice feel it necessary to intervene before, in an attempt to resolve this crisis before it got out of hand?

All this is flagrant evidence of the laxness introduced by this government to take advantage of its position of authority free of any oversight. It also gives us an indication of the government's attitude toward the public; the public interest is no longer central to its policies. It is becoming increasingly clear that the government is drifting away from the people to whom it is accountable.

Once again, the intention behind the program is worthwhile and relevant, but the government seems happy to promote the most incredible ineptitude in its implementation.

It is a shame that the program's legitimacy is being overshadowed by institutional mismanagement. Now we are being sidetracked by the shocking weaknesses in how it is run, although the program's objective remains worthy and necessary.

The Bloc Quebecois believes that we must get to the bottom of this administrative problem in order to identify the real source or sources of this management fiasco.

We also wish to emphasize that the government must make those responsible for this administrative disaster accountable so that they can be reprimanded accordingly.

● (1510)

[*English*]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I am happy to see the minister so eager today to table his two reports. The proof of his transparency of tabling those reports will come when those reports are examined and further when we actually see a demonstration of the government's action and commitment to clean up the terrible horrific mess that has been created by the management and administration of the gun registry system.

The minister said that the reports he ordered confirm that the necessary systems are in place to ensure the integrity and completeness of necessary financial data. If that is indeed true then clearly these systems failed not only in terms from a management point of view but in terms of accountability to Parliament. That was a clear point made by the Auditor General.

I also noted that the minister talked about improving efficiency and reducing costs. That is a vast understatement to say this is about improving efficiency. This is about a program that has been totally politically mismanaged. It is an issue on which the government has lost so much credibility that now the onus is on it to demonstrate that it can garner public confidence on this issue and not jeopardize the very safety of Canadians that the program purports to uphold.

We will be examining these reports closely and I reiterate the comments of the member for Winnipeg—Transcona who spoke on this issue in December when he pointed out that when the government talks about efficiency this is a code word for some sort of privatization that would take place.

The NDP will fight that vigorously and we will also bring accountability and ensure that these reports hold the government to account, that there is transparency, and that Canadians can have confidence in the program that is meant to uphold their safety.

Mr. Loyola Hearn (St. John's West, PC): Mr. Speaker, we have seen here today a minister who tabled two reports that tell us exactly what we already knew, at a cost, I understand, in excess of $150,000. Two reports costing $150,000 tell us what we already knew: that the integrity and completeness of the financial data were there. We did not question that.

The past expenditure is accurate. Nobody questioned the accuracy of the expenditure. What we questioned was the benefit of the expenditure. What did we get for a billion dollars? We know what we got. We got an empty shell.

The second report talks about 16 recommendations for the management and operations of the firearms program. Somebody at this stage in the game, after spending a billion dollars, had to come in and make 16 recommendations as to how to do it. How many heads have rolled because of this?

What the minister is saying is either his bureaucrats were completely incompetent or the ministers involved in this whole procedure, including the former Minister of Finance, were incompetent. Knowing the good bureaucrats that we have in this country, I believe the latter is true.

Consequently, the biggest joke is that the government would improve the efficiency of the firearms program and further reduce costs. If the government reduces costs by throwing away a billion dollars no wonder this country is in the financial mess that it is in.

* * *

● (1515)

SAMUEL DE CHAMPLAIN DAY ACT

Mr. Greg Thompson (New Brunswick Southwest, PC) moved for leave to introduce Bill C-348, an act to establish Samuel de Champlain Day.

He said: Mr. Speaker, I am pleased to introduce the Samuel de Champlain day bill. It is important that I give a little background on the bill. I am introducing the bill because very soon we will be celebrating the 400th anniversary of Champlain and the settlement on St. Croix Island.

Champlain was an expert geographer and cartographer. What we now know as Canada started with this European settlement on the St. Croix River. It had a very hard winter in 1604, much like the winter today that we are experiencing back east. The settlement moved on to Port Royal and eventually to Quebec City, and Champlain became known as the father of New France.

It is very important that we recognize this man and the bill would actually identify a day that would be known as Samuel de Champlain day.

I am hoping that we will get the kind of support from the House that we need to make the bill a reality. We are doing this in recognition of a famous cartographer and explorer for which we owe a great deal of gratitude and, especially knowing full well that the 400th anniversary is coming next year with support from our federal and provincial governments. In all generosity, I am hoping we can support the bill.

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

* * *

SUPREME COURT ACT

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.) moved for leave to introduce Bill C-349, an act to amend the Supreme Court Act.

He said: Mr. Speaker, this is a bill that would attempt to bring back to Parliament the role of law-making. Since the Charter of Rights and Freedoms was introduced, the courts, particularly the Supreme Court, have taken on the role of Parliament in establishing law.

This act would amend the Supreme Court Act to the effect that whenever there is a question before the court that deals with constitutionality, the court would be required to take the debates in Parliament into account, which it does do not right now, and when a decision is rendered, if the decision is not unanimous, then the constitutional decision would only be binding on the case before the courts and would not be taken as a precedent.

This would get us around the problem that has so often happened in the past when there has been a split decision on a constitutional or charter matter and it has led to a new law being made without Parliament's approval.

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

* * *

● (1520)

PETITIONS

MARRIAGE

Mr. Janko Péric (Cambridge, Lib.): Mr. Speaker, pursuant to Standing Order 36 I have the privilege to present to the House a petition with some 50 signatures dealing with marriage. The petitioners from my riding of Cambridge wish to draw to the attention of the House that the institution of marriage has always been defined as a union of a man and a woman.

The petitioners pray and request that the Parliament of Canada respect and uphold the current understanding of marriage as a union of a man and a woman to the exclusion of all others.

PEDOPHILES

Mr. Art Hanger (Calgary Northeast, Canadian Alliance): Mr. Speaker, in support of Project Guardian, protecting Canada's kids, Carrie's guardian angel law, I have petitions here that total 22,113 signatures. The petitioners call upon Parliament to ensure the protection of our children from violent sexual predators. They ask Parliament to incarcerate indefinitely those offenders designated as dangerous sexual child predators and child rapists who have committed more than one violent crime against a child or children.

Also, I have another petition with 3,476 signatures which supports Project Guardian, protecting Canada's kids. The petitioners call upon Parliament to enact two strikes legislation requiring anyone who is convicted a second time of one or more sexual offences against a minor to be imprisoned for life.

This is all in reference to supporting Project Guardian, a coalition of organizations and individuals coming together to put pressure on Parliament to pass some good sound laws.

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, it is a pleasure to stand in the House today and support the 3,357 signators from my riding surrounding the city of Calgary who are also in support of Project Guardian. The petition calls on the government to eliminate the right of a convicted pedophile to be let out of jail on bail pending an appeal. This would thereby ensure the protection and safety of the victims and the communities from such a convicted offender.

These 3,357 Canadians now join several hundreds of thousands of Canadians calling for something to be done in this regard.

BILL C-250

Ms. Judy Sgro (York West, Lib.): Mr. Speaker, it is my honour to present to the House a petition on behalf of my constituents. The petition is signed by approximately 800 people.

The petitioners recognize that freedom of speech and religious freedom are guaranteed under the Charter of Rights and Freedoms. Therefore they call on Parliament to oppose Bill C-250.

PEDOPHILES

Mr. Rick Casson (Lethbridge, Canadian Alliance): Mr. Speaker, it is my pleasure today to present petitions signed by people concerned with the safety of our children. There are 4,668 names on this petition. These people also support Project Guardian which the member for Calgary Northeast mentioned. They call on Parliament to enact legislation to establish a pedophile registry.

I present this in full support of the member for Calgary Northeast.

CANADIAN EMERGENCY PREPAREDNESS COLLEGE

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance): Mr. Speaker, on behalf of the people of Eganville, Douglas and Golden Lake in the riding of Renfrew—Nipissing—Pembroke, the petitioners request that Parliament recognize that the Canadian Emergency Preparedness College is essential to training Canadians for emergency situations, that the facility should stay in Arnprior and that the government should upgrade the facilities in order to provide the necessary training for Canadians.

STEM CELL RESEARCH

Mr. John Maloney (Erie—Lincoln, Lib.): Mr. Speaker, pursuant to Standing Order 36, I wish to present a petition on behalf of the residents of Erie—Lincoln.

They note that hundreds of thousands of Canadians suffer from debilitating diseases such as cancer, Alzheimer's disease and diabetes.

They also note that non-embryonic stem cells, which are also known as adult stem cells, have shown significant research progress without the immune rejection or ethical problems associated with embryonic stem cells. As a consequence, they 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.

● (1525)

MARRIAGE

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, pursuant to Standing Order 36, I have the privilege to present to the House two petitions signed by concerned constituents of Crowfoot.

The first petition calls upon the government to pass legislation to recognize the institution of marriage in federal law as being the union of one man and one woman to the exclusion of all others.

PEDOPHILES

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, it is also my pleasure and privilege to present to the House a petition signed by some 6,970 petitioners who are completely in support of Project Guardian, which is the project designed to help protect the children of Canada.

The petitioners call on Parliament to pass legislation to prevent the release from lawful custody of anyone convicted for a second time of a sexual offence against any other minor person. This would enact two strike legislation requiring everyone who is convicted for a second time of one or more sexual offences against a minor person to be sentenced to imprisonment for life.

It is my pleasure to present this petition with close to 7,000 names on it.

CHILD PORNOGRAPHY

Mr. Norman Doyle (St. John's East, PC): Mr. Speaker, I have the privilege to present a petition from several thousand people across Ontario. They are making the point that the creation and use of child pornography is condemned by a clear majority of Canadians and that the courts have not applied the current child pornography law in a way which makes it clear that the exploitation of children will always be met with swift punishment. They are calling upon Parliament to protect our children by taking all necessary steps to ensure that all materials which promote or glorify pedophilia or sado-masochistic activities involving children are outlawed.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I have three petitions. The first petition is on the subject of child pornography. The petitioners draw to the attention of the House that the creation and use of child pornography is condemned by a clear majority of Canadians and that the courts have not applied the laws in a way which protects children.

The petitioners call upon Parliament to protect our children by taking all necessary steps to ensure that all materials which promote or glorify pedophilia or sado-masochistic activities involving children are outlawed.

MARRIAGE

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the second petition has to do with the definition of marriage.

The petitioners bring to the attention of the House that marriage is the best foundation for families and for the raising of children and that the definition of marriage as being between a man and a woman is being challenged on a number of fronts. The petitioners call upon Parliament to pass legislation to recognize the institution of marriage in federal law as being a lifelong union of one man and one woman to the exclusion of all others.

STEM CELL RESEARCH

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the final petition is with regard to stem cell research. The petitioners draw to the attention of the House that Canadians support ethical stem cell research but that non-embryonic stem cells, which are also known as adult stem cells, have shown significant research progress without the immune rejection or ethical problems associated with embryonic stem cell research.

The petitioners call upon Parliament to promote legislation which advocates support for adult stem cell research to find the therapies and cures necessary for Canadians.

PEDOPHILES

Mrs. Betty Hinton (Kamloops, Thompson and Highland Valleys, Canadian Alliance): Mr. Speaker, it is my privilege to present a petition with the signatures of 6,320 Canadians in support of Project Guardian, protecting Canada's kids.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance): Mr. Speaker, on behalf of 5,043 Canadians who support Project Guardian in the protection of Canada's children against pedophiles, it is my pleasure to present this petition that calls on Parliament to enact legislation to establish a pedophile registry.

CANADA HEALTH ACT

Mr. Alex Shepherd (Durham, Lib.): Mr. Speaker, it is my pleasure to present two petitions today on behalf of my constituents.

In the first one the petitioners are concerned about the Canada Health Act. They want to ensure that the government protects the five principles of medicare in the Canadian Constitution to guarantee national standards of quality and publicly funded health care for every Canadian citizen as a right.

● (1530)

CRIMINAL CODE

Mr. Alex Shepherd (Durham, Lib.): Mr. Speaker, the second petition concerns possible amendments to sections 318 and 319 of the Criminal Code. The petitioners are calling upon Parliament to protect the rights of Canadians to be free to share their religious beliefs without fear of prosecution.

* * *

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if Questions Nos. 63, 64, 65, 66 and 67 could be made orders for return, these returns would be tabled immediately.

The Speaker: Is it agreed?

Mr. Greg Thompson: Mr. Speaker, I rise on a point of order. I would like some clarification from the parliamentary secretary.

I put questions on the Order Paper in December and we will remember the debate we had in the House on those particular questions in reference to Christmas. That was in December 2002. My office has not been notified as of today, but the parliamentary secretary did mention some questions that have been answered, but Mr. Speaker—

The Speaker: Order. The parliamentary secretary asked that certain questions be made orders for return. That is the question before the House.

Is it agreed to make them orders for returns?

Some hon. members: Agreed.

[*Text*]

Question No. 63—**Mr. Jason Kenney**:

For the fiscal years 1993/94, 1994/95, 1995/96, 1996/97, 1997/98, 1998/99, 1999/2000 and 2000/2001, from all departments and agencies of the government, including crown corporations and quasi/non-governmental agencies funded by the government, and not including research and student-related grants and loans, what is the list of grants, loans, contributions and contracts awarded in the constituency of Edmonton West, including the name and address of the recipient, whether or not it was competitively awarded, the date, the amount and the type of funding, and if repayable, whether or not it has been repaid?

Question No. 64—**Mr. Paul Forseth**:

For the fiscal years 1993/94, 1994/95, 1995/96, 1996/97, 1997/98, 1998/99, 1999/2000 and 2000/2001, from all departments and agencies of the government, including crown corporations and quasi/non-governmental agencies funded by the government, and not including research and student-related grants and loans, what is the list of grants, loans, contributions and contracts awarded in the constituency of Vancouver Quadra, including the name and address of the recipient, whether or not it was competitively awarded, the date, the amount and the type of funding, and if repayable, whether or not it has been repaid?

Question No. 65—**Mrs. Cheryl Gallant**:

For the fiscal years 1993/94, 1994/95, 1995/96, 1996/97, 1997/98, 1998/99, 1999/2000 and 2000/2001, from all departments and agencies of the government, including crown corporations and quasi/non-governmental agencies funded by the government, and not including research and student-related grants and loans, what is the list of grants, loans, contributions and contracts awarded in the constituency of Glengarry—Prescott—Russell, including the name and address of the recipient, whether or not it was competitively awarded, the date, the amount and the type of funding, and if repayable, whether or not it has been repaid?

Question No. 66—**Mr. Rob Merrifield**:

For the fiscal years 1993/94, 1994/95, 1995/96, 1996/97, 1997/98, 1998/99, 1999/2000 and 2000/2001, from all departments and agencies of the government, including crown corporations and quasi/non-governmental agencies funded by the government, and not including research and student-related grants and loans, what is the list of grants, loans, contributions and contracts awarded in the constituency of Prince Edward—Hastings, including the name and address of the recipient, whether or not it was competitively awarded, the date, the amount and the type of funding, and if repayable, whether or not it has been repaid?

Question No. 67—**Mr. Scott Reid**:

For the fiscal years 1993/94, 1994/95, 1995/96, 1996/97, 1997/98, 1998/99, 1999/2000 and 2000/2001, from all departments and agencies of the government, including crown corporations and quasi/non-governmental agencies funded by the government, and not including research and student-related grants and loans, what is the list of grants, loans, contributions and contracts awarded in the constituency of Ottawa South, including the name and address of the recipient, whether or not it was competitively awarded, the date, the amount and the type of funding, and if repayable, whether or not it has been repaid?

(Returns tabled)

[*English*]

Mr. Geoff Regan: Mr. Speaker, I ask that all other questions be allowed to stand.

Mr. Greg Thompson: Mr. Speaker, I rise on a point of order. My question was strictly in terms of the response time of the government on all standing questions. We in the opposition have difficulty because we are only allowed a certain number of questions and when they are held up by the government, it restricts our ability to do our job. Why is there a delay in answering questions that have been on the Order Paper for over 30 days?

Mr. Geoff Regan: Mr. Speaker, I have been seeking faster action from departments on some of the questions that have been received. In some cases the questions require documentation that is of an inordinate quantity. As we saw last week, there was an answer tabled that consisted of three boxes. We are seeing quite a number of these kinds of questions. With all the questions that are being asked and all the details that are being sought, the departments are finding that a period of 45 days tends to be a very short time, particularly when one considers that it was over the Christmas holidays.

I can assure members that every effort is being made by me and others to obtain the answers as quickly as possible.

The Speaker: Is it agreed that the remaining questions be allowed to stand?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*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.

The Speaker: I wish to inform the House that because of the ministerial statement, government orders will be extended by 11 minutes.

On questions and comments, the hon. member for Surrey Central.

Mr. Gurmant Grewal (Surrey Central, Canadian Alliance): Mr. Speaker, I listened to the very passionate and effective speech by the hon. member for Esquimalt—Juan de Fuca.

In 1982 when the current Prime Minister was justice minister, he told the *Toronto Star*:

Children are innocent victims of vicious people. They cannot protect themselves and we have to protect them. I hate the thought of these people abusing people who are too young to realize in what it is they are participating.

After 21 years the situation has gone from bad to worse. There are reports of an increase in the numbers of youth being sexually exploited. Canada is registered on the Internet as an international source for sex with children and youth.

If the Prime Minister felt that way 21 years ago, what has happened since? He is still Prime Minister. The weak Liberal government has done nothing to protect our children. The bottom line is it seems there is no political will from the government. For 10 years or more members of the Canadian Alliance and previously the Reform Party of Canada have been asking the government to get tough on protecting our children against sexual predators.

Does the member agree with me that the weak, arrogant Liberal government lacks the political will to protect our children?

● (1535)

Mr. Keith Martin: Mr. Speaker, my friend from Surrey Central has made an excellent point. He has illustrated quite clearly that the Prime Minister acknowledged publicly the problem of sexual abuse of children in our society 20 years ago. We in the opposition cannot understand why it has taken 20 years to come up with a bill that is less than adequate given the fact that one-third of all girls under the age of 16 and one out of every six boys under the age of 16 have been sexually abused at some time. That is a staggering amount.

We have not heard what the effect is on those people. What does it lead to? Clinically it often leads to various psychiatric or psychological problems, depression, affected interpersonal relations and sometimes suicide. An inordinate percentage of the individuals within the population of abusers have also been sexually abused.

The point I am trying to make is that clearly we know that this is an epidemic in our society that has been neglected for too long. As my friend from Surrey Central has mentioned, we in the Alliance are pushing the government to act effectively, in a timely fashion and above all, to work with the rest of us for the protection of Canadian citizens and particularly Canadian children.

Mr. Jay Hill (Prince George—Peace River, Canadian Alliance): Mr. Speaker, I want to direct one more question to my hon. colleague for Esquimalt—Juan de Fuca. One thing I have been particularly incensed by over the years is the use by our courts of conditional sentencing where it is inappropriate such as in the case of violent crimes and in particular crimes committed against children.

I notice that Bill C-20, the legislation being quite hotly debated today, increases some maximum sentences but it does not provide any minimum sentences. Nor does not take away the use of conditional sentencing by judges in crimes against children.

Would the hon. member agree with me that this is one area where the government certainly could have acted effectively to provide a deterrent for those who would prey upon our nation's children.

Mr. Keith Martin: Mr. Speaker, I agree. When we deal with the protection of children against pedophiles, clearly the justice department and our judicial system has to err on the side of protecting the children against sexual abuse. Conditional sentencing does not do that.

What my friend has not mentioned, but I am sure would like to, is the issue of concurrent sentences. Sentencing somebody to concurrent or conditional sentences does not protect civilians. We have heard repeatedly in the House that many of these individuals, once they go in front of the justice system, have already sexually assaulted more than a dozen children. This is not a one off deal. It is a pressing, persistent, pervasive and consistent abnormal behaviour of sexually abusing and assaulting children.

Clearly we need a judicial system that puts the protection of children from these predators first and foremost. Conditional and concurrent sentencing does not do that. That is why we are asking for the minimum sentence.

The Speaker: The Chair has notice of a point of order from the hon. member for Mississauga South.

POINTS OF ORDER

BILL C-13

Mr. Paul Szabo (Mississauga South): Mr. Speaker, I apologize to the members for interfering with their business. These have to do with the report stage of Bill C-13.

On Thursday, January 30, *Hansard* reference 2949, on a vote on report stage Motion No. 64, the Chair called for yeas and nays but did not announce whether the yeas or nays carried. He simply concluded that the motion was carried. Because he did not say that in his opinion the yeas had it, members did not know whether five members on one side or the other side would have to stand to cause a deferred recorded vote. This is clearly on the tapes and in *Hansard* of last Thursday.

Subject to check by you, Mr. Speaker, or the officials, I would therefore ask that Motion No. 64 be put again when report stage on Bill C-13 comes back to the floor later today.

The second item relates to a motion of mine, Motion No. 101. In your statement, Mr. Speaker, of January 28, reference *Hansard* 2766, you stated that the motion was not selected because it was lost in committee. I have gone through this matter with the officials of the Journals branch and the legislative council. The amendment, which was lost in committee, is an amendment to require a parliamentary review every three years from the date at which clause 20 becomes in force.

My motion, Motion No. 101, which is on the order paper says that the review of Parliament shall be every three years, using royal assent as the date. There was confusion between royal assent and in force.

The bill as it presently stands, and it was proposed by an Alliance motion at committee, would have meant that Parliament would not have been able to review this until about five years after the date on which the bill was dealt. My motion would say that the parliamentary review would happen three years after royal asset, that would be three years after the bill is passed.

On the basis that there is a substantial difference between three years and five years, and there is a difference between in force and royal assent, I would ask that you reconsider, Mr. Speaker, the disposition, based upon the opinion of legislative council and the Journals branch, that they are in fact different, that it was not lost at committee and that since this matter would go in Group No. 6, which is still to come up, that this motion be allowed to be put as part of Group No. 6.

Let me give the short version because I know I am taking up the members' time. Motions Nos. 28, 30, 46 and 47 have been put on the report stage motions by the member for St. Paul's. I have reviewed this fully with the Journals branch and with legislative council. They are aware of the details. I would simply say that, based upon the discussions, these motions were moved by a member who was on the committee, that member had every opportunity to make such motions at committee, and that they should not have been put as report stage motions.

There is a confusion in the Journals branch that these motions were a move of a clause from one paragraph to another section of the bill. In fact the motions to delete the clauses from one section and put them in another section of the bill also require that an amendment to the addition of those clauses would be put in, saying "except as in accordance with the regulations".

I would submit that the change or the addition of a clause requiring the addition of the phrase "except in accordance with the regulations" is a substantive resolution which is much different than simply a move. Therefore the member had an opportunity to do this in committee by defeating the first motion in committee and then adding the replacement motion in the desired spot when it came up. This is the advice I received from Mr. Yanover in the government House leader's office, and I raise it to you for consideration.

● (1540)

This is a very serious motion and a very serious change to the bill. I believe that due consideration should be given as it would appear that these motions are out of order and should not be on the report stage motion paper.

The Speaker: I will deal very quickly with the points raised by the hon. member.

The first point deals with the question of proceedings in the House on January 30. It seems to me that the question was put to the House. The Deputy Speaker said that he thought he did say that in his opinion the yeas had it. Apparently no one stood up and objected.

Mr. Paul Szabo: I did immediately following.

The Speaker: There were no people rising in their places. He declared the motion carried and carried it was.

I am not inclined to redo the proceedings of the House on the basis that some magic words may have been left out. When the Deputy Speaker in charge at the time said he thought he had said them and to make it clearer he then said "I declare the motion carried", it seemed to me the decision was made. Had there been a group of people rising and objecting at the time, then maybe a vote would have been forced because votes were forced on almost all the other motions on that occasion. I am not inclined to find in the hon. member's favour on that point.

With respect to the other two points, they both are in effect saying that my ruling at the time of the admission of the amendments at report stage on the bill were incorrect. I do not agree. I maintain my ruling and I will not change it. I therefore decline the points that he has raised.

Mr. Paul Szabo: Mr. Speaker, I thank you for dealing with these matters expeditiously. I accept the ruling of the Chair.

* * *

● (1545)

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. Gurmant Grewal (Surrey Central, Canadian Alliance): Mr. Speaker, I rise again on behalf of the constituents of Surrey Central to participate in the debate on Bill C-20. I would like to thank the hon. member for Esquimalt—Juan de Fuca for sharing his time with me.

The bill we are debating is an act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act. So far Bill C-20 has introduced very weak and timid steps toward this issue.

A person would be found guilty of a child pornography offence when the material or act in question does not serve the public good or where the risk of harm outweighs any public benefit.

Some of the other changes are proposed to protect people aged 14 to 18. Of course they would focus not on consent, but on whether the relationship is exploitative based on age difference, control exerted, and other circumstances.

Another step is that it would increase penalties for offences that harm children. The maximum penalty for sexual exploitation would double from 5 years to 10 years.

Bill C-20 would make it a crime to secretly observe or visually record a person where privacy is reasonably expected. Distributing a recording on the World Wide Web or elsewhere would also be a crime. Such an offence would carry a maximum jail term of five years.

We know too well that courts never impose maximum penalties, nor do they have the will to do that. Life never means life and 25 years has meant only 7 or 10 years in jail, just as if there is a scale or route under the maximum penalty sentence. For it to be effective there should be a well defined legislated minimum sentence. That would be a deterrent and not a motivation to commit such a heinous crime.

Last March a British Columbia judge cleared John Robin Sharpe of possession charges, concluding that his graphic child sex stories had artistic merit and were protected by freedom of speech. Canadians want their government to close the loophole left when the Supreme Court of Canada ruled two years ago that there were some exceptions to the child pornography law. Child pornography and artistic merit do not mix. The argument that pornography can be excused because it has artistic merit has angered a lot of Canadian parents. The weak Liberal Government of Canada continues to have one of the most liberal pornography laws in the world.

Last summer, a Pollara poll found that 86% of Canadians disagree with the artistic merit defence. They have been calling for the removal of the provision for the artistic merit defence from the child pornography law. We do not permit artistic merit to be a defence when it comes to hate literature. If we do not accept artistic merit in hate literature, why should we accept artistic merit in the child pornography law, which is meant to protect our innocent children, our future?

A major shortcoming of the bill is that it fails to raise the age of consent from 14 years to at least 16, if not 18, for sexual activity between children and adults. I fail to see the rationale for permitting adults to engage in any sexual activity with children.

Canada has a long history of prohibiting sexual intercourse with young females, regardless of consent. I am not trying to be politically incorrect here, but I am quoting: From 1892 to 1988, sexual intercourse outside of marriage with females under 14 and for those under 16 and "of previously chaste character" was illegal. The maximum penalty upon conviction for sexual intercourse with a female under 14 was life imprisonment. The maximum penalty for sexual intercourse with a female under 16 was five years' imprisonment.

● (1550)

Amendments to the Criminal Code in 1988 repealed unlawful intercourse and seduction offences and in their place created new offences called sexual interference and invitation to sexual touching, which now prohibit adults from engaging in virtually any kind of sexual contact with either boys or girls under the age of 14, irrespective of consent.

There is no question that sexual exploitation is real and a serious risk for children and youth in Canada. Reports indicate that increasing numbers of youths are being sexually exploited and that Canada is listed on the Internet as a source for sex with children and youth. It is shameful.

Having the age of consent set at 14 makes it easy for predators to recruit young people into the sex trade without facing repercussions or without initially committing any offence. Once these youths are entrenched in the relationship, they are then convinced or coerced into engaging in illegal activities.

Recruiters consciously choose to form consensual relationships with youths who are over the age of consent but are as young as possible in order to make it easy to gain a hold on them. Raising the age of consent would assist in the prosecution of adults who buy sex from young people because the adult could be charged with sexual assault, and it would not be necessary to prove that there was negotiation for money or other considerations.

Raising the age of consent would be more consistent with other western industrialized countries. It would discourage sex tourism. Having an older age would send a message internationally that children in Canada are not available for sex.

In B.C.'s lower mainland, we are all too familiar with the problem of prostitution. A study there found that 70% to 80% of Canadian prostitutes enter the trade as children. There are literally hundreds of prostitutes under 17 years of age currently working Vancouver's streets. The recruitment process for the sex trade in Canada preys on young girls and boys and specifically targets those who are at the current age of consent.

According to the Children of the Street Society, the majority of parents who call asking for help have children who are 14 years old and who are being recruited into the sex trade. The society's argument is that if the police had the ability to pick up the girl or boy, regardless of their consent, and return them to their family or take them to a safe house, then many youth could be saved from entering the sex trade.

If we were to think about a 50 year old man being able to target 14 year old runaways for sex and giving them AIDS or other diseases or even getting them pregnant, we might get a different response. The results of dozens of studies show the effect of adult sexual contact with children. They are at a 21% higher risk of clinical depression. They have a 21% greater chance of suicide. There is a 20% increase in post-traumatic stress disorder. There is a 14% jump in extreme promiscuity and involvement in prostitution.

It is a serious risk and a serious challenge and we must take serious action. We suggest that the bill is a timid first step for Canadian children. After months of the Canadian Alliance demanding elimination of the artistic merit defence, the Liberals finally have recognized the danger but have not taken any serious steps.

Children must be protected from abuse at the hands of all adult predators. The age of consent for adult-child sex must be raised from 14 to 16, in addition to having the new categories for exploitative relationships. As well, higher maximum sentences for child pornography and predation will not be effective unless the courts enforce them. I would also like to mention that police and prosecutors still do not have the tools to deal with child pornography cases effectively and efficiently.

● (1555)

Mr. Darrel Stinson (Okanagan—Shuswap, Canadian Alliance): Mr. Speaker, I listened to the hon. member's speech with great interest. A major part of his speech was with regard to raising the age of consent from 14 to 16. I strongly agree. What has happened here in Canada is that we are known worldwide as a shopping network for children, basically, those aged 14 and 15, because people around the world prey upon children of this age and know they cannot be charged here in Canada with a sexual crime.

A ring was broken in Toronto a little while ago. I also heard about a case in Vancouver. Maybe the hon. member could address this. The men in these cases were picked up. One was a 52 year old man who was with a 14 year old child in a hotel room, yet that person could not be charged. He happened to be an American, but these people come from all over the world.

I know that Australia now has a force which goes into the Asian countries where this happens too. The force is now photographing and reporting any Australian citizen who goes into these countries for this activity.

Could the hon. member address that? Does he think that would be a good idea here in Canada?

Mr. Gurmant Grewal: Mr. Speaker, it would be a very good idea. I thank the hon. member for raising this issue.

It is vitally important that we do not confuse the physical maturation of children with the psychological maturation of children. Why is it that as a society we feel that children are ill-prepared to drive, drink, vote, marry, drop out of school or even watch violent movies but we feel that they are totally ready to decide for themselves with whom they should have sex? This makes no sense.

Raising the age of sexual consent would put us more in line with other western nations. We know that in Denmark, France and Sweden the age of consent is at least 15. In Australia, Finland, Germany, Holland, Israel, New Zealand, Norway and even the United Kingdom, it is 16. It is time for the Liberals to prohibit adults from having sex with children under the age of 16.

Therefore, it is of the utmost importance, to protect our children and society from sexual predators and this heinous crime, that we raise the age from 14 to at least 16, if not 18, to keep up with the international global phenomenon that has taken place in other countries.

Moreover, that would allow us to clean up the Internet in regard to Canada being a haven for sexual predators or a haven for child sex and sexual tourism. I think it is very important that we protect our children by raising the age from 14 to 16 or 18.

● (1600)

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, I have a quick question for the hon. member. I appreciated his words.

Bill C-20 is an omnibus bill and has many items in it that deserve some debate in committee, but to me child pornography is a no-brainer. Child pornography should be brought front and centre in the House of Commons, in my opinion, as an entity on its own, separate from the bill. Every member should come to the House and be dedicated to making certain that our children will never be subjected to the terrible evils that come out of this type of material.

Let us do that. Let us bring it forward as an entity on its own. Let us fix it and stamp it out in its entirety. Does the member agree with doing that?

Mr. Gurmant Grewal: Mr. Speaker, I thank the hon. member for raising this issue. Most of us in the House are parents or grandparents. I am a parent of two teenagers. I know that it is our moral responsibility as lawmakers in the country to protect innocent and vulnerable children from pimps and other sexual predators.

It should be a matter of high priority for us because it will strengthen the foundation of the nation. It will strengthen the institution of the family. Those children who are abused, sexually or otherwise, do not have the opportunity to regret what their future will be, a life suffering from depression and other evils like this.

It will strengthen the institution of the family and, as I have said in the past, stronger families make stronger nations. Therefore it is very important that the fundamental principle or foundation of the country should be based on the protection of our children, who are our future leaders. We need to produce a stronger generation of children rather than a weaker generation, an abused generation. Therefore, I would like to say that as Canadians, as parliamentarians, as lawmakers, it is our responsibility to protect children.

Ms. Judy Sgro (Parliamentary Secretary to the Minister of Public Works and Government Services, Lib.): Mr. Speaker, I am pleased to participate in today's debate on Bill C-20, an act to amend the Criminal Code, the protection of children and other vulnerable persons, and the Canada Evidence Act.

As hon. members know, Bill C-20 proposes a number of criminal law reforms that seek to better protect children against sexual exploitation, abuse and neglect, to facilitate testimony by child victims and witnesses and other vulnerable victims and witnesses in criminal justice proceedings, and to create a new offence of voyeurism.

While I believe that all of these proposed reforms are important, I will restrict my comments to Bill C-20's response to concerns relating to the age of consent to sexual activity.

Bill C-20's objective on this issue is clearly articulated in the first paragraph of the preamble, which reads:

> WHEREAS the Parliament of Canada has grave concerns regarding the vulnerability of children to all forms of exploitation, including child pornography, sexual exploitation, abuse and neglect;

Simply stated, the focus of the response to concerns about the age of consent to sexual activity is on the exploitive conduct of the wrongdoer and not on whether the young person or victim consented to that conduct. In my view, this is both the right focus and the right response.

As the founder of Canada's first John school program and the streetlight program, it was pointed out to us that these were areas which very much needed enforcement.

More specifically, Bill C-20 proposes to create a new category of prohibited sexual exploitation of a young person who is over the age of consent; that is, who is 14 years of age or older and under 18 years of age. Under the proposed reform, courts would be directed to consider whether the relationship in question was exploitive by looking to the nature and circumstances of the relationship, including any difference in age and the degree of control or influence exerted over the young person, be that person male or female.

I am well aware that there continues to be calls to raise the age of consent for sexual activity. Why is this? As I understand it, these calls appear to be motivated by a number of reasons, including our desire to protect our young people.

One reason sometimes cited is that 14 or 15 year olds are too young and immature to fully appreciate the consequences of their decisions to engage in sexual activity. While many of us might agree with that, it is still true that a 14 or 15 year old does not typically possess the maturity of an 18 year old. We as a society nonetheless consider them mature enough to be treated as an adult under the new Youth Criminal Justice Act for the commission of serious violent offences. We must find a balance between both of these issues.

Another reason appears to be related to differing understandings of what is meant by sexual activity. Canadian prohibitions against sexual activity do not differentiate between sexual activity that consists of kissing and sexual activity that involves sexual intercourse. I do not believe that Canadians think that a 14 or 15 year old girl is not mature enough to freely make a decision about whether or not to kiss her 17 year old boyfriend. Nor do I believe that Canadians want to criminalize a 17 year old for kissing his 14 year old girlfriend. Whether we as adults like it or not, the reality is that adolescents do engage in sexual activity. We on this side of the House, whether we like it or not, have to be responsible legislators.

Another reason sometimes cited in support of raising the age of consent is that raising the age of consent to 16 or 18 will prevent others from forcing young persons into the sex trade. To this I note that it is already an offence under the Criminal Code to force anyone under the age of 18 years into prostitution and that this offence carries a mandatory minimum penalty of five years of imprisonment.

Whatever the reason for advocating an increase in the age of consent, the common thread appears to be the prevention of sexual exploitation of young people, which is exactly what Bill C-20 proposes to do.

● (1605)

Unlike proposals to raise the age of consent to 16 years of age, Bill C-20 proposes to extend protection, not only to 14 and 15 year olds but also to 16 and 17 year olds.

Bill C-20 contains many welcomed reforms to the criminal law to protect our most vulnerable members of society. I hope that all hon. members will support Bill C-20 to better protect Canadian children against exploitation in all forms. I am sure all members in the House will put their support behind the bill in order to ensure that we are protecting our children.

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, passing bad legislation hoping it will protect children will not do nearly as much as passing good legislation that actually will protect children.

This is the second time in a year that I have risen in the House to call upon the Liberal government to take meaningful steps to protect Canadian children from sexual predators. I am using the expression meaningful steps because I want to make a clear distinction between the government's actions and the needs of Canada's children.

Last April 23, in my other speech, I called upon the Liberal government to raise the age of sexual consent to at least 16. This was raised by my colleague from York just a moment ago. I did so because as we examine Bill C-20, which has the stated purpose of protecting children, we note that the bill does not in fact define what a child is. It relies upon the current definitions in the Criminal Code.

Here it is particularly useful to consider this in the context of sexual exploitation. Clause 4 of Bill C-20 modifies the current section 153(1) of the Criminal Code. At first inspection the modifications appear substantial but the true purpose of the amendment is to increase the punishment for this offence from five years to ten years. Although this increase alone is a positive step, its potential ability to really protect minor children from abuse is minimized unless the age of consent for adult-child sex is raised from 14 to 16 years.

Making this change would be simple and easy. For the purposes of section 153 of the Criminal Code, it would require changing one word in section 153(2). That is right. If we were to change the word "fourteen" to "sixteen" in section 153(2), we could raise the age of consent for the purpose of 153(1) to 16 years of age. Right there, that single word change would offer legal protection against sexual predation for an additional one million Canadian kids.

Let me repeat this concept so it is clear for Liberal members of Parliament who have not summoned the will to show leadership nor summoned the will to implement common sense into law. If we were to raise the age of consent to 16 we could offer, according to Statistics Canada, legal protection to roughly one million Canadians between the ages of 14 and 16 years. It would cost the state treasury nothing. It is simply a one word change. However, to some Liberals, changing a single word to safeguard a million children is just too hard, too politically correct and perhaps too obvious to grasp.

In 1987 the Progressive Conservative government of the day made one of the worst public policy decisions in recent years when it reduced the age of consent for sexual activity from 18 to 14 years of age. Both the provincial attorneys general of Canada and the Canadian Police Association are in favour of raising the age of consent to at least 16 years of age.

Over three years ago, in November 1999, after decades of seeing the terrible results of having lowered the age of sexual consent, a federal justice department paper recommended raising the age of consent from 14 years back up to 18. The report, commissioned by the government, which should have been read and should have been implemented, reads:

> There will always be some people who seek out vulnerable children to satisfy their own dangerous impulses, frustrations or need to dominate, in spite of the law and the disapproval of the vast majority of Canadian society. Immature, inexperienced youngsters are unlikely to have adequate knowledge of the implications and consequences of sexual activity. The relatively low age [of consent] may allow pimps, for instance, to seduce young girls without fear of prosecution, with the intention of luring them into prostitution.

We heard the bogus argument from my Liberal colleague from York, who spoke prior to me, that if we were to raise the age of consent to 16 somehow parents of a 15 year old girl could prosecute a 17 year old boy, which is utterly nonsensical. No law ever goes to court unless a prosecutor decides to take it to court, and even if that were to happen, if a prosecutor were to set aside common sense, all that would have to happen is that we would write it into law. We could impose a law where if someone had sex with someone under the age of consent, we would not prosecute if the age between the two people was, say, less than five years. It would be a simple thing to do.

Unfortunately, like so many of the countless ideas, the reports I just quoted, the papers, the recommendations and issue discussion papers for which the Liberal government pays, this paper was dismissed. The fact that one million children who could be protected by the addition of a single word are being ignored is disturbing.

However the weaknesses of Bill C-20 go beyond this. If ignoring a million children or adding more defences for those who would sexually exploit children were not enough reasons for the government to call for better legislation, here is another one. In November 1999, as my colleagues have been arguing, John Robin Sharpe was charged with the possession of child pornography in violation of the Criminal Code. At his trial, Sharpe contested the constitutionality of section 163.1(4) by specifically stating that a definition of child pornography that included sketches or drawings that were based on the artist's imagination rather than on an actual child was going too far.

● (1610)

On June 30, 1999, the British Columbia Court of Appeal agreed with him. This was confirmed in January 2001 by the Supreme Court of Canada, which said:

> Accordingly, s. 163.1(4) should be upheld on the basis that the definition of "child pornography" in s. 163.1 should be read as though it contained an exception for: (1) 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; and (2) 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.

If the government were grounded in the common sense of everyday Canadians, bells would have been going off in the justice department the day the B.C. Court of Appeal said that there was a problem with the definition of child pornography.

Eighteen months later the Supreme Court of Canada agreed that there was a problem with the basic definition of child pornography. This happened roughly two years ago and the Liberal government still has not acted. What the government has done is broaden the defences contained in the Criminal Code, the section that aided and abetted John Robin Sharpe's perversion. That section currently reads:

> ...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.

Thus, in the current Criminal Code there are four defences for people charged with possession of child pornography: if it has artistic merit, if it serves an educational purpose, if it serves a scientific purpose or if it serves a medical purpose.

Bill C-20 would completely rewrite subsection 163(1) of the Criminal Code. The new subsection would read:

> 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.

Instead of the four potential defences there would be just one, public good. It is therefore essential to find out what public good means. The very same Sharpe decision that told the Liberal government that there was a problem with the definition of child pornography, the Supreme Court of Canada examined the potential defence of public good.

At paragraph 70 of the decision Madam Justice McLachlin, Chief Justice of the Supreme Court of Canada, along with five other justices agreeing, wrote:

> "Public good" has been interpreted as "necessary or advantageous to religion or morality, to the administration of justice, the pursuit of science, literature, or art, or other objects of general interest".

So we have a majority of judges on the Supreme Court telling us that public good, which is what would be put into the law with Bill C-20, essentially has six elements. It has to be necessary or advantageous to any of the following: religion or morality, the administration of justice, the pursuit of science, the pursuit of literature, the pursuit of art, or the pursuit of other objects of general interest.

We have a Liberal member of Parliament applauding that. Yes, more power to the courts.

In Bill C-20 we have gone from four potential elements to six. The Liberal government has expanded the definitions and the reasons by which a Canadian may possess child pornography. Any bill that gives more ways to justify child pornography is a big step in the wrong direction, and yet the Liberal government celebrates the bill. The member from Hamilton just applauded to it, which includes dangerous ideas.

However, as we look at it things gets worse. We have lost the medical purpose as a defence and we have gained "the pursuit of other objects of general interest". Most Canadians would agree that the pictures in *Gray's Anatomy* are not child pornography. At the very same time, I am not sure that our courts are ready to find out whether man-boy love documents could be said to be objects of general interest.

Quite simply, the bill cannot continue without dramatic amendment. As a Parliament we must stop merely passing legislation. We must begin taking meaningful steps to protect children from sexual predators.

Why? Because one of the worst things we do in this society is destroy the innocence of the young before their time. We do it in our culture, our television and in movies. We do it through our social and moral complacency. Now, sadly, we are doing it through our own laws by not using every and all known avenues to prevent the exploitation of kids.

The Liberal government, with all the tools of power at their disposal, has failed Canada's children yet again. Thus, it has provided yet one more reason why Canadians deserve a new government that understands the needs of Canada's most vulnerable. The Liberal government does not get it.

● (1615)

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, I am pleased to debate this issue today, not because any of us in this place enjoy talking about the issue of child pornography, but because it is important to bring some scrutiny to this legislation.

Child pornography in Canada is a scourge. I am concerned that Bill C-20 does not even come close to addressing some of the real issues that face people who have been the victims of child pornography or parents who are concerned about the impact of child pornography and the fact that it might put their own children at risk.

I want to start off by acknowledging the work of some of my colleagues who have done a fantastic job of bringing this problem to light. The members for Wild Rose, Calgary Northeast and Provencher have all provided meaningful and important input on the issue. They have helped raise the level of debate and raise the issue on the public agenda, because it is a serious issue.

Ever since that court decision some months ago that basically said that artistic merit could be allowed as a defence if somebody were being prosecuted for pornography, Canadians have been rightfully concerned about how well protected their children are. There are a number of things the government could have done if it were serious about addressing the issue.

Maybe the best example is to talk about the recent roundup of child pornography that occurred, not just in Canada but in the U.K., the United States and other places around the world. There were something in the range of 2,000 incidents of people downloading child pornography in Canada. However, because of the difficulty of sorting through the law as it stands now, only about 50 to 100 have been arrested and much less than that have been charged because the police must go through every single downloaded image to see whether or not it fits the standard of artistic merit.

That is true. My friend across the way is laughing, but it is true. It slows the process down unbelievably.

The fact that we have only been able to arrest 50 to 100 people tells us that the resources that are necessary for the police to address this issue have not been made available by the government.

The government talks about crime and dealing with it. I do not know how many times the issue of the firearms registry has to come up but I will raise it again. It is another example of where we have resources misplaced. We put all kinds of resources into a ridiculous registry which in and of itself will do nothing to deal with the issue of crime and in doing that will take away all kinds of resources that could have been used by the police to deal with issues like child pornography.

Every time legislators decide to spend a dollar on something that means that they decide not to spend it on a hundred other things. In this case, the government spent $1 billion on the firearms registry thereby guaranteeing that there would not be $1 billion available to deal with the issue of child pornography and to give police officers the resources they need to cure this scourge that has become epidemic in Canada.

People are vitally concerned about it. Ever since the Internet arose it has become easier and easier to spread child pornography. People are rightfully very concerned about this. There are so many aspects to this and I wish we all had more time to discuss it because it is a serious issue.

One of the things that concerns Canadians is that when the court decision was made in the case of John Robin Sharpe that allowed artistic merit as a defence of possessing child pornography, the failure of the government to act quickly was a sign that it was not going to act very forcefully in the end. They were right because Bill C-20 does not provide that protection to victims and to people who are potentially the targets of child pornographers because it leaves the definition of what is allowable so wide open one could drive a truck through it.

● (1620)

The public good, what can that possibly mean? I am afraid it will mean all kinds of things to people who have crafty lawyers and a little bit of money.

I can guarantee that we will see the public good challenged in the courts again, just like it was with the previous legislation. There is a very good chance of overturning all kinds of legitimate convictions under the laws surrounding child pornography because of that public good clause. The government is erring on the side, I am afraid to say, of child pornographers at the expense of innocent victims.

I do not understand, after the hundreds of thousands of names that appeared on petitions, how the government could not have received the message. Surely it understands that this is an issue that Canadians feel very strongly about. They are concerned that the Liberal government has caved in, that it did not steel its spine when it was time to do it to protect children.

A moment ago my friend for Port Moody—Coquitlam—Port Coquitlam spoke and made a good point. He said that tied up with that whole issue is the issue of raising the age of consent. He pointed out that if we were to raise the age of consent in Canada from 14 to 16, we would bring an additional one million young people under the protection of the law. That is an important point.

In Canada today one has to be 16 to drive a car, but under the current law a 14 year old girl could have sex with a 45 year old pimp and it would be completely licit and within the bounds of the law. We cannot allow that to happen.

I was so disturbed when my party brought forward a motion in this place asking for the age of consent to be raised and permission to do that was denied by the Liberal government. It should have been part of Bill C-20. If the concern were to protect young people from predators that should have been part of this legislation. Sadly, it is not.

My colleague from Lethbridge and I went to the border crossing at Coutts a year ago. We were told that one of the big problems was sorting out the men who were coming into Canada to hook up with young people who they had lured over the Internet. This is a real problem that was brought to our attention.

I know the government has started to address that but it has only gone part way. It would not be near the problem if it would raise the age of consent to 16. If it were to do that then law enforcement officers would have another tool in their arsenal. Parents who are powerless to stop their 14 year old son or daughter from getting involved in something like that would have another tool to ensure that the lives of their children were not completely ruined. That is what it comes to.

I appeal to my friends across the way to consider carefully what the public is saying about this, what some of the government's own members are saying, and certainly what many members in the opposition are saying. This leaves the door wide open in a couple of different ways for predators of all kinds to choose their victims among Canada's citizenry.

For those reasons government members should err on the side of caution and vote against Bill C-20.

● (1625)

The Acting Speaker (Mr. Bélair): 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 Terrebonne—Blainville, Child Poverty; the hon. member for Acadie—Bathurst, Highway Infrastructure.

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Mr. Speaker, I am pleased to rise to speak to this debate because I feel the issue is very important. I appreciate the sincerity of the members opposite, even though I find myself somewhat at odds in certain areas with some of their remarks.

● (1630)

My biggest fear when the government came to look at this question of child pornography, particularly the section that was cited in the Sharpe case pertaining to artistic merit, was that it would go in the direction of closing down on the artistic merit clause and interfering with freedom of speech basically.

One of the issues with respect to child pornography is that it has been the subject of great literature in the past. *Romeo and Juliet* and *Lolita* are two famous works of art that spring to mind. The danger is, if we so hastily, in trying to put limitations on child pornography, put restrictions on literature and freedom of speech we make a very big mistake. I think even my colleagues opposite would agree that freedom of speech like the rule of law and democracy are principles that have to be kept at the highest level of protection, even if it means sometimes having to put up with shall we say very bad literature or a very bad intent in the creating of salacious material.

The problem with the artistic merit defence and what happened was that it left the courts with the dilemma of trying to decide what artistic merit was. That was an unacceptable situation. We can say that Shakespeare and *Lolita* are examples of art, but there are other pieces of literature, somebody's private attempt at a short story or something like that. Who is to say whether it has artistic merit, particularly if it is not receiving any kind of distribution or opportunity to be assessed by the public? It was a bad provision as a defence for something that could be deemed otherwise as child pornography.

The government's attempt now to say basically in a section that an item would not be considered child pornography if it were deemed to serve the public good is much broader. It allows a lot more latitude and I think we can trust the courts to make a distinction between something that is gratuitous child pornography or even worse, that has created the child pornography for profit. What we really want to do is get at those people who undertake child pornography to make money.

That raises another issue. I am not sure in what I read here whether these amendments deal with the question of where the written pornography, could be inscription, is not meant for distribution; that a person writes their own private thoughts. That raises some very interesting issues of privacy as a fundamental right, as the Privacy Commissioner is wont to say. Is something we write down, a drawing we make or words that we write, if it is never distributed beyond our desk or beyond our home and if it is not seen by other people, or if seen, only in a very private way, should that constitute an offence under law?

The government has inserted a new subsection that says "For the purpose of this section", the child pornography section, "it is a question of law whether any written material or visual representation advocates or counsels sexual activity".

I am not a lawyer but I would hope the question in law is whether the offensive material is meant for distribution or meant to be held privately, because in the end it is not the business of the state to try to correct the individual behaviour of people when that behaviour has no impact on the people around them.

● (1635)

If somebody is mentally sick, as indeed somebody who is a pedophile certainly is, the state should not punish that person simply because they are sick. It is when that sickness has an impact on other people, particularly children, that the state must intervene. That is the other thing I have observed here.

I am not sure that the amendment makes it clear that punishment for child pornography should always follow where there is a victim. This is why a visual representation of child pornography should always be against the law and should always be punishable. Where there is photographic representation of a child, or a woman for that matter, or any person in an abused situation, the possession of that photographic image is in fact condoning and co-operating and is party in the original crime. I would say that without any doubt that type of pornography is a crime.

The government addressed a very important issue and it is an issue that has not been mentioned so far. That is the business that has arisen since the Internet has come upon us where people use secret video cameras to record people in compromising positions. The government has added that as a criminal offence under the statute. It is so appalling that I even hate to discuss it, but these are people who take secret cameras out and try to portray people in sexual positions and then sell them on the Internet. The bill very explicitly goes after that, and that is a very positive thing.

The bill does one further thing. Pertaining to this business of getting secret visual recordings of people who are nude as part of an invasion of privacy, there is a subsection that states:

> Every one commits an offence who, knowing that a recording was obtained by the commission of an offence under subsection (1), prints, publishes, distributes, circulates [that material]...

What has given rise to these secret recordings of people having private sexual activity has been the Internet. If I read this section correctly, it means Internet distributors of that material would be subject to the penalty under the law.

The difficulty is that I do not know how that could be policed because the Internet is international. It goes all around the world. It is just like child pornography. Where this type of criminal recording might come from is very difficult to determine. One would presume that if this law passes, it will enable authorities to approach the immediate servers who might carry this type of material and advise them that they are breaking the law if they do not try to prevent this from happening. I wish this section would also apply to child pornography in general and I am not sure it does. As one of the members opposite pointed out, a lot of this issue has arisen as a result of the Internet.

Any legislation that comes forward in the House that materially and substantially protects children or anyone else from being abused for profit so that voyeurs of any kind do not have the opportunity to pay money for people to be hurt, both mentally and physically, to satisfy their sick desires, is a step in the right direction. I applaud the government for being sensitive to the question of freedom of speech.

Mr. Rick Casson (Lethbridge, Canadian Alliance): Mr. Speaker, it is good to speak to this issue. It is one that is very important, as the last few months have testified in the House with the tabling of literally of hundreds of thousands of names of Canadians who are concerned with this issue. We support their concern.

The government had an opportunity with Bill C-20 to address some of those concerns but unfortunately once again the government has missed the boat.

If the bill was intended to safeguard children, it certainly has not done that. It is more complex, it is more cumbersome and that is something we see as a rule of thumb with the government. Any time a bill comes forward, instead of being simple and straightforward in getting to the task at hand, it becomes more complex, more cumbersome and more open to interpretation in the wrong way.

One thing the bill does not do is give the police forces or the prosecutors the tools that they need to deal with child pornography and to bring pedophiles and child pornographers to justice.

There needs to be a national strategy to deal with this and it needs to be supported with adequate resources. Right now this is not happening. Police officers are telling us that they do not have the time nor the resources to deal properly with this issue. The way that the evidence has to be prepared when a child pornographer is charged is that absolutely every image that person has in his or her possession has to be catalogued and presented in court. This ties up hard-working police departments for months and months at a time on one case while other cases are going unprosecuted.

The Liberal member who just spoke mentioned the material. Pedophiles use some of these writings and images to brainwash children to normalize them. No consideration should be given to the artistic merit of literature that has been handwritten and has been used to brainwash children so that they think child pornography and some attacks upon them are normal. That is how they use it. They have admitted it. I have heard the comments of a famous pedophile in B.C. who has said that it is exactly what they do with it. They use it to prey and lure children into their grasp.

We have spoken a lot about the artistic merit aspect, whether it is educational, scientific or for medical purposes and so on. Now the government has taken all this and put it into one broad defence called public good. This is not sufficient. We all know that when that aspect gets to court the lawyers will have a heyday with it which will just further contribute to the lack of protection for children.

First, there is no substantial difference between this defence and a previous defence, the community standards test, which was rendered ineffective by the Supreme Court in 1992, the Butler case. We spoke at length about that on many occasions in the House.

The community standards test, just like the public good defence, is concerned primarily with the risk of harm to individuals in society. There is no positive benefit in recycling laws that have already been discredited by the courts. Why would we bring forth a part of this bill that has already been discredited in the Butler case? It just will not stand up.

Second, it is clear that the artistic merit defence, while it has been eliminated on paper, may still apply in practice.The minister has simply renamed and repackaged the artistic merit defence under the public good. We stand here today and say that is what will happen. I believe in a few years time if this is not changed, then we will be able to stand here again and say "We told you so".

However we should not have to do that. We have an opportunity now. If we cannot as legislators and elected officials come together, all parties, and do what is best for our children, then in my mind we have no business being here. Some of the comments which I heard the other day from members of the NDP party and previously from some of the members of the Liberal government are absolutely unbelievable and disgraceful. Any mind that could get around the fact that any kind of child pornography has some kind of public good or artistic merit is absolutely unbelievable.

● (1640)

On this bill, one of the things we have been after for years is to raise the age of consent. That was one of the issues that the hundreds of thousands of people who put their signatures on petitions wanted. They wanted the age of consent raised from 14 to 16, and some of them wanted it raised to 18. Is that too much to ask?

The argument about 14 and 15 year olds learning about the birds and the bees does not stand up. A clause could have been put in to do away with that really easily. As the member from Port Moody said earlier, that one issue of raising the age of consent from 14 to 16 would protect one million more children in this country, that one simple thing, yet there are still arguments about why that should not be done.

Those people are children and we are not doing our job to protect them. That is a shame.

We have brought this issue to the House. I myself brought in a private member's bill to amend the Criminal Code to give the police one more tool of confiscation upon conviction. That was picked up by the government and put into law. For that I am thankful.

We should not have to go around and around on these things. We should be able to look at legislation like this and come up with the absolute best shot right off the top without any further fiddling around.

Regarding the whole position of the trust or authority clause which has been put in, it is already against the law for a person in a position of trust, or with whom a young person between 14 and 18 is in a relationship of dependency, to be sexually involved with that young person. That is already in there and it is no big shakes to have that put in again.

I have listened to the arguments on the issue of the age of consent. I have heard members from all parties put forward their ideas. I cannot for the life of me understand why the members of the Liberal Party and some others do not want to do the right thing to protect children.

I see 14 to 16 year olds who come to Ottawa occasionally on different tours. Some of them are very mature and some of them are not, but they are all still children. We have to do what we can to protect them at all times.

Regarding the issue of sentencing, the maximum sentences were raised. That is always something that looks good, that the maximum sentence will be raised to 25 years. Well big deal, the maximum sentence is never given out. It is the minimum sentences that need to be enforced. Staying at home and being locked up on the weekends away from the community is not enough. A message has to be sent to pornographers that if they prey upon children, they will go to jail for a long enough time to make them think about what they have done.

We know that there is recidivism by pornographers. They are almost incurable, and still we put them under house arrest. It is the minimum sentence that needs to be addressed, not the maximum. Certainly in extreme cases the maximum sentences should be severe, but let us look at the other end to ensure that the minimum sentences are enough to deter pedophiles and pornographers, those animals that prey upon our children.

To conclude, I want to restate that when it comes to protecting our children, surely we as legislators and elected officials looking at the most vulnerable in our society can all work together, do it now, put everything else aside until we have this one thing right in this country. Let us bring in some legislation which truly does that. If we cannot do that, we might as well stand back, wave the white flag and give up.

● (1645)

Mr. Werner Schmidt (Kelowna, Canadian Alliance): Mr. Speaker, to enter into the debate on a subject like this one is both gratifying and frightening. It is almost repugnant because the subject matter is such that one would not want to be involved in this kind of activity.

I remember when my good colleague presented to us in caucus and to a number of members in the House some video material that had been collected by the police in Toronto. He showed us what some of the content of child pornography is. It is the most repulsive, the most repugnant stuff that anybody could ever portray.

We have here a proposed law, Bill C-20. It purports to deal with the issue of what is child pornography and what the defences are with regard to child pornography.

Much has been made today about the substitution of "public good" for the words "artistic merit". It is almost as if something very substantive has now taken place, that we have somehow brought into being something that is much clearer to understand and much easier to defend in court than artistic merit would be. Here we have public good as being a very good thing and much clearer than anything else.

I want to draw attention to something that has happened in terms of the definition. I want to put this in the context of what the proposed law actually says. Subclause 7(2), which amends subsection 163.1(6) of the Criminal Code, states:

> 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.

Notice what happens right after that in subsection 163.1(7)(b). I want to read it into the record:

> For the purposes of this section,
>
> (b) it is a question of law whether an act or any material related to an act serves the public good and whether there is evidence that the act alleged or the material goes beyond what serves the public good—

That is a question of law. It goes on:

> —but it is a question of fact whether the act or the material does or does not extend beyond what serves the public good;

I am sure all my colleagues understand the difference between those two things as does everyone listening today. We understand clearly what that means.

I suggest that everyone does not know what that means. It seems to me that this is the grist for judges and lawyers to be debating from now until kingdom come or until the law is changed again to define clearly what it being talked about.

It is a question of law or a question of fact and the difference between the two is so difficult. A lawyer or technocrat would look at it and say what is meant by it and another lawyer would say it meant something else. The argument would carry on until the time, the money, or both were exhausted by the defenders or the prosecutors.

Alex MacDonald, who was the attorney general for the province of British Columbia, said that Canada does not have a justice system; we have a legal system. If there was ever an example of something that was made to order for a legal system, it is that clause of the bill.

What has this bill really contributed to the understanding and the protection of children? It has confused the issue. It has not clarified anything, yet one of the purposes of the bill is to clarify both what is meant by pornography and what is meant by the defences.

As the hon. member for Port Moody—Coquitlam—Port Coquitlam said so clearly, if there is anything in terms of the general interpretation of public good, we have added more elements to the public good than would ordinarily constitute artistic merit.

● (1650)

What have we done? There are at least two levels on which we can debate this thing backwards and forwards and find out it is no clearer today than it was before.

There is something far more significant than the technicalities. It has to do with our responsibility as legislators, as adults, as fathers and mothers and brothers and sisters of the children around us. What is our major job? The fundamental and most significant activity we are involved with is to teach our children, the next generation, the difference between right and wrong, to give them an understanding of ethics.

Recently in Switzerland CEOs from around the world got together and talked about what will be the most significant issues in the coming years in terms of business around the world. After many days of deliberation they came to the conclusion that the fundamental concern of businesses over the next while will be ethics, the difference between what is right and what is wrong and to apply that in a practical sense in the everyday world.

If business people have recognized that ethics is important, how much more the case for us as legislators to recognize that we ought to be ethical and set the example and indicate what is right and what is wrong.

To write in the bill what is the public good and there is no understanding of what is right and what is wrong in the first instance, how could it ever be clear what the public good was all about?

Over 300,000 people have said one of the elements of the public good, one of the things that they believe is wrong is child pornography, the exploitation of children for sexual purposes by those who are older and should know better. The people of Canada have said something. They have said it very clearly. They have said it unequivocally. They have been absolutely clear.

Could it be that the government listened and said that yes, it had to do something but it really did not want to change anything substantially so it decided simply to change "artistic merit" to "public good" in order to tell the people that it did something. And the government did something. It replaced two words with two other words. What is the substantial difference? Nothing.

What has happened to our young people? What direction did they receive? What guidance has the government given to young parents who are trying to teach their youngsters between what is right and what is wrong? None.

All of us in the House need to recognize that our primary responsibility is to create laws that are clear, that are understood by all concerned and that tell clearly the difference between what is right and what is wrong. The bill falls far short of that mark.

We talked about the age of sexual consent. We on this side of the House have been advocating that it should be raised from 14 years to 16 years.

I would like to raise other questions. How is it possible that in our society we can say that one has to be at least 18 years old to make a decision about who should help run this country, but it is perfectly all right for one to determine the future of one's life in terms of being pregnant or not pregnant as far as women are concerned? How is it possible that it is all right for older men to impregnate younger women at the age of 14 if they say yes, but there is no way that they are able to vote for somebody unless they are 18 years old? What kind of logic is that? What kind of sense does that make?

I ask the government to reconsider very seriously what it has really done to help the people of Canada and particularly for the protection of young children by this piece of legislation. The government has not done anything to help us.

● (1655)

Mr. Art Hanger (Calgary Northeast, Canadian Alliance): Mr. Speaker, when it comes to injustice, the wisest man in the world offered these words "When those of us are as outraged as those who have been victimized then justice will be achieved". That was said by King Solomon.

We are reaching a point where there is an outrage over the state's lack of ability to deal with issues when it comes to the protection of children. A lot of it will strike home if it gets closer to individuals here, when our children or our relative's children actually are assaulted. Maybe we will be as outraged as we should be to see that justice is done.

Today in the House this party, and I know the Conservative Party, tabled over 52,000 signatures on petitions dealing with the protection of children, whether they were for tougher sentences on pedophiles, a registry or legislation that would keep pedophiles inside until their trial, we went on and on with a number of issues that dealt with the protection of children. That is just a handful of people who really feel this way in the House.

One individual who spoke for the Bloc said that rehabilitation was sufficient, that the bill spoken to earlier in private members' business was not the right one in their view and that certain acts did not justify life in prison. Obviously the other members of the Bloc share that viewpoint because he spoke in the fashion that he represented the viewpoint of that particular political party. I do not think that view is so far away from what even the majority of Liberals sitting over there believe. I know there are some who do not but a majority of them do.

Tough legislation is considered, on the Bloc side at least, as the private member's bill that was presented earlier and debated, as an exaggerated one. It is against the spirit of the bill.

What is the spirit of the bill? The spirit of the bill should be exactly as outlined, that we want to protect children. Unfortunately, I do not believe that is the spirit over on that side. The Liberals do not understand, acknowledge or at least articulate that the spirit of the bill is to protect children. It just does not seem to happen.

The justice minister has made a great deal of noise about the protection of children. He deserves congratulations for having been relatively successful at using the bill to distract Canadians from what has become a total failure on the part of the government to protect children from sexual abuse and exploitation.

Over the past three years the government has had an opportunity to respond to the terrible threats to our children. I will only go back three years since that was the beginning of the situation surrounding John Robin Sharpe, a name now synonymous with child pornography in Canada.

Is it any wonder that there is a rising level of concern by individuals and organizations that want to see something more substantive happen. The Canadian Justice Foundation, Mad Mothers Against Pedophiles, the Canadian Alliance and the police associations have waited anxiously for the government to respond to the outrage with some swiftness and strength and to invoke the notwithstanding clause against, for instance, Sharpe. We demanded nothing more than the protection of children from sexual predators. That was not a lot to ask.

● (1700)

We waited for the federal government to put this obscene court ruling into the dustbin and reaffirm that there was no place in Canada for child sexual abuse or child pornography. We actually did see a glimmer of hope when the justice minister announced that he would be tabling this bill and called it "a new law to protect children". We were also promised a change to the ridiculously low age of consent which currently allows 40 year old adults to have sex with 14 year old children. As it turns out, this was all false hope.

Let us be clear about this. The bill would not protect children. The bill would at best maintain the unacceptable status quo and, at worst, be unenforceable. This mean that the issues of child porn and sex with minors will become fixtures in the Canadian agenda for years to come. I can see all kinds of court litigation now. We will be employing a bevy of lawyers to fight this issue just on the child porn case alone. This bill on child protection was designed by someone who either does not understand the courts and law enforcement or who understands both and does not intend to protect children at all.

The following are the reasons. First is the age of consent. Rather than simply raising the age of consent from 14 to 16 years of age, which is the international average, and creating an exception for people of almost the same age, the bill would allow adults to have sex with 14 and 15 year olds unless the adult is in a "position of authority". Parents of 14 year olds to whom I have spoken have shaken their heads at this. Police forces across Canada will shudder at what it means because it will force police to determine whether or not an adult who is sexually using a 14 or 15 year old is in a position of power over that child. The police have to decide that.

I was a police officer for years. I can tell the House that this clause is not only of no use to the police but it will have the perverse effect of dissuading police from even investigating cases of sex with 14 year olds. Why? It is because proving a position of power is vague, requires legal interpretation and is totally open to challenge, not to mention that it is downright stupid.

What 40 year old is not in a position of power when having sex with a 14 year old? Does no one in government have children? It boggles my mind that they would even address, embrace or defend this particular bill, but they have just on that point alone. The determination of whether an adult is in a position of power would be turned over to the lawyers and the courts, the same courts that ruled that John Robin Sharpe had a right to possess child porn.

Under this bill, unless a 40 year old man is a teacher, a priest or a Boy Scout leader, he would have every right to seduce and have sex with any 14 year old that he finds on the street, next door or on the Internet.

I have found that molesters study the law as carefully as lawyers and they will quickly realize that this new law, if passed, will create a wide open door for legal sex with children. All one has to do is look at the activities of Mr. Sharpe or Mr. Toft, and I should not even address them as mister, both pedophiles. They are already beating that drum out there in the public.

Regarding child pornography, the proposed new law would actually create an enormous opportunity for current and would-be child pornographers. It would allow an exception to the ban on child porn where pornographers can demonstrate some public good in their work.

As we have seen with John Robin Sharpe and his backers, like the Canadian Civil Liberties Association, there is no shortage of people willing to challenge the law. Canadians should be prepared for challenge after challenge that will thrust the vilest and most hateful child porn out into the public arena and make celebrities of its authors.

There is so much more to discuss in the bill and its potential of doing continued harm that I could be here all night. I conclude my presentation at this point.

● (1705)

Mr. Loyola Hearn (St. John's West, PC): Mr. Speaker, I am pleased on this occasion to speak to a matter that unfortunately has captured the attention of the public for a number of years and to go on the record with respect to Bill C-20, a bill that concerns a number of us.

Bill C-20, the Liberal answer to the John Robin Sharpe case, has been too long in the making and, I am fearful, does not go far enough in alleviating the inexcusable production of child pornography. I will preface the bulk of my comments by saying that there are some favourable aspects of the legislation and, under close scrutiny by the justice committee, they will no doubt prove beneficial.

When we listen to people discussing the Sharpe case quite often we hear them say that the justice system is at fault and that judges do not give harsh enough punishments.

The justice system can only implement the legislation that is made right here. We can argue interpretation and, like all of us, various judges interpret whatever they read in different ways perhaps. However, clear cut, pointed, specific legislation narrows their ability to interpret. When dealing with something like child pornography, the legislation should be specific so no judge anywhere in the land would have the ability to interpret it to ease or perhaps completely eliminate dealing with perpetrators of this offence.

With regard to sentencing and how much time somebody should get for their involvement in cases such as child pornography, anybody in Canada who realizes what this is all about will agree that the punishment has to be pointed and severe so it will be a deterrent if other things do not work.

People might say that a 10 year sentence is a long time for people who have child pornography in their possession but they should think about how long the victims suffered. It is not a 10 year sentence for some child who was involved or used. It is a lifetime sentence in most cases.

We in the House are only representatives of the people who put us here. Legislation is really developed by the people of Canada, and we in this place operate under legislation. They send us here as their representatives to do what they wish, not what we ourselves want to do in the House. Unfortunately, that happens more often than not, especially when the people sent here think they know more than the people who sent them and make laws and rules to suit themselves rather than the majority of the people in the country. Fortunately, they usually do not come back here, Unfortunately, they can do a lot of damage while they are here.

However, while we are here, we have an opportunity with this legislation, through committee and through amendments, to create the type of legislation that will deal with this horrendous problem.

As the universe changes and as the technological world expands, we understand the opportunities available to individuals to take advantage of the young and innocent in our society. We also become more conscious ourselves through such opportunities to see how often it is really happening.

● (1710)

When a few years ago we would hear of somebody involved with child pornography, we would think it was an isolated case and it was terrible, but when we look at the numbers of people who are charged or suspected, and when the police, whose hands are tied because they themselves do not have the ability or the numbers to do the research and the enforcement necessary in cases like these, tell us they are just scraping the surface, it is scary.

What can we do? We can argue that government has to put more resources into our police forces across the country, which is certainly true. We have to put more funding into research and we have to put more funding into justice in general. But what we can do very easily here is use our common sense to collectively develop the type of legislation that first, will deal with the problem, and second, will prevent a second Sharpe case from occurring because the legislation will be direct, so that no justice anywhere in the country can interpret it in a way that will be to the benefit of the person who is the abuser rather than the person who is abused.

We can do our part. When we have a piece of legislation as important as this, we would be remiss if we did not do so.

● (1715)

Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance): Mr. Speaker, as someone has mentioned, it is a sad day when we have to stand to debate this kind of issue in this nation of ours. It is sad because there are the defenders of pornography and child pornography. We as legislators need to have the starch in our bones to make a strong stand against it.

I want to talk for a minute about what pornography really is. I have not heard that discussed and the definition is not in the legislation. In fact, what I am going to talk about is not a legal definition, and I do not suggest that it should be considered as a legal definition, but I want to talk about what it really is because we sometimes fail to recognize that.

Pornography is visual or verbal exploitation of the decency, privacy and well-being of a human body, soul, mind and spirit. It is exploitation of a human being, whether it be a child or an adult.

What is child pornography? I have here a quote from *Hansard*, in which the member for Palliser said earlier in the debate at another time that:

> —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.

Let me say one more thing in addition to that. Every crime and every action starts in the mind but is not contained or ended there.

I am concerned that this is the extent to which many people will look at pornography, as in fact has happened in the John Robin Sharpe case. The right to produce and to have was defended, but that is because they do not understand that it is never ever the case with child pornography.

Child pornography is the most hideous form of pornography. It is usually a graphic product produced primarily by an adult, with an innocent child as its primary victim. Indirect child abuse happens because of child pornography. I would define indirect child abuse as that which is used to desensitize other children and of course recruit them. It is used to excite other pedophiles.

If we talk to those who have counselled, worked with and dedicated their lives to helping people who have lived through child pornography and child sexual abuse because of this, we will then understand that it is never produced to keep private. It might be the thought for the moment that it would remain private, but it does not end up that way. Those pictures and stories have to be passed to someone else in exchange for others because we have to keep changing the pictures in our mind to remain excited. That is the way human beings are built. They are not going to sit and look at the same catalogue of old pictures all their lives and never share them with others. That fallacy has to be shot down. It has to be understood.

It is indirect child abuse because it is used to excite those who prey on children. It is indirect child abuse because it is used to perpetuate abuse and pornography. It is indirect child abuse because it is used for the recruitment for further pornography, drugs and the sex trade. It is even direct child abuse when a child is used in its production. It is the worst form of child abuse.

● (1720)

There are many kinds of child abuse. There of course is the lack of providing the necessities of life and that is sort of mentioned in some of the legislation. There is abusive discipline, whether it be physical, verbal, emotional or psychological. They are abuses of a child and certainly we would speak against them. There is even, I submit to the House, what is probably one the largest categories of child abuse going on in this nation in this day and age, and that is simply the lack of discipline, when we do not teach our children how to grow up and how to mature.

Bill C-20 is about child protection at all these levels, but it is still so woefully inadequate. It is inadequate because there is no adequate definition of pornography. So without an adequate definition of pornography, I am told, there have to be certain defences put in there. What has happened here is that the government has taken the old artistic merit clause, has sort of done away with those two words and simply has replaced them with the words "the public good".

I have a hard time imagining at any time that drawings such as those John Robin Sharpe was allowed to retain in his possession could ever be for the public good or even ever be considered to have any kind of artistic merit.

There have to be ways in which we can define what would constitute a medical use of illustrations, et cetera. If we are so worried about not being able to have educational materials, we can describe that and we can define that. We do not have to leave it to some nebulous decision on a liberal judge's bench as to whether or not it has educational, artistic or public good to it at all. We are not doing that in the bill. I think we are missing the mark by a long way.

We are missing it when we come to dealing with the sentences. The sentences have been mentioned many times, but it must be said over and over again that it does not matter if we put in maximum sentence of 100 years for child pornography, child abuse or sexual exploitation of a six month old baby. It does not matter. What really matters is what the minimum sentence is, because in this day and age, a day of full prisons and liberal wishy-washy thinking in our country, we do not give sentences worth handing out. We do not enforce what we give. We turn offenders loose. It would have been much more effective if in fact the sentences had been raised on the minimum rather than the maximum.

Then there is the refusal to address the age of consent. We have in the bill the protection in regard to an exploitative relationship by an adult, but we all know, if we are honest with ourselves at all, that there is room for both approaches and that the age of consent should have been raised to 16 so that we do not continue to allow the sexual activity between children and adults to be legal and then have to go to court to prove whether or not there was some sort of exploitive or trust relationship. This is woefully inadequate and we in the Canadian Alliance have been calling over and over for this change.

Another very major shortcoming is that the bill did not address at all the need to change the requirements for how a case is presented in court. In this day and age when a computer is filled with hundreds of thousands of images and we have to process every one of them to present them in court, how ridiculous can we get? We do not do this in any other kind of law. The bill did not address that. I will just say that the legislation needs to go back to the drawing board for some common sense and to have some teeth put into it.

● (1725)

Mr. Darrel Stinson (Okanagan—Shuswap, Canadian Alliance): Mr. Speaker, I have had the opportunity to sit in the House all day and listen to the debate on Bill C-20. I have heard the debate, mainly from our side, but I have also heard some of the concerns from members on the other side.

Bill C-20 is very complex. None of the provisions in the bill would make it easier to prosecute sexual predators.

There is something I want to get straight here. I hear from the other side the words common good and how this bill outlines the common good defence. Perhaps members have short memories. There is no substantial difference between the defence called the common good and the previous defence called the community standards test which was rendered ineffective by the Supreme Court in 1992. All the government has done is recycled it and tried to shove it down our throats as a bill that shows it cares about our children. I take exception to this. I find it disgusting that it would use this method to do it.

One of the main concerns expressed by everybody in the House since 1993 has been the safety and well-being of our children. We have heard time after time in throne speeches that the government's number one priority was the safety of our children. Yet it has done absolutely nothing.

The Sharpe case was in 2001. I listened to the minister stand in the House and say that we were fearmongering, and that we should not worry as the government would address this. The government said it would do it before the summer was over and for us not to be concerned, that the minister was on top of it. That was in 2001. That was when the minister made his promise in the House and here we stand today.

The government told us to have faith in it. It said that it would tighten this piece of legislation up, take it to committee and study it. It has done that for months and nothing has been done. It will do nothing to protect our children.

I am not a father and I am not a parent. However, I have spent a lot of time in the bush and I know that animals in the bush look after their young far better than the government looks after the youth of Canada. That is a disgrace. The animals will stand up for their young. They will not throw them in front of us. That is what this country has come to. We now throw our children in front of us. That is a shame.

I stop to think about how great the country was, where all young people had the right to grow up safely and we have taken that right away from them. They now walk in fear. Parents now take our children to and from schools. They are not allowed to play in playgrounds and so on. The government comes up with a piece of legislation like this saying that it will address these issues.

This will address these issues all right: the government knows full well that this will be challenged time and time again in court. However, it is easier for members on the other side to sit and blame the judges and to say that the judges should not have interpreted it that way, knowing full well when the piece of legislation was passed that they were leaving it to interpretation.

These laws should not be open to interpretation. They should not be based on judge made laws, for it is the members who are held accountable, not the judges. It is time government members did what they were sent to do and that is to correct these issues. But no, instead, they will march to the dictatorial demands of the front bench and of their supreme dictatorial ruler. They will vote in accordance with that and not protect our children, but rather protect their minister who has failed in every measure.

● (1730)

The government has been found wanting in the public eye and it has been found guilty. The government, in our eyes, been found useless when it comes to issues such as this.

This will be a major issue in the next campaign because people are fed up. We have been in the House and seen the thousands and thousands of petitions on this issue, yet where is the government? It comes in with a piece of legislation called Bill C-20 that does absolutely nothing.

I want to give some examples of what I am talking about. James Paul Wilson, charged with possession of child pornography, assault and obstruction of justice received a one year suspended sentence. He was in custody for nine months prior to sentencing so that was taken into consideration.

Leonard George Elder was convicted of sending hundreds of pornographic photos of children across the Internet. The Manitoba Court of Appeal overturned the nine month sentence and said that Elder should instead serve a 15 month conditional sentence. A slap on the wrist, that is what we are talking about.

While this was going on, Kevin Hudec downloaded hundreds of images over several months showing sex between adult men and girls aged five to nine years. He received a one year conditional sentence that he can serve at home. At the same time, our caring, sharing government was jailing farmers for selling their own products. Yes, I know where its priorities lie and it certainly is not in the protection of our children.

I do not know how much more a person can say without getting ticked off around here. Police forces have come here from all over Canada with concerns. Liberal members cannot sit over on the other side and say that they have not heard from them because they have. The police have told them that they are handcuffed with this type of legislation, that they need money to fight what is going on, particularly in regard to child pornography, and they go away empty-handed.

I know that some of the members from the other side have seen the videos that the officers showed us. They were sickening. They were perversion at its height, yet still the Liberal members do nothing. Why? Because they are told not to make it an issue. They are told not to take a stand that is not the same stand as the minister. I find this unacceptable.

I do not understand why the people in the members' constituencies do not get up in arms over this. These are children we are talking about. We are not talking about 14 and 15 year olds. The videos we saw showed two and three year olds, yet the government members do nothing. I do not know what has to be done to light a fire under their feet. Maybe they have to get fired, then they will finally wake up and say they have seen the light. No, they will go back at the next election and ask for forgiveness. They will say that they made a mistake, they will not do it again, and to please elect them, but by then it will be too late.

They must remember these children. As another hon. member said in the House today, they are victims for life. Their sentences are for life. It will impact upon their marriages and education. It could impact upon whether they will be drug addicts or not, whether they will be prostitutes or not. It will be an ongoing problem until we stamp it out. If this is not a good enough reason to stamp out child pornography then God help Canada because I am certain the Liberal government sure as hell will not.

● (1735)

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance): Mr. Speaker, I am pleased to rise today and contribute to this important debate on Bill C-20. As one of the few mothers in the House I can say that the protection of our children is partly professional but mostly maternal.

I have recently been communicating via mail with my constituents on related issues, such as sexual predators and child pornography. It is clear from their responses that they think that the government is not doing all it can to protect our children. In fact, 83% said the Liberals were doing a poor job. Unlike the government, they have made their intentions clear. They have not made the simple issue of child protection complex, bureaucratic and ineffective.

I will read to members and all Canadians some of the comments from my constituents on these issues. In many ways they say it better than any of us can. Before I read their comments I would like to share the survey results. Their sentiments on the issues are often close to unanimous. Some 81% think 20 years is a good minimum sentence for a pedophilia conviction; 86%, or almost 9 out of 10, think the age of consent should be raised to 16 years of age from 14 years of age; 89% say Internet pornography raises the risk of child exploitation; 87% say those caught with child pornography should be included in a national sex offenders registry; and 62% think the age of two people engaged in sex is an issue even if they are both consenting.

If members think my constituents are tough on crime, they are right. Members should see what they think of the justice system that coddles the people who commit crimes. Close to 98%, that is almost unanimous, think prisoners should not be allowed to vote; 88% think voting is a privilege, not a right; 94% think our current prison system gives prisoners too many freedoms; and 72% think increased prison privileges do not decrease the chance of reoffending.

I am not sure my constituents could be any clearer in their opinions. If they are so clear, why is the government being so vague? The government has watched for nine years as Canadian children go through another generation of abuse. We never heard about that achievement in the throne speech, did we? Children rely on adults around them to teach them, nurture and protect them. Unfortunately, not all adults provide our kids with safety and security. How we deal with those offenders is directly correlated to the priority we place on our children and their safety. I received many comments from my constituents on these issues.

Nancy said:

> The 20 years is a lot of tax money spent on housing and caring for the criminal. The death penalty may be a more economical solution. Morally, it may be harsh, but I'm sure this would be a great deterrent".

Anne Marie said:

> We need to get pedophiles off the streets and start getting serious about protecting our children".

Another wrote saying that the age of sexual consent would be better at 18. A Saskatoon resident wrote:

> If we do not protect our children from predators, then what kind of parent... government...society are we? I have very strong opinions in this area...to that of bringing "capital punishment" to those who prey on children".

One person wrote in with comments telling me that we still have much work to do. That person wrote:

> This attack on pedophiles is the modern equivalent of the medieval witch hunt. You shouldn't be fuelling the fires of hysteria. In my opinion, the age of sexual consent should be lowered from 14 to 12 years. Once a girl starts to menstruate, she is biologically an adult. She should know it and act as though she knows it. Do you believe that there is some magic age at which a female suddenly starts to act responsibly? Stop treating teenagers as children, I say".

● (1740)

That was one of my constituents and I think those statements need no further comment. Thankfully, the majority of those in our communities are of the opinion that children deserve protection.

I would like to address what I feel is this bill's largest fault.

Those who threaten our children are often seizing opportunities afforded to them by their proximity to the environments of our kids. Thus, one would think that removing that access would be the first priority in protection. Unfortunately, the bill still allows for conditional sentences.

Conditional sentences are a joke. Criminals, especially the ones who prey on children, should serve their sentences in prison, not in the community. There are criminals like Karl Toft, whose list of victims numbers in the hundreds. Today, he happily cruises the streets of suburban Edmonton. Do not worry, he has promised not to do it again.

Sex crimes invade one's personal security unlike any other crime. Those who commit these types of crimes are shunned, even within the prisons. They cannot even get respect among thieves and murderers.

There is a good cause for minimum sentences. Sex offenders are among the highest reoffenders we have. They are often quite intelligent, and this makes them more dangerous. They do not tend to make silly mistakes as often, and this makes catching and prosecuting them even harder.

This bill is a timid first step for Canadian children. It is complex, with cumbersome provisions that will not make it easier to prosecute sexual predators or keep them off the streets. Law enforcement still does not have the tools to deal with child pornography cases effectively or efficiently. Children must be protected from abuse. The failure of the Liberals to prohibit all adult-child sex leaves children at risk.

The Canadian Alliance has demanded the elimination of the artistic merit defence. The Liberals have finally recognized its danger. Unfortunately, the Liberals have replaced the existing defences with a single defence of the public good. There is no substantial difference between this defence and a previous defence that was rendered ineffective in a 1992 Supreme Court ruling. Higher maximum sentences for child pornography and predation will not be effective unless the courts enforce them.

Mr. David Anderson (Cypress Hills—Grasslands, Canadian Alliance): Mr. Speaker, I will ask members this question. Have they ever had an old horse that was on its last legs and its ribs were sticking out? It did not matter what was fed to the horse, it could not gain weight, its haunches were showing, it had these big knobby knees and the more it walked, the more it stumbled and the closer it got to its last days.

An hon. member: It sounds like Lightning.

Mr. David Anderson: One of my colleagues says it sounds like Lightning. Actually, it sounds also like the government. I believe the government is stumbling. We see it in almost every aspect of the government today. We saw it during question period and afterward in a number of different areas. We see it in areas such as the gun registry and the fact that the minister himself has gone outside and has paid a company to produce a report that he hopes will be favourable to his department.

We saw it in discussions about GST fraud. This is a government that for 10 years has been unable and unwilling to even deal with the issue of people defrauding the general public of taxpayer dollars.

We saw it during the last week or so with the government's inability to take a position on Iraq that anyone could possibly understand.

We see it in agriculture with the APF and an agriculture minister and a department. It is within two months of a new seeding season and they do not have the programs in place. They have had two years to put those programs in place.

We see it with a public works minister who is busy appointing committees and getting MPs to delay the release of reports, trying to delay as long as possible an inquiry into the government's contracting and its actions there.

We also see it for the one who would be the leader, the member for LaSalle—Émard, who was in Alberta this past weekend. I thought it was the height of hypocrisy to hear him speak about how he wanted to put money into the military after he gut it for 10 years. He wanted to call the government to accountability on the gun registry, when he was the one who had been funding it to the tune of a billion dollars over the last 10 years.

In Bill C-20 we see another example of a government that is completely disinterested and unable to come up with good legislation. Today we have heard from perhaps two members out of 170 on the government side. They do not seem to even be interested in coming to discuss the issue and debating it with us.

I guess the government's best response today, and I do not even know if I should go there, was from the member for Ancaster—Dundas—Flamborough—Aldershot. He said that his biggest fear was that this law would somehow interfere with freedom of speech.

I found it interesting that the best example he could use was *Romeo and Juliet*. I find it typical of small "l" Liberals. They take an extreme example and then try to make a rule from it. In this situation we have heard someone talk about child pornography, then equate that somehow *Romeo and Juliet* is tied to that.

Police officers who came and spoke to us did not talk about *Romeo and Juliet*. They talked about small children and babies that were forced to have oral sex with adults. They did not talk about *Romeo and Juliet*. They talked about small children who were being raped by adults. They did not talk about *Romeo and Juliet*. They talked about small children being held down while adults masturbate on them.

It makes me very angry when I hear someone say that the issue in this legislation is freedom of speech. It is not. It is child abuse and child exploitation. There is no excuse. What do we have to do? How long do we have to talk about this? How long does it have to go on before there is action on this issue?

We try to keep this as clinical as possible and keep it as far away as possible. However, when the police come here and show us that material, we know that something needs to be done. Perhaps that material needs to be shown at a Liberal caucus meeting some Wednesday. Maybe then they will realize these are real kids who are being destroyed by these people.

What is wanted? When we go to Canadians, the first thing we hear is that they want a clear definition of pornography. We are the people who are supposed to legislate the law in the land.

It is good to ban child pornography but we need to do something with it. What is it? I will read the past definition of what child pornography, the defence for it and how it changes.

The previous version of child pornography, as found in subsection 163.1 of the Criminal Code, reads:

> —(a) a photographic, film, video or other visual representation, whether or not it was made by electronic or mechanical means,
>
> (i) that shows a person who is or is depicted as being under the age of eighteen years and is engaged in or is depicted as engaged in explicit sexual activity, or
>
> (ii) the dominant characteristic of which is the depiction, for a sexual purpose, of a sexual organ or the anal region of a person under the age of eighteen years; or
>
> (b) any written material or visual representation that advocates or counsels sexual activity with a person under the age of eighteen years that would be an offence under this Act.

● (1745)

The condition is it has to be an offence under this act.

The defence, which everyone is getting more familiar with all the time, is that where the accused is charged with an offence under the subsections, the courts shall find the accused not guilty if the representation or written material that is alleged to constitute child pornography has, those famous words, "artistic merit", or an educational, scientific or medical purpose.

The changes are actually fairly small in terms of the definition. We are just adding a part to it. At the end of the section, we will simply add that it also includes:

> 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.

I want to point that out because it does not say that it has to be just anything that involves this.

The defence is changed to:

> 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 or do not extend beyond what serves the public good...

My colleague, the member for Port Moody—Coquitlam—Port Coquitlam, said this earlier. There is no definition of public good in the legislation. We need to talk about that. The Supreme Court has already ruled on this. It has extended the definition of public good beyond the old definition. The public good includes issues that deal with religion, administration of justice, administration of science, literature, works of art, or other objects of general interest. It looks to me like the government has actually broadened what will be included in the definition of child pornography, not narrowed it.

We have asked the government time and again to ban this stuff and get rid of it. We do not need it around. Then it comes back with a bill that, according to a five to two Supreme Court decision, will broaden the definition of what will be allowed and broadens the number of exemptions for this material. Canadians want a clear definition. They do not want to be fooling around, they want this stuff banned.

Canadians also are asking for a ban on child pornography. Every member in the House who has been paying attention to their constituents has probably brought one of these petitions forward. It clearly states, "Your petitioners call upon Parliament to protect our children by taking all necessary steps to ensure that all materials which promote or glorify pedophilia or sado-masochistic activities involving children are outlawed". We have seen hundreds and hundreds of these petitions and tens of thousands of signatures. The government must at some point begin to listen to its people.

The public demand, brought about partially through the Sharpe case and through widespread public revulsion, is that people want this material banned. They are not interested in artistic merit or anything else with regard to this material. The average person just wants rid of it.

We also hear that police officers need help. We heard it in the media and we heard it when they came here to talk to us. They brought some of this material for us to see, and they need help in a couple of areas.

First, they need help in dealing with the evidence. Presently they have to go through every image they confiscate. Some of these collections, from what we are told, have 200,000, 500,000 or 750,000 images. Police have to take the manpower to sit and go through every one of the images, detail them and ensure that every one of them fits the criteria that the government set out. We say they need some help with this. They need a situation where they do not have to go through this material ad nauseam.

Presently when police seize a huge quantity of drugs, they take one packet of it and that constitutes a fact in which people believe that the rest of the shipment contained the same material. We need that sort of thing for our police.

Second, and I will have more to say on this later, is Internet issues must be addressed for the police. This material is international in nature. There needs to be an international initiative taken to get some control of it. Russia, I am told, is one of the conduits for it, but this is just a banquet table for perverse appetites and something needs to be done about that.

● (1750)

What people really want is protection for their kids in what is seen as a crazy world.

Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance): Mr. Speaker, I have a few comments on this bill. I will share my concern and also the disappointment that my colleagues in the Canadian Alliance and I have today in the failure of the government to properly act on behalf of the children in our country. The government continues, in a way that can only be described as mystifying, not to do all that can be done to protect our children.

The bill has been described as timid and indeed it is. When those who would violate children are far from timid, the response from the government is not a deterrent at all. It is complex and cumbersome. It will make it more difficult to prosecute sexual predators. Police forces around the country who are committed to protecting children and whose years of training have provided them the ability to protect the most vulnerable in our society will not have the tools they need to be there for children.

We said earlier today and will continue to say that children have to be protected from abuse at the hands of all predators. We shake our heads and wonder that the Liberals fail to prohibit all adult-child sex, leaving children exposed to unacceptable risk. We join Canadians across the country in asking the question why.

We raised the issue of this defence called artistic merit significantly enough that it finally got through. I can remember in the early days of discussing the bill when the Liberals continued to defend something called artistic merit as a way of excusing predatory sex between adults and children. I remember hearing in the House so-called responsible Liberal members of Parliament using concerns such as cultural considerations. We asked time and again, whose culture is promoting such a thing as this and whose culture needs to be defended from predatory adult-child sexual relationships? We never did get that answer.

Finally the government backed down and changed the words "artistic merit" to something called the "public good". I will be looking with somewhat morbid interest to the day when some MP or possibly some member of the judiciary tries to defend predatory adult-child sexual relationships with some kind of defence called public good. If that day ever comes, indeed it will be a sad day.

We asked for higher maximum sentences for child pornography and for predatory behaviour. Those have been received, but judges have the option. There is no truth in sentencing here. A sentence may indeed come down and the public will read about it in the newspaper and think that something has been done. Without truth in sentencing being enforced, the public will not be aware that perhaps the person will receive a conditional sentence or perhaps be allowed to serve out their time at home.

These are ways in which our children are being failed, such as the reluctance to raise the age of consent from 14 to 16 years that we have asked for. As I travel the country from coast to coast there is hardly a time I do not raise this issue in a public meeting. I have yet to have a citizen come forward and say, "Fourteen is good enough. Sexual exploitation between a 50 or 60 year old and a 14 year old is actually okay and we should defend it". I have yet to run into a person who defends that, except for Liberal members of Parliament.

● (1755)

It is astounding. We are supposed to be governing at the consent of those who are governed. Where were the federal Liberals given the consent of the citizens we govern to keep the age at 14 years for children being protected against adult predators? We want it raised to 16 years. Show us the letters. Give us the evidence showing that the public is demanding that the age at which adults can exploit children be kept at 14.

Twenty years ago we would not have been having this debate in the chamber. It would have been unheard of. That is why we must stand on guard for the children of Canada and not allow these incremental advances that give excuses to adult child sexual predators to be made. We cannot allow that erosion to happen. It already is happening in our society. The language is beginning to change.

It was not that long ago that the American Psychological Association changed the definition. It used to call this type of predatory adult-child sexual relations as being pathological and listed it as a pathology. It has now changed that. It is only listed as pathological if it is really bothering the adult who is perpetrating it. The language is changing.

We listened to some of the arguments. Now it is not being called child-adult predatory sex. It is being called intergenerational sex. Once the language begins to change, the behaviour will begin to change in even greater amounts. Predators will sense a weakening of the will of society itself. However there is no weakening in society but only a weakening among those who are governing. We must not allow these incremental changes to take place.

As one of my colleagues just mentioned, we have heard arguments to the effect that it is all right as long as the child is not being harmed. This is another grotesque example of how we are incrementally lowering the standards which we use to protect children.

There are groups out there that have been arguing for a long time that child-adult sex is actually acceptable and normal. There is a group called NAMBLA, North American Man/Boy Love Association, that argues that child-adult sex is actually acceptable and normal. Heterosexual groups are also making themselves known. They argue that heterosexual relations between adults and children are fine and healthy and should be encouraged. Those groups are out there now making arguments and we are starting to slide backwards into the abyss from which those arguments come. We cannot allow that to happen.

Look at the arguments of those groups that I mentioned and the direction of the psychological associations. I predict, and I hope this prediction does not come true, that if we do not draw a firm line as we are suggesting, the day will come when people will stand in the House and say that this is a bona fide sexual orientation and that it should be protected under sexual orientation legislation. That will come upon us because it is being talked about already by other groups outside the House.

One of my colleagues quoted Solomon, one of the wisest men on the face of the earth and also the most loving man who walked on the face of the earth. That man said to his own colleagues, "Let the children come to me. Do not harm them; do not be abusive; let them come to me". That man also said that for anyone who caused one of those little ones to stumble, it would be better for that person on the day of judgment to have a millstone wrapped about his neck and that he be dropped into the ocean than what would actually come upon him. That was said by the most loving person who ever walked on the face of this earth.

● (1800)

We cannot allow the continual erosion of the standards we use to protect our children to happen. We must draw the line. I appeal to the governing members of Parliament to change their minds on these issues which we have addressed and to raise the standard back to where it should be so that when we sing our national anthem we can truly say to our children that we stand on guard for them.

Mr. Chuck Strahl (Fraser Valley, Canadian Alliance): Mr. Speaker, I am happy to enter into the debate.

To carry on with the theme of the member for Okanagan—Coquihalla and the citation he raised, it was also said, "Whatever you do unto the least of these, you have done unto me". That is also very much a lesson to all of us.

All of us here in the House take children and the protection of children as a special obligation or at least we should take it as a special obligation. We should realize that failing to do so will be partly how we will be judged as an organization in the years to come. Did we get the job done? Did we do what was necessary to protect our children?

The Liberal government's track record to date on the protection of children has not been good. I think of the efforts by my colleague from Langley—Abbotsford who brought forward a motion demanding that the House move ahead with the sex offender registry. That is just one of many things we could talk about, the Divorce Act and many others things.

Specifically on that one issue, the member for Langley—Abbotsford brought forward the proposal in a supply day motion. The House debated it and we passed the motion. We basically forced the hand of the Liberals because they never would have done it on their own. They finally brought forward a sex offender registry of sorts but it does not apply to anybody who is in jail. It is not retroactive. From here on they will be more concerned about making sure sex offenders are registered so we know where they are, what they are doing and making sure they are not reoffending and so on. However the ones who are already in jail start off with a clean slate.

It is ridiculous. It shows a lack of understanding of the chronic abusers of children who need to be monitored and need to be protected from themselves. More important, we need to protect the innocent children. We could not even get that right. Even after we passed a motion in this place to protect children, it got watered down. The Liberals use weasel words. They do half measures, half steps and in the end the provinces pass their own legislation because the federal legislation is not effective. There is a hodge-podge and a grab bag of solutions from coast to coast in different provinces because the provinces gave up. They waited for the federal government to show leadership and it has not done it.

Another example is the law we passed that deals with people who travel abroad to have sex with children. That is seen as a problem and the international community condemns it of course. We all stood here and condemned it so the government passed legislation saying that people who had these so-called vacations for sexual purposes with children would face the courts, face the law and face the wrath of the Canadian parliamentary system.

We warned the Liberals when they brought in that legislation that it was completely ineffective. We told them it would not work. How many prosecutions have there been under that law? How many convictions? There have been zero convictions. How many prosecutions? Not a one. Why? Because they are half measures, watered down, half-baked ideas that do not put the children first, but put so many obstacles and so many steps in front of law enforcement officials that they have not even tried to prosecute somebody on something that is, according to the United Nations and other international groups, a chronic problem in places like Thailand and other countries. There has not been one prosecution and not one conviction. The record is abysmal.

When we think of priorities, things the Liberals could be doing and should be doing, there should be emphasis on law enforcement and intercepting pornography. We have talked a lot about that today. What has the government done? It has eliminated the ports police. The ports are where people bring pornography into the country, and the government took the police out of the system. Now there is a conduit for pornography to come into the country. The government thinks nothing of it. It says it is not important enough.

The record on this is abysmal. It is especially abysmal because we are dealing with child protection. The Liberals cannot point to a single thing they have done. They cannot even get the Divorce Act right, which is a simple thing. We talked about protecting children.

● (1805)

We had an all party committee that gave a report called *For the Sake of the Children*, which had specific recommendations on how to protect kids in the case of family breakdown. The Liberals cannot even implement the *For the Sake of the Children* report in the House because they water it down with half-baked measures and little timid steps and say that maybe they can think about it. Nine years I have been in this place and they are still talking like that: It is just pathetic.

I do not know why they do not take some bold steps so that maybe a year or two later they could say they would have to have to back off on those steps a little, that maybe they were a little too strict, or maybe they would have to fight with the courts about it and find proper way. They do not even take a measure. They do not push it in the courts. They do not challenge court decisions. They sit back and wait for something to happen as if it will solve itself. Instead, the problems continue to get worse. It is a sad state that describes well Liberal inaction, lack of vision, lack of purpose, and no sense of the role of a parliamentarian, which is first and foremost to protect those who cannot protect themselves.

We are supposed to be grateful because Bill C-20 is at least tabled in the House and is at least called child protection. I am not convinced that it actually is going to do the job of protecting children. It is a timid first step. It does not boldly go where no one has gone before; it is a timid little step. For example, they are saying that, and the exact wording is here, they are going to change the law to protect kids who get abused when someone is "in a relationship with a young person that is exploitative of the young person". They are saying that this will be an extra tough rule that they will bring in now.

There is already a law against people abusing positions of trust and authority. We already have laws on the books to prosecute and throw people in the hoosegow when they do that sort of thing, but they are just not effective. They are not working.

My colleagues have read out examples about people who abuse the trust of children, who spread pornography that is showing more abuse of children, who are recruiting people into this pornography business. Who knows what effect this is having on families and children? We can only imagine. What do they get? They get conditional sentencing.

I think we just throw that phrase out expecting people who are watching to understand what conditional sentencing is. Conditional sentencing, let me say to folks, means that a person does not go to jail. If a person has been watching pornography at home and spreading it around to other Internet users, conditional sentencing means that the person gets to go back into that home and spend more time there. That is the penalty. It is no penalty at all.

An hon. member: Go stand in the corner.

Mr. Chuck Strahl: Yes, it is like putting on the dunce cap and standing in the corner for a minute and having someone say "I hope you won't do it again". There is no teeth in it. There is no message in it, and this is the important thing, for abusers of children. Often the victims spend a lifetime ruined. Often they are generationally ruined and become abusers themselves. It is a horrendous cycle. There is no thought given to that. The abuser is just given a little smack on the hand and told not to do it again, to go home and think about it. It is just inadequate. The message it sends is really inadequate, hopelessly inadequate, because it sends the message that we do not take it very seriously, that we wish they would not do it but there are no consequences.

We also have said that one of the first steps we should take is to raise the age of sexual consent from 14 to 16. I want to quickly relate a story that was on BCTV news approximately two or three years ago. There was a 14 year old girl, and who knows what kind of problems she was having, who got into a situation with an exploitive, middle-aged guy who was 45 to 50 years old. He moved that 14 year old girl, and a 14 year old is in grade 8, into his home. The mom and dad finally found out where their 14 year old girl was. They tried to intercede and change the situation, in which this little girl was not even grown, not only not sexually mature but not even grown up yet, and the 50 year old pervert had her in a house. The police told the mom and dad they could not even go in there and talk to their daughter to see if she was safe. Why? Because the law says 14 years old and it is free game for the perverts.

● (1810)

So the police were not even allowed to let the parents in to talk to their 14 year old girl to see if she was okay, to see if she would have liked to come home, to ask if she was plied with drugs or abused in any way. They could not talk to that young girl. That young girl was a victim and who knows where that victim cycle ended. Who knows where the victim cycle ends?

Let us do some constructive things here. We have been talking about this. Let us get a sex offender registry that works. Let us get that done. Let us get child pornography, the vile child pornography, off the streets. Let us not just talk about banning spam from the Internet like the industry department is doing, but let us actually ban the Internet transmission of pornography.

Let us deal with changing the age of consent from 14 to 16 and make real changes possible, quickly, to help police. Let us then put the tools in the hands of the police and the judges, with firm sentences and with the assets and tools that are needed by police forces from coast to coast.

If we do all of that, and we can do it quickly, then we will have a handle on actually providing the protection for children that this bill does not address.

● (1815)

[*Translation*]

Mr. Dan McTeague (Pickering—Ajax—Uxbridge, Lib.): Mr. Speaker, I am pleased to have this opportunity to speak to this bill, which I consider rather an important one.

[*English*]

As colleagues in the House will know, the issue of child exploitation is one that without a doubt is of concern to all Canadians and certainly to all parliamentarians.

We want, to the fullest extent possible, to ensure that we have legislation that above all not only gives the impression of valued protection for the most vulnerable members of our society but also at the same time provides an assurance that in fact good legislation that is written here and the proposals made by the House in fact meet the test of ensuring that children are protected.

I thank all colleagues from all parties of the House who last year at this time participated, for the second time, in a forum to deal with the vagaries and the rather emotional side and reality of child exploitation. Compliments of the Canadian Security Intelligence Service, Canadian customs officials, the Toronto police force, under the very capable hands of Paul Gillespie and of course his predecessor, as well as the Ontario Provincial Police Project P's Detective Inspector Bob Matthews and Dr. Peter Collins, it became very clear to all those who did attend the meeting that Canada indeed has a serious problem.

At that time it became clear to many of us and we issued an issues and options paper, in which many members of Parliament agreed that the fundamental concern to arise out of the Sharpe decision was that the issue of the community harm test was set aside. In her wisdom, Madam Justice McLachlin of the Supreme Court suggested at the time that the risk to children, however small, would nevertheless be outweighed by a charter challenge. I take it that Madam Justice McLachlin at the time thought, of course, that this was an appropriate course.

The Minister of Justice has rightly and correctly identified what I believe to be one of the most fundamental and key deficiencies in that ruling, and that is to ensure that what the public expects as a good and as a right of a good to protect must also be included heretofore in any decisions by the court.

Clearly I have spoken on previous occasions about the tensions that exist from time to time between the courts, the justices in the country and of course decisions that are made here in the House of Commons, but I take it that this is an acceptable, proper, appropriate and timely compromise.

As members of the House know, last month Toronto police issued what was in fact a view, in conjunction with Project P, that less than 5% of those who have been charged or who have been alleged to be involved in a child pornography ring from the United States have to this point been convicted. I suggest and submit that it is a matter of enforcement. It is one of the reasons that I as a member of Parliament, with many members on this side of the House, have taken the initiative and also have talked about the need for more coordination, for combined forces, if we wish, a strategy to ensure that we put the weight of all enforcement agencies toward making our good laws work.

Members across the way and in our party also understand, as do most Canadians, that the laws themselves are very strong but that perhaps the laws are insignificant or fail the test of protecting children if we cannot find a better way of enforcing them.

I think one of the most serious problems we have is to try to educate the judiciary, the crown attorneys, et cetera, as to how to combat child pornography. In the last round of bills, I was also very pleased to see Bill C-15A, which I voted for, with which for the first time a provision on Internet luring was put into legislation. In fact, in my community and in communities across the country that piece of legislation has been used on more than one occasion. More needs to be done and there is no doubt that I give full compliments to the intent of the House, which is to ensure that we keep our legislation modified and up to date.

However, I believe much more work needs to be done. It is interesting that on this issue the House, in my view, need not divide itself. We can always say that there is need for improvement and I am willing to talk to any member of Parliament about all the issues we have put forward: mandatory penalties; issues dealing with the police and the crown lacking the necessary resources to ensure the appropriate investigation and prosecution of child pornography and related crimes; that crimes receive the appropriate penalty; and that this becomes a priority in light of the harm it does to children. Of course we understand this because it is a harm that has no boundaries. It is an infinite harm.

● (1820)

A child who is exploited is a child who ultimately continues to be exploited in the long term. Martin Kruze is a young individual from my community who was assaulted by people who were in a position of authority. The Criminal Code already covers that. Martin brought his story forward. There have been countless stories, not necessarily with the belief that legislation can always cure these problems.

We have to recognize in the House the necessity of providing effective and timely enforcement to our enforcement agencies, whether that be the RCMP, the OPP, the QPP, or whoever, to ensure that we have a modicum of protection for young children, particularly those who represent, in essence, the future of our country.

I have concerns about other areas that we need to address in the options and issues paper that was presented in April of last year, issues that arose in part out of the Sharpe decision, both the one in 1999 and the one again much later. However I believe there is an opportunity for us to consider that attacks against children are nothing less than a hate crime. What they are doing is in fact targeting children and their inability to protect themselves. There are people in our society who believe that if they cannot be caught that it is somehow a licence to do far more damaging things.

The second issue we raised had to do with the need to ensure that we apply a community standards test similar to the Butler decision. I am reading the proposed legislation and it calls for a community harm or community good standard. I compliment the minister on that because I think it will be important to clarify the decisions and the differences that we are seeing in legislation.

It is not my job to disparage the Supreme Court of Canada or anyone. It is quite to the contrary. It is to find ways in which we can make this a much easier task.

I urge the House of Commons to consider perhaps relaxing legislation dealing with some of the Supreme Court of Canada rulings, for instance in Stinchcombe, which said that in order to address someone who is exploiting children on the Internet, rather than having to get a warrant, which takes two weeks, to seize the evidence and then to have someone catalogue 100,000 to 200,000 images, that we use the same standard that we would in a drug case. A simple sample would be presented and it would be sworn in as evidence, which would obviate the need to deplete the resources of enforcement agencies. I think that is an area on which we should be holding a summit in this Parliament and certainly on the Hill to ensure that all police, crown attorneys and judges have an opportunity to deliberate on this very important issue.

It seems to me that we have in many respects nothing less than goodwill toward protecting our children. We must ensure that our legislation and our enforcement procedures are consistent with the modern world.

To that end, I encourage the Minister of Justice to continue to improve what is known as the category of lawful access, to ensure that police forces and agencies across the country have that ability. In fact, this Minister of Justice and previous ministers of justice have signalled the importance at various conferences around the world, but we need to ensure that the sophistication of those who are using the Internet to attack children, and ultimately the attack is permanent and leaves permanent damage to a whole generation of children, is combated using proper, up to date technology.

It is important for us as members of Parliament to speak about the resources that are necessary. It is not just a question of co-ordinating and creating a combined force or combined strategy. We need to get serious about the amount of money needed to do this. It is an important line item in my view in terms of the budget.

Mr. Myron Thompson: Don't hold your breath.

Mr. Dan McTeague: I hear someone calling from the other side. I ask hon. members to understand that we are all on the right side on this issue. When it comes to children no amount of debate or division will be tolerated or accepted in an environment where we have to work together. If this is a step in the right direction, then let us keep the momentum going.

I call on my colleagues in the Alliance, in the Bloc Quebecois and in the NDP to approve policies and ideas that are there to have as their fundamental idea the purpose of advancing the protection of children.

● (1825)

In that context, we must listen to what the police are saying. The police have called for this kind of legislation at the same meeting you, Mr. Speaker, and I attended with the hon. members. Much remains to be done but this is a very good and important step in the right direction.

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, I am honoured to be able to stand in defence of children today. I share the concerns and the outrage of many of my colleagues at the total inaction on the part of the government to protect children.

The member who just spoke for the Liberal Party has urged us to support Bill C-20 because, in his words, it is a step in the right direction. Well, I am going to urge all members of Parliament, including the Liberals, to vote against Bill C-20 because it is such a tepid step. It is almost nothing. It is as if we were on our way to Edmonton from Ottawa. We are facing west but we are going to take only a small step forward. We might as well vote against it because it really has not done anything.

In fact, if we were to analyze Bill C-20, we would find that all it does is change the words for some of the defences that are used when charged with this crime and it does not strengthen anything. In fact, in some areas I believe it substantially weakens it.

I have on occasion been told that real men do not cry, that real men do not eat quiche, and things like that, but I have to confess, and I do this rather unashamedly, that I have in the last couple of years actually cried on occasion for our country because of the lack of leadership in a whole bunch of areas but mostly because of the lack of moral leadership. We have no moral leadership all the way from the Prime Minister down to the ministers and the backbenchers on the government side.

We have Shawinigan shenanigans but it does not matter. The Prime Minister just says that he is doing his job. Yet we have accusations and charges. A whole bunch of people are under investigation into the misuse of money in Quebec on advertising. That is okay. That will blow over. The Liberals will get their party people to do the spin doctoring on that and that wave of negative reporting will disappear and they will move on.

That is unconscionable. There is no moral leadership, no moral anchor. We no longer have a leadership that guides in what is right and what is wrong. It has degenerated to the point where when it comes to things as obscene as the sexual abuse of children, here we are, a bunch of men and women, adults, most of us moms and dads, many of us grandparents, and we are not ready to stand up and say that we are not going there, period.

The other night I woke up. I was not at home. I was visiting my suffering mother in Saskatchewan who was recovering from the shock of having buried her husband of 67 and a half years and healing a broken hip. I guess I was probably a little emotional, having spent some time with her cleaning up some of the things in the house. This became part of my newspaper column in the local paper in Sherwood Park. It happens to me occasionally that I wake in the night and cannot go back to sleep. That happened at 2:23 a.m. I got to thinking about a whole bunch of things, including the imminent resumption of Parliament, I was wondering what would be on the Liberal agenda at the time and I contemplated what would be my highest priority.

● (1830)

Thinking about my family and my grandchildren, I had an inspiration which I wrote down. It was about 2:30 when this happened. The wheels were turning. I got out of bed, warmed up my computer and wrote my newspaper column at 2:30 in the morning. This was my inspiration. This was how I worded it, "Notwithstanding any Liberal interpretation of the charter, any person who knowingly creates, possesses, stores, distributes, sells or gives away any depiction, description or image of any child in a sexual abusive act or state in any form whatsoever, including but not limited to photographs, writings, computer images or files, is guilty of a federal offence and subject to imprisonment of a minimum of 25 years". That was what I came up with at 2:30 in the morning a couple of weeks ago.

That is how passionately I feel about this. My young grandchildren should be protected. Everyone's children and grandchildren look to this place for leadership. Is it here? No. The government wants us to support this tepid, half a step bill that it labels child protection. It is not willing to say that this is simply not acceptable and that if people do it they will not be permitted to get away with it. I do not know why we are so timid in this area.

The other thing that occurs to me is that the Liberals are playing politics with this. I will explain how this is happening. Watch what happens in the next election. I do not know about my colleagues, but I will be voting against the bill because it does not touch the problems. It is not because we are not facing in the right direction. It is because we are not going anywhere.

I can already see the Liberal political tactic. In the next election the Liberals will ask the community of Elk Island not to vote for the incumbent because he voted against Bill C-20, the child protection legislation. The Liberals have done that before and they will do it again. They are planning an election campaign on the backs, if I can say it that way, of our innocent children. That is despicable. I cannot believe we have degenerated to such a low level.

I do not see any reason in the world why we cannot invoke the entire Charter of Rights and Freedoms. There was a lot of wisdom in the people of that day. In one step they put in the notwithstanding clause in order to protect against a court that would misinterpret the intentions of Parliament. Surely the writers of the Charter of Rights and Freedoms did not say that they wanted to have it in order to permit people to become predators of our children. We are irresponsible in this Parliament if we do not invoke that clause in the charter which was put there specifically so we could do that.

I would have much more to say except for limitations of time, but I would like to move an amendment as this point. I move:

> That the motion be amended by deleting all the words after the word "That" and substituting the following therefor:
>
> Bill C-20, an act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act, be not now read a second time but that the order be discharged, the bill withdrawn and the subject matter thereof referred to the Standing Committee on Justice and Human Rights.

I will say in closing that the purpose is to strengthen the bill so that we can stand up in front of future generations and say that we actually did something tangible for the children of our country.

● (1835)

Mr. Chuck Strahl (Fraser Valley, Canadian Alliance): Mr. Speaker, for those who are watching and wondering why this motion is necessary and why it is the proper thing to do with the bill, this is a procedural tactic that speaks to the heart of the issue. The amendment says that the bill should not be heard at this time. In other words, we should not proceed with this bill. We should not take this tepid, single baby step on child protection. We should not consider this bill anymore but we should send it to committee and charge the committee to come back to the House of Commons when there is a bill with some teeth in it, when the children's interests have been put ahead of the interests of the pornographers.

We should charge the committee to put together a bill and come back to the House. The preamble of the bill should say that when the rights of the criminal conflict with the rights of the children, we will come down on the side of the children for a change. We should tell the committee that this is a serious issue with which it is being seized, that we want it to be a priority, that it is not to be put at the bottom of the agenda but at the top and it should be the first thing to be worked on.

As the motion by the member for Elk Island states, the committee should be charged with getting back to the House in order to toughen the law to protect children, and make sure that when the children's rights are compromised that it has what it takes in order to protect them. What an opportunity that could be for the committee to do the right thing. It could toss the present bill into the garbage and come up with a set of proposals that really address children's needs.

Certainly it could look at how the sexual predator registry is handled and make recommendations on it. The minimum sentencing for those who abuse or would abuse children through pornography or other exploitive relationships could be changed. There could be proposals to strengthen the exploitation of children in other countries. Why do we not include that as well? We talk about, let us make it happen.

Let us bring forward some proposals that include minimum sentences so that the child abusers get the word. Let us also send a moral message to the country that we find those acts unacceptable. It is time to take bold steps, not just to look in the right direction, as the member for Elk Island said. It is time to make meaningful changes to the Criminal Code that cannot be misinterpreted by the courts, that will not be soft-pedalled by the porn distributors in this country. It is time to state that we will not be seen as not knowing where we stand. We have to send a firm message to the people who need to know, the parents, the children and those who would abuse them, that Parliament means business.

The motion is called a six month hoist of the bill. We do not want the bill to proceed any further. It cannot be fixed. It cannot be amended. It cannot be strengthened in its current form. We want the justice committee to come back with recommendations as it has done in the past. All parties can get together at the committee level and actually bring forward legislation that has some teeth in it. It has been done before. Often at the committee level members from all parties come together, address the problem, and put forward solutions, only to see the bill die on the Order Paper or amended beyond recognition by the Liberal government.

All we are saying is that this bill is not enough. Certainly we all agree that we need to protect children, at least those are the words, but let us not have empty words and useless chatter on this. Let us come forward with a set of changes to the Criminal Code that, whether one is a law-abiding citizen or a law-breaking citizen of this country, one is not going to skate around and avoid the issue.

People must know Parliament's will on this. People must see Parliament at its best, at its strongest, at its most united. Let us find a way to make sure that children come first. Perhaps we could title it "For the Sake of the Children" so that we do not do it for crass political reasons and we actually put the children first.

● (1840)

ADJOURNMENT PROCEEDINGS

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

[*Translation*]

CHILD POVERTY

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, I have asked for this adjournment debate, not just because I did not get an answer to my question, but also because the public deserves a better response than the one given by the minister. She keeps giving that same reply, which is filled with falsehoods and has neither seriousness nor depth to it.

We know that there are poor children because there are poor parents.

Campaign 2000 is a partnership of over 85 organizations and groups across Canada dedicated helping children and their parents, and the minister sets great store by it. Campaign 2000 states the exact opposite of what the minister is saying.

Campaign 2000's position is supported by the findings of the most recent National Council of Welfare *Poverty Profile*. This report, compiled in August 2002, indicates that the overall improvement of 0.7% in poverty rates came nowhere close to matching the impressive economic growth rate of nearly 5% during the same period.

The council also indicated that the heaviest impact of this chronic poverty was on preschoolers. Allyce Herle, acting Chair of the council, even says that the government only pretends to value children. The report also faults political leaders for not making political choices to eliminate the causes and consequences of poverty.

Campaign 2000 published an ad—in the *Globe and Mail* and in *La Presse*—over the past few months condemning the government's inaction in fighting poverty. The organization lists the essential components for a real anti-poverty strategy.

There must be significant additional social transfer payments, affordable and very good quality daycare, a national housing strategy —not affordable housing, social housing—significant relaxing of the Employment Insurance Act so that women, more of whom occupy short-term or part-time employment, do not need social assistance.

That is why I am asking what this government is waiting for to, among other things, increase funding for social housing and ease employment insurance criteria.

It must be said that, presently, the government is not putting any money into social housing. Let us be clear; we are not talking about affordable housing. I do not want the minister to tell me about affordable housing. She would be completely off track. I am talking about social housing.

I am also talking about relaxing the criteria for employment insurance. I am not talking about a small study that will benefit 300 or 400 women needing employment insurance. It is essential to recognize that, because women have short-term or part-time work or because they are self-employed, most of them do not manage to accumulate the famous 600 hours of employment needed to qualify for employment insurance.

I am waiting for the government to respond.

● (1845)

Ms. Diane St-Jacques (Parliamentary Secretary to the Minister of Human Resources Development, Lib.): Mr. Speaker, in response to the question raised by the member for Terrebonne—Blainville, I would like to point out that the fight against poverty is one of the top priorities of the Government of Canada.

September's Speech from the Throne reaffirmed the Government of Canada's determination to help children and families escape poverty and ensure that Canadian children get a good start in life.

We are fighting poverty on various fronts, including the national child benefit, which provides income support measures as well as programs and services designed for poor families with children. There is also the early childhood development agreement to improve and increase services to ensure that young children are healthy and ready to learn.

The Government of Canada has invested $2.5 billion to date in the national child benefit to reduce and prevent child poverty and to help parents enter the labour market. Under the benefit, a family of four with two children can receive up to $4,680 in benefits per year. In 2004 this amount will reach almost $4,800 a year.

The provinces and territories are reinvesting some $608 million from savings made under social assistance, as well as $125 million in new funding for benefits and services for children from low income families. The Government of Canada is providing $2.2 billion over five years to provincial and territorial governments to support investments in early childhood programs and services.

This year, we will be providing $400 million to the provinces and territories under the agreement on early childhood development. Under this federal-provincial-territorial agreement, governments agreed on four key areas to help young children: healthy pregnancies, births, and infants; improved parenting and family supports; improved early childhood development, learning and care and strengthening community support.

This is where the government is investing to help fight child poverty.

Ms. Diane Bourgeois: Mr. Speaker, a child's start in life has long term repercussions on his or her well-being. Children who live in poverty are faced with such difficulties that their development, health and well-being are compromised.

The Parliamentary Secretary to the Minister of Human Resources Development just said that money is being injected, but is there really a concern for the needs of the poor? Of course, government investment is essential, but it is not just a question of money.

My question is, when will there be an investment in social housing? When will there be money invested in employment insurance? That is what I want to know and I never get a response. These are the two main thrusts of the fight against poverty. It simply means that a considerable amount of money needs to be invested, that these are areas the government has neglected since 1994 and will not admit it.

Ms. Diane St-Jacques: Mr. Speaker, I want to repeat a little of what I said in my first answer. Indeed, we have invested money, including $2.5 billion for the national child benefit.

The hon. member made reference to Campaign 2000. In one of the latest reports, it was noted that in the past four years, child poverty has decreased. I know there is still a lot to do. It is not enough to invest money, but we must continue to find solutions to counter child poverty. That is what the Government of Canada is currently doing.

HIGHWAY INFRASTRUCTURE

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, on December 13, 2002, I asked a question in the House to follow up on a question asked the previous day, December 12, about routes 11 and 17 in northeastern New Brunswick.

My question dealt with the fact that the leader of the Liberal Party of New Brunswick had moved a motion in the legislative assembly requiring the federal government to respect the commitment made by the Minister of Labour responsible for New Brunswick regarding routes 11 and 17.

Typically, a question is supposed to be asked during oral question period, which consists of questions and answers. However, question period, clearly, consists mostly of many questions that remain unanswered, as occurred on December 12, when the Minister of Transport gave me the following answer:

> Mr. Speaker, the hon. member asked this very same question yesterday and I gave an answer. In case the answer was not clear I would direct his attention to *Hansard* and perhaps he will be edified.

It was absolutely not the same question. I did look at *Hansard*, and I could not find the answer, because he did not answer my question.

So tonight, after one month and some weeks, I hope that the Parliamentary Secretary to the Minister of Transport, who is responsible for answering my question on behalf of the Minister of Transport, has finally found the answer.

The leader of the Liberal Party of New Brunswick has invited the Legislative Assembly in Fredericton to unanimously ask that Ottawa respect the commitment made by the Minister of Labour. That is clear, and I do not want to check in *Hansard*. I want an answer from the Liberal government tonight.

Those of us in northeastern New Brunswick believe in the economic development of the region. The government is always accusing us of only talking about employment insurance. Well, when we finally talk about economic development, the government refers us to *Hansard* in response to a question asked of it the day before, referring to a passage that does not even correspond to the question that was asked.

I would like the government to show some respect at least, tonight, and to answer the following question: does the government agree with the leader of the Liberal Party of New Brunswick, who asked the federal government to keep the minister's $90 million promise regarding highways 11 and 17 in northeastern New Brunswick?

● (1850)

Mr. Marcel Proulx (Parliamentary Secretary to the Minister of Transport, Lib.): Mr. Speaker, the hon. member for Acadie—Bathurst asked a question. I did not check in *Hansard*, but if memory serves, it was more or less the same question he asked last week. To a similar question the hon. member will get a similar answer.

I remind the member for Acadie—Bathurst that the federal government has over the years made significant investments in New Brunswick highways. Since 1993, Transport Canada has had four different highway programs with the Province of New Brunswick.

I would also remind him that, through these programs, the federal government has committed $525 million toward improvements to the highway system in New Brunswick.

Some $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 and Premier Lord announced their commitment to complete the twinning of the Trans-Canada Highway in New Brunswick at an estimated cost of $400 million.

The Prime Minister of Canada also announced an initial contribution of $135 million toward the federal share of this project.

Furthermore, on September 13, 2002, the Minister of Transport signed the strategic highway infrastructure program agreement with New Brunswick, 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 program. 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 to submit projects for funding. However, the province has already put forward other priorities for the remaining funds.

Should the member, and perhaps the leaders of the provincial opposition parties, wish to convince the province to reallocate these funds to routes 11 and 17, Transport Canada would be prepared to consider their request.

I would also stress that highways are, as my hon. colleague is aware, a provincial responsibility. Therefore, there is nothing stopping the province from improving routes 11 and 17.

As my hon. colleague is well aware, with the two new announcements made last year by the Prime Minister and the Minister of Transport, the federal government has now committed almost three-quarters of a billion dollars toward the highway infrastructure in New Brunswick since 1993.

Clearly, the federal government is doing its share toward the improvement of highways in New Brunswick.

● (1855)

Mr. Yvon Godin: Mr. Speaker, it is shameful that the minister did not have the opportunity to answer this question. It was done too quickly, in 35 seconds. However, they had a month and a half to think about it and the parliamentary secretary is giving the same answer he did when I asked this question the first time. The parliamentary secretary is answering in the same way. He answered the same question last week.

I think that the question today is clear: does the federal government agree with the leader of the New Brunswick Liberals who are asking the federal government to keep the promise made by the Minister of Labour?

The parliamentary secretary talks about all kinds of money that was paid out to New Brunswick over the past few years. It is a little shameful. That means we had highways full of potholes. These highways had to be repaired.

I think this shows how bad the roads are. We want to know, for the economic development of northeastern New Brunswick, if the federal government is prepared to support the leader of the Liberal Party of New Brunswick, who said we need highways in northeastern New Brunswick, namely routes 11 and 17, yes or no.

Mr. Marcel Proulx: Mr. Speaker, I find the efforts by the hon. members to finance highways 11 and 17 very praiseworthy. However, he must understand and accept that highways 11 and 17 are not part of the national highway system and therefore not eligible for funding within the framework of this program.

The Prime Minister and the Premier agreed that the twinning of the Trans-Canada Highway is the main priority for New Brunswick within the framework of the strategic highway infrastructure program. Some of the funds that remain from the highway improvement program could be allocated to routes 11 and 17. Unfortunately, the province has already allocated these funds to other priorities.

However, I repeat to the hon. member that if the province can be convinced by my colleague to reallocate the funds for routes 11 and 17, Transport Canada is obviously prepared to consider this request.

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

(The House adjourned at 6:58 p.m.)

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