CANADA

House of Commons Debates

VOLUME 138 • NUMBER 052 • 2nd SESSION • 37th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Tuesday, February 4, 2003

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, February 4, 2003

The House met at 10:00 a.m.

Prayers

ROUTINE PROCEEDINGS

● (1010)

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

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

* * *

PETITIONS

STEM CELL RESEARCH

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am pleased to present a petition on the subject matter of stem cell research signed by a number of Canadians, including from my own riding of Mississauga South.

The petitioners would like to draw to the attention of the House that Canadians do support ethical stem cell research, which has already shown encouraging potential to provide cures and therapies for the illnesses and diseases of Canadians. They also want to point out that non-embryonic stem cells, which are commonly known as adult stem cells, have shown significant research progress without the immune rejection or ethical problems associated with embryonic stem cells.

The petitioners therefore call upon Parliament to focus its legislative support on adult stem cell research for the therapies and cures necessary to cure Canadians.

Hon. Maria Minna (Beaches—East York, Lib.): Mr. Speaker, I have three petitions, two of which are on stem cells.

The first petition asks Parliament to proceed using all types of stem cells, including embryonic stem cells, because it is impossible to predict which will provide the most medical benefits.

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

CHILD PORNOGRAPHY

Hon. Maria Minna (Beaches—East York, Lib.): Mr. Speaker, in the third petition the petitioners are asking Parliament to protect children by taking all necessary steps to ensure that all materials which promote or glorify pedophilia or sado-masochistic activities involving children are outlawed.

* * *

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. 68, 69, 70, 71 and 77 could be made orders for returns, these returns would be tabled immediately.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

[*Text*]

Question No. 68—**Mr. Grant McNally**:

> 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 Don Valley East, 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?

(Return tabled.)

Question No. 69—**Mr. Werner Schmidt**:

> 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 Malpeque, 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?

(Return tabled.)

Question No. 70—**Mr. Roy Bailey**:

> 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 Saint-Maurice, 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?

(Return tabled.)

Government Orders

Question No. 71—**Mr. Larry Spencer**:

> 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 Victoria, 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?

(Return tabled.)

Question No. 77—**Mr. John Reynolds**:

> 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 LaSalle—Émard, 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?

(Return tabled.)

[*English*]

Mr. Geoff Regan: I ask, Mr. Speaker, that the remaining questions be allowed to stand.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*Translation*]

DIVORCE ACT

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.) moved that C-22, an act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment, Attachment and Pension Diversion Act and the Judges Act and to amend other acts in consequence, be read the second time and referred to a committee.

He said: Mr. Speaker, I would like to thank my colleague, the Secretary of State for Latin America, Africa and the Francophonie for his support for this important bill.

I am most pleased to rise today to begin debate at second reading of Bill C-22, an act to amend the Divorce Act and other Acts in consequence. As I have already mentioned clearly on numerous occasions, these reforms deal first and foremost with children.

In December I announced that the federal government would be providing $163 million over five years to support the child-centred family justice strategy. This bill deals with two of the three pillars of this strategy: legislative reforms to the Divorce Act and expanding the unified family courts.

Combined with family justice services, which received $63 million from the government, this bill will allow us to fulfill our commitment from the 2002 Speech from the Throne to improve Canada's family justice system.

The breakup of a marriage often leads to tremendous stress and suffering. Every member of the family undergoes an extremely intense emotional experience. Unfortunately, those who are often the most directly affected by the stress of a family breakup are the children.

This child-centred family justice strategy will attenuate the often negative effects of separation and divorce on children by providing parents with new tools to carry out their parental responsibilities in the best interests of the child.

When parents are unable to resolve their problems on their own and must turn to the courts, this strategy will help to put in place a simpler legal system, expand services, and provide access to expanded information programs and services, public legal information programs, and professional training to make it easier to determine what is in the child's best interests.

In this context, Bill C-22 promotes an approach based on the needs of children. It reaffirms that solely the child's interests must be considered when decisions about the child's care and education are made. It drops the terms "child custody" and "access". These terms reinforce the notion of "winners and losers" in a context and at a time when it is important to minimize conflicts between the parents and promote their cooperation, whenever possible.

Rather, this bill introduces a new approach to parenting arrangements for children. This new approach is based on "parental responsibilities". It is flexible and allows parents and the courts to establish the best interests of each child, as well as how responsibilities regarding a child's needs and education must be exercised.

Each parenting agreement or parenting order could grant "parenting time", which is the time during which each parent is responsible for the child. Each parenting order could also grant one parent, or both parents, decision-making responsibilities regarding the child's health care, education, religion and other matters. The court will also be able to include a dispute resolution process in a parenting order for future disputes regarding parenting arrangements, if the process has been agreed to by the persons who are to be bound by that process.

● (1015)

[*English*]

Our approach, however, does not presume that any one parenting arrangement is better than others. We believe that such presumptions tend to focus on parental rights rather than on what is in the best interests of a particular child, which we believe should be the key aspect that we should focus on.

In its report, the Special Joint Committee on Child Custody and Access rejected the use of legal presumptions when it comes to parenting arrangements and stated:

> In view of the diversity of families facing divorce in Canada today, it would be presumptuous and detrimental to many to establish a "one size fits all" formula for parenting arrangements after separation and divorce.

The Government of Canada agrees with the special joint committee. Therefore the proposed approach allows for a wide variety of parenting arrangements that can be tailored and should be tailored to each child's needs.

It is important that any new Divorce Act concept not be interpreted as preferring a particular parenting arrangement. The term "shared parenting" has become associated for some people with a presumptive starting point about the appropriate parenting arrangement for children upon divorce. As a result, using the term "shared parenting" in the Divorce Act would have led to confusion.

Bill C-22 also introduces some specific criteria respecting the needs and circumstances of the child, in keeping with the recommendation of the special joint committee. This list of best interests criteria reflects the bill's child centred approach.

The statutory list is intended to help parents make child focused parenting arrangements and to assist family justice system professionals in helping parents through mediation or parenting education courses. Also, legal professionals will be guided by the criteria which provide a foundation for their discussions with parents and any negotiations about parenting decisions.

Finally, the bill directs judges to consider the list of factors when assessing each child's best interests. All relevant factors must be considered including, but not limited to, those specifically mentioned in the bill. The criteria are not prioritized, reflecting the principle that there should be no presumptions. The weight to be given to each individual criteria will depend on the needs and circumstances of the particular child.

Everyone agrees that children need the love and attention of both parents but even such basic principles can become complicated in some situations. The benefit to the child of developing and maintaining meaningful relationships with both parents is indeed an important factor for the court to consider and is included in the list of best interests criteria.

The current maximum contact principle has had the unintended effect of discouraging parents from disclosing the existence of family violence. As a result, and consistent with the recommendation of the special joint committee, the importance of the relationship between a parent and a child has been included in the best interests list, to be weighed and balanced along with other factors that speak to the best interests of the child.

Children also require a safe environment. The difficulties that children experience when their parents separate or divorce can be compounded by the presence of family violence. We all agree that family violence is a serious problem and that all too often children are its silent victims, whether through direct experience or harmful exposure to it. This is why the best interests list identifies violence against members of the family as a factor to be considered.

Furthermore, family violence is defined in a non-exhaustive manner, and the bill clarifies that the civil standard of proof will be used to ensure that all relevant evidence is considered.

● (1020)

While it will always be important, in assessing the best interests of the child, to weigh this factor against other important considerations, in some cases due to the severity, persistence or impact of family violence, this criterion and the need to ensure a child's safety may be given primary consideration in a parenting order.

In light of concerns about the issue of family violence, the current past conduct rules of subsection 16(9) of the Divorce Act would be removed. However it is not that this would change the longstanding rule that conduct should only be considered if it is relevant to the ability of a person to act as a parent to the child. The best interests criteria require the courts to consider the ability of individuals to care for and meet the needs of the child. There is no requirement to consider conduct that is irrelevant to the best interest of the child.

Many important factors are included in the best interests list. Although I cannot comment on all of them today, I would like to stress the importance of considering a child's views and preferences to the extent that these can be reasonably ascertained. As one young person put it during our public consultations, "Don't make decisions for us; make them with us". Adults have an obligation to create situations that encourage children to talk without fear of recrimination, and children should not be forced to choose one parent over the other.

The bill also introduces a new type of order, a contact order. Contact orders will apply to individuals such as grandparents who wish to maintain a significant relationship with a child and who need a court order to facilitate this. Like parenting orders, contact orders will be governed solely by the child's best interests. As is currently the case, leave from the court will be required to make an application for a contact order to discourage adversarial and unnecessary litigation.

[*Translation*]

I will now move on to one of the essential components of the family justice system, namely the duties of lawyers. Often lawyers are the ones parents turn to for advice in the event of family breakdown.

In order to facilitate the achievement of the objectives of the strategy, this bill also proposes an expanded role for lawyers. In addition to informing the parents about mediation services, they will also have to provide information on family justice services such as parenting courses. As a result, parents will be more aware of the existence of alternative solutions.

As well, lawyers will be required to explain to their clients their obligation to comply with any court orders under the Divorce Act. We have heard of too many cases of parental non-compliance with orders, whether in connection with financial obligations or their responsibilities as a parent to put their child's interests first.

● (1025)

These new provisions acknowledge the important role which lawyers have played, and continue to play, in recommending cooperation between the parties and respect for the law.

Bill C-22 also establishes a new procedure for making variations to a support order when the parents live in different provinces or territories or one lives outside the country.

It is particularly complicated to use the services of a lawyer in a jurisdiction other than one's own, so the bill facilitates the process for families in this situation by making it possible to make a written application accompanied by evidence to the jurisdiction of the beneficiary. The court with jurisdiction over the area in which the respondent resides will request provision of supporting documents by the respondent.

If additional evidence is required from either party, the court may obtain this in the fairest and most expeditious manner possible, for instance by conference call.

Children also need to be protected from the economic consequences of family breakdown. This means there must be assurance that the financial assistance required for their care is received in full and on time.

Many parents continue to fulfil their parental obligations after separation. Nevertheless, the problem of deliberate non-compliance with parental obligations remains.

In addition to the changes to be made to the Divorce Act, there will also be amendments to the Family Orders and Agreements Enforcement Assistance Act and the Garnishment, Attachment and Pension Diversion Act with a view to enhancing the efficacy of the programs for enforcing support orders.

A major change to the Garnishment, Attachment and Pension Diversion Act is that family support obligations take priority over other judgment debts. This is an unequivocal acknowledgement that the needs of the child are a priority and reinforces our government's child-centred family justice strategy.

[*English*]

Additionally, the effectiveness of federal enforcement legislation is reduced when a child support debtor does not file a tax return. Consequently, federal legislation will be amended to introduce a mechanism to require a child support debtor to file a tax return.

These are the major components of only one of the pillars of the child-centred family justice strategy. The second pillar of our strategy is the expansion of the Unified Family Courts.

As the name suggests, Unified Family Courts unite jurisdiction over all family law matters within one court. Currently, a family undergoing marital breakdown must turn to the Superior Court for a divorce and division of family property. The court that has jurisdiction to grant interim support and custody is either the provincial court or the Superior Court, depending upon whether an application for divorce has been filed. This division of jurisdiction is indeed confusing for families. Under our proposed strategy, one court that specializes in family law issues will deal with all issues related to one family's separation and divorce.

The UFC also offers the benefits of a specialized bench. The judges of the Unified Family Court are experts in family law. These specialist judges fully appreciate the extent to which a decision may affect all the members of a family and are committed to achieving better outcomes through effective use of court processes and family justice services.

The bill would amend the Judges Act to provide resources for 62 additional judges for Unified Family Courts, a commitment that would permit significant expansion of these courts across the country. Various forms of the UFC currently exist in seven Canadian jurisdictions, and interest in this model continues to be strong given the benefits it offers.

One goal of the UFC is to encourage the resolution of issues in a constructive and less adversarial forum to the greatest extent possible. Integral to achieving this goal is the availability of family law services, either attached to the court itself or based within the community. For example, alternative dispute resolution mechanisms such as mediation and conciliation can result in settlements that satisfy all parties and are achieved in a non-adversarial setting.

● (1030)

[*Translation*]

In conclusion, developing this strategy, as elaborated in our legislation, will take time. There will be a legal framework to support these changes, but they will not come about on their own.

It is sometimes difficult to change the collective mindset. Putting the emphasis on the interests of the child and parental responsibilities —and not on rights—promoting parental cooperation, reducing conflicts and ensuring the security of families will be at the forefront of all our efforts to promote positive outcomes for children who go through breakups.

The federal government cannot do this alone. As a society, we must make an effort to reduce the human, social and economic cost of divorce and separation, and develop a broader and more integrated system of family law that supports families in transition and reduces the vulnerability of children.

Bill C-22 will greatly contribute to meeting the needs of Canadian families. I recommend that the House pass this bill.

[*English*]

Mr. Paul Forseth: Mr. Speaker, I rise on a point of order. I wonder if the minister would not leave the chamber but consent to a normal 10 minute question and answer period?

The Deputy Speaker: Is there consent?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Jay Hill (Prince George—Peace River, Canadian Alliance): Mr. Speaker, it is indeed unfortunate that the minister's duties called him away from the chamber so that he is unable to answer the questions that my colleague would like to put.

I appreciate the opportunity to speak to this very important legislation before us today. The government's Bill C-22 is an attempt to reform the child custody and access provisions of our divorce laws. However, like a baby's first faltering steps, Bill C-22 is a very timid, tentative attempt at reforming the antiquated Divorce Act. After so many years of waiting, the government should have been able to do better. Certainly the children of divorce deserve better.

Of all our Canadian laws, the Divorce Act is perhaps the most important to Canadians because it directly affects our families and their lives. With this in mind, it is especially important that we as parliamentarians embark upon debating this legislation with the utmost seriousness and careful consideration of the impacts it would have on Canadian families and, in particular, Canadian children.

Unfortunately divorce is an all too common occurrence in our society today. For some couples their marriages do not work out and require an annulment to provide a divorce of their relationship as husband and wife. To that end, governments provide a mechanism for people to separate under the laws that govern our nation.

The history of divorce law has constantly changed over time, evolving to meet the needs of society. The earliest form of divorce legislation enacted by the federal government was as recent as 1968. Before that time, married couples could obtain a divorce only under provincial legislation, using the strictest of conditions. Husbands could file for divorce on the grounds of a wife's adultery, yet the wife could file only on exceptional grounds, like incestuous adultery, rape, sodomy or bigamy, to name but a few. In Quebec and Newfoundland, a divorce required a private act of Parliament.

Thankfully, divorce laws provide a more accurate reflection of the realities Canadians face in their lives today. However, they still require improvement.

Although originally divorce legislation was created for the sole purpose of facilitating an end to a marriage, as a matter of consequence it also determines parenting arrangements for children of a relationship. For those families going through a divorce in the court system, children should be protected by the courts and the law. Ideally divorce law should provide a mechanism for a marital separation and deal with issues pertaining to the children of a relationship independently. After a divorce, both spouses still maintain their roles as parents and our laws should reflect that reality.

The Canadian Alliance has been a long time advocate of reforms to our divorce law. Article 27 of the Canadian Alliance declaration of policy states:

> We will make the necessary changes to the Divorce Act to ensure that in the event of a marital breakdown, the Divorce Act will allow both parents and all grandparents to maintain a meaningful relationship with their children and grandchildren, unless it is clearly demonstrated not to be in the best interests of the children.

The Divorce Act as it is currently written has a chaotic set of rules dealing with parenting arrangements. The act uses terms such as custody and access to describe how children are dealt with by the courts. Bitter divorce cases over child custody often come down to declaring a winner and a loser. The "better" parent, as determined by a judge, gets custody of the kids while the other parent is only allowed access to them. As a result, the law fosters an adversarial, divisive focus on parental rights versus the best interests of the child.

For kids who have always lived with both parents, a divorce is a bad enough shock for them. The prospect of not being able to see one of their parents can be devastating. The concept of custody and access is completely foreign to children. Six year old children do not understand why they are only allowed to see their mother or father every other weekend. That is because they do not realize that a judge has decided when they can see their parents. However, in our world today too many children are forced to become acquainted with these stipulations.

● (1035)

Furthermore, we should not ignore the valuable role that other family members have in a child's life. Under our existing divorce law, grandparents' and other related family members' contact with the children could be substantially reduced after a separation. There are no provisions in the current Divorce Act to guarantee grandchildren access to their grandparents. In fact, grandparents must seek leave from a court before they may even apply for an access order.

Child custody arrangements are in one area of family law that invokes heated debate. Canadians are sincerely upset with how our legal system fails children. Since the government introduced this legislation on December 10 of last year, my office has received many e-mails and telephone calls on the subject of child custody and access. There is one e-mail in particular that I would like to mention because I feel it provides an accurate depiction of the capabilities of our current divorce laws. This e-mail came from a father describing his personal experience. His e-mail reads:

> I'm a father of three children, ages 11, 13 and 15. On November 1, 2002 my wife was granted an ex parte order removing me from my home and our children. I believe I've been treated unfairly. Here is a brief summary of the recent events:
>
> October 23: [I] learned my wife was having an affair with her boss.
>
> October 24: I locked myself in our bedroom and called "911", after my wife became enraged; kicking on the bedroom door, screaming, yelling, swearing, all within earshot of our children. The police came and found her foot stuck in the door.
>
> October 29: My wife was served with my petition for divorce.
>
> November 1: I received an ex parte order, after my wife lied to the judge convincing him that I was unpredictable and erratic. She also suggested I had become mentally ill. (This is a complete lie!).
>
> December 2: The same judge acknowledged that the ex parte order was in error, however he still ruled in her favour where she now has "sole" custody of our three children and exclusive possession of the matrimonial home.
>
> I'm self-employed, and had been working from an in-home office since 1995. My lawyer tried to convince the judge that I had been the primary caregiver, as my wife worked outside the home.
>
> I believe the justice system favoured my wife because she is the mother. I have been a great father and husband! Can you offer me some help?

This is a very sad case and unfortunately all too representative of many others. Divorces such as this one happen way too often and they have nothing to do with mothers' rights versus fathers' rights. They are symptomatic of a legal system that simply does not care for the needs of children.

Having been through a divorce, I can say that not all divorces need to have such a devastatingly negative impact on children. Negative, yes, there is no question of that: When parents separate there is a negative effect on their children, but it does not have to devastate their lives for years to come. At the time of our separation my ex-wife and I knew that although our marriage had to come to an end, it did not mean our relationship with our children had to as well.

I want to speak for just a few minutes, not as a politician, but as a parent, for parents. About a month from now it will be five years since my separation from my former wife and three and a half years since my divorce. Even though my marriage of 25 years came to an end, my role as a parent did not. That is because it is the one job that never ends, and as parents we sometimes joke about this, but almost always in jest.

Being a parent is a terrific honour. It is something that is impossible to adequately explain to someone who is childless. That is why I fervently hope that all MPs who are also parents or grandparents and even a few who are geat-grandparents, I suspect, will take the time to really study Bill C-22 and look at these proposed changes from the perspective of a parent rather than a legislator to truly consider what is in the best interests of the children. Members must try to imagine the bill as it would apply to their families.

As I said, I want to take a few minutes to explain my own personal circumstances. About a month ago, I was fortunate enough to celebrate my 50th birthday. My children came to a surprise party here in Ottawa. My children now are 24 and 22, and my son is going to be 20 very shortly. They are young adults and I am extremely proud of these three young people.

● (1040)

They came to my birthday party and presented me with what is now one of my most prized possessions. It is upstairs in my office today, on a shelf. It is a pewter mug engraved with "World's Greatest Dad". It is inscribed as well with "Love from Holly, Heather and Heath", my three children. It is one of my most prized possessions, because I believe the most important job I have is not that of being a member of Parliament, although that is important, the most important job I have is that of being a parent and hopefully someday a grandparent. They are the roles that I think are most important in life. I have enjoyed the relationship I have built with my three children, at every stage of their lives. I often hear parents complaining a bit, perhaps, that their kids go a little off the rails when they are in their adolescent years, but I can truthfully say that although there were some trying times the love saw us through those tough times.

I have enjoyed the relationship I have been able to build throughout my lifetime and I cannot imagine not having had the opportunity to build that relationship with those three children. In fact, I cannot imagine a worse living hell than having anything bad happen to my kids. Every time we hear of children who are lost, like the seven young children lost in the avalanche a couple of days ago, our hearts go out to those parents and those families that suffer that indescribable grief.

However, I think a close second would be the frustration and anger that would well up in me if I were denied access to my children, for whatever reason. I cannot imagine anything worse than having my kids somewhere on this planet and not being allowed to have contact with them. I was lucky. As I said, my ex-wife was extremely reasonable. We just automatically decided that joint custody under today's laws was the way to go. There was no question about it from the beginning. We both recognized that we were both terrific parents and wanted that relationship to continue for our children. I was lucky. Unfortunately, so many are not.

Every effort should be made to isolate children from the negative impacts of a marital breakdown. Enhancing the roles both parents play in raising children after separation can mitigate some of the harmful influences. Our laws need to acknowledge the best interests of children by allowing them to maintain a meaningful relationship with both parents and even with grandparents after a divorce, with the natural exception of circumstances that are clearly not in the best interests of the child.

The best method of facilitating this legislative change is to provide an automatic shared parenting role for both parents. Instead of using the adversarial language of custody and access, the Divorce Act should only use a single shared parenting term to reflect custody arrangements.

I listened to the minister's speech a few moments ago. To be quite blunt, I was appalled with the fact that he said that the use of the term shared parenting in the Divorce Act would have led to confusion. That was his summation. Yet that was the centrepiece of the "For the Sake of the Children" report.

The many married couples who separate on amicable terms today already benefit from shared parenting, as in my own personal example, which I have revealed to the House. They benefit by working cooperatively together on matters affecting their children. Shared parenting does not mean that parents equally split up the time they spend with their children. It means that parents share the rights, the responsibilities and the obligations to their children.

Naturally, given the wide diversity of individual situations, we must also acknowledge instances where children should not have a relationship with a parent. Under very serious circumstances such as domestic violence the courts would not use shared parenting and one parent would be denied access to the child. My colleague from Red Deer has a private member's bill on this very topic. His bill, commonly referred to as Lisa's law, would protect children who have been sexually abused by a parent by not allowing judges to grant forced visitation to that parent.

● (1045)

Shared parenting should not be a foreign concept in our legal system. In 1989 the UN brought forward the convention on the rights of the child signed by 191 countries, including Canada. Within the convention, the United Nations recognized the need for children to have a relationship with both parents.

Of the many articles included in the convention article 12 refers to a child's guaranteed right to free expression in all matters affecting them. Article 3 states:

> In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

The most pertinent article I would like to mention is article 9 which states:

> Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child.

It goes on to read:

> Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

The UN convention is clear on the matter of parental access for children. More important, Canada is bound by the convention due to our ratification in 1991. The United Nations is not alone in recognizing the merits of shared parenting. There are several places in the world that have properly guarded the rights of children during a divorce. Countries such as Australia, the United Kingdom and many individual states in the United States, have all established shared parenting laws. Some of these laws may vary on the individual details, however the objective remains the same. Both parents retain their shared parental responsibilities for their children, regardless of any changes to their marital relationship.

With other countries implementing a shared parenting strategy, why does Canada not have any shared parenting provisions in its family law? Canadians want the best for their children, yet it is not reflected in our laws.

Canada has refused to take the lead on providing the best for our children, nor has it followed. Instead, our government seems content with the status quo ensuring not to rock the boat by upsetting special interest groups.

The last time Parliament amended the Divorce Act was in 1997 with Bill C-41. During that period many Canadians were genuinely upset that grievances with child custody laws were not being addressed. As with any issue of importance to Canadians members of Parliament and senators heard many demands for the government to take action. After folding to public pressure the government authorized both the Senate and the House of Commons to form a special committee to examine this critical issue.

The Special Joint Committee on Child Custody and Access had a straightforward objective. It was vested with the mandate to:

> ...examine and analyze issues relating to custody and access arrangements after separation and divorce, and in particular, to assess the need for a more child-centred approach to family law policies and practices that would emphasize joint parental responsibilities and child-focused parenting arrangements based on children's needs and best interests;

As the committee prepared to hold its first public meeting in February 1998, all members were aware of the importance and the complexity of the work they were about to embark upon. In total 55 meetings were held across Canada allowing over 520 witnesses to testify before the committee. These presentations provided an insightful look into the many different aspects of divorce and separation, from stories of heart-rending personal experience to social workers who worked with children of divorced parents on a daily basis. Committee members heard testimony regarding all aspects of divorce law.

The end result of the committee's work was a comprehensive report to Parliament laying out 48 recommendations for improvement. The final report entitled "For the Sake of the Children" provided an accurate representation of where the government could take action to help children. Each individual recommendation would make an important improvement. I do not have time to read all of the recommendations, but I will touch on a few.

● (1050)

The first recommendation calls for a preamble to be included in the Divorce Act making reference to pertinent principles of the United Nations convention on the rights of the child. As I mentioned earlier, I specified three articles that should be included in such a preamble.

The second recommendation reads:

> This Committee recognizes that parents' relationships with their children do not end upon separation or divorce and therefore recommends that the Divorce Act be amended to add a Preamble containing the principle that divorced parents and their children are entitled to a close and continuous relationship with one another.

That is a great recommendation, but not one which we find in Bill C-22.

Number five calls for the terms "custody" and "access" to no longer be used in the Divorce Act and instead that the meaning of both terms be incorporated and received in the new term shared parenting. This is the very term that the minister has just mentioned that he did not want to use because it would be confusing. This term would then be taken to include all the meanings, rights and obligations, common law and statutory interpretations embodied in the terms "custody" and "access".

To effectively implement shared parenting we must eliminate any cause of bias between parents in our legal system. Recommendation number eight calls for the common law tender years doctrine to be rejected as a basis for making a parenting decision. The doctrine is used by judges to help them determine the better parent for the child during the early part of its life. Many years ago courts automatically assumed this role could only be fulfilled by a mother, however today, it is not an accurate reflection of our society.

Shared parenting arrangements may not be ideal for every divorced couple, however our laws must encourage parents to work together on providing the best for their kids. The committee's report suggests that all parents seeking a parenting order from a judge should first submit a parenting plan with the court. Those parents who do not submit a plan would have to attend an education program to help them become aware of the post-separation reaction and detrimental impact that divorce has on children and the child's developmental needs at different ages. These parents would learn about the benefits of cooperative parenting after divorce and of mediation, and other forms of dispute resolution mechanisms available to them. By requiring a parenting plan, parents would be forced to at least consider the children by attempting to work out an agreement with each other.

Recommendations 15 and 16 are also very important. They call for amendments to the Divorce Act to require parents and judges to consider the best interests of the child and provides a list of criteria for deliberation. Recommendation 26 says:

> ...in matters relating to parenting under the Divorce Act, the importance of the presence of both parties at any proceeding be recognized and emphasized, and that reliance on *ex parte* proceedings be restricted as much as possible.

Ex parte orders are directives issued by judges after only having heard one side of the story in a court case. These types of court orders are only supposed to be used under rare and exceptional circumstances, however all too often they are issued based upon false testimony.

The one area in which I find myself in disagreement with the report of the Special Joint Committee on Child Custody and Access is on the issue of presumption. Again, this is an area on which the minister touched on in his remarks. The report says that the committee did not believe the courts should be constrained by presuming, because in divorce, one size cannot fit all. I believe it is somewhat of a contradiction to state that shared parenting should be the norm, but we should not presume both parents are good parents and therefore quite capable of properly raising their children.

To those opposed to this presumption, I say that our entire justice system is based upon a fundamental basic presumption. We are presumed innocent until proven guilty. It is not up to those accused to prove their innocence in court. It is up to the Crown to prove their guilt beyond any reasonable doubt. It therefore puzzles, frustrates and angers me that the court does not apply the same principles consistently to divorcing couples. If both parents were believed to be good parents prior to separation, then why should the courts not presume them to be after divorce?

If we were to begin from the premise that shared parenting is in the best interests of the children, then the natural conclusion is that we must presume that both parents would be worthy of maximum contact with their children unless proven otherwise.

● (1055)

That being said, the report of the Special Joint Committee on Child Custody and Access is a quite a valuable document with lots of sensible proposals put forward despite the few areas I would like to see more heavily emphasized.

The members of the committee, regardless of political affiliation, and I know, Mr. Speaker, because you sat on that committee yourself, worked collaboratively on writing a persuasive report. Shamefully the government has dragged its heels on implementing these critical changes. It has taken over four years for the government to finally table legislation, but what it has presented before us is a shy and timid representation of what the report called for.

Let me explain by going over the government's reforms to family law. The first change would remove the terms “custody” and “access” from the Divorce Act. At first glance this appears to be a positive change however upon closer examination we find the terms are replaced with parenting order and contact order. Whether this change is merely semantics is anyone's guess. We do know that it is not shared parenting and it would not provide a presumption that children deserve access to both of their parents after a separation. If the government were serious about reforming divorce law it would not simply play around with the wording of the legislation.

The government has removed the maximum contact principle in subsection 16(10) of the existing legislation that would require judges to ensure children receive as much time with each parent as possible. In Bill C-22 there are no clauses that would replace this maximum contact principle.

The one area where the government's bill vaguely mentions this principle is in a new section that would require judges to consider the overall best interests of the child when granting a parenting order. The list of criteria overall is not bad. It loosely implements recommendations 16 and 17 of the committee's report, however, having a judge consider the amount of contact a child has with a parent along with 11 other decisive factors weakens a very important principle. It must be complimented with stronger statements in other sections of the bill.

Overall the criteria which comprises the best interests of children in clause 16.2 of the bill is nearly identical to those recommended in the committee's report. It provides a helpful guide to judges when deciding on parenting arrangements for children after a separation. One specific criterion was not mentioned in the “For the Sake of the Children” report. The government took the liberty of adding “The history of care for the child”, as another decisive factor for the courts to consider.

For all intents and purposes a spousal agreement regarding the care a child receiving preceding a divorce has absolutely nothing to do with what parents would agree to is appropriate care after divorce. Understandably couples make tough decisions when children enter their lives. They must decide who will take care of the child and who will continue to work to provide an income. For most families the higher income earner will continue to work outside of the home or perhaps a parent who has better than most maternity or paternity benefits will stay home with the child.

Parenting arrangements before divorce should have no relevance on the care a child will receive after a separation between parents. By examining Bill C-22 it is apparent that the government has gone through the “For the Sake of the Children” report selectively choosing which recommendations it wishes to legislate. If the government wants to provide Canadians with the real change that they are so desperately seeking, it should have brought forward a bill including all the relevant recommendations. After four years even the government should have been able to do much better.

Since becoming a member of Parliament I have worked very hard to change the Divorce Act to allow children a better opportunity to be with both parents after separation. I have introduced a private member's bill on the subject some five times since 1996. In 2001 my bill overcame many obstacles to finally be debated on the floor of the House of Commons.

Even then the government turned its back on the children of divorce. As I mentioned earlier, it argued that by using a one size fits all approach to parenting after divorce would hurt children in the end. It will use the same old argument, indeed the minister did already this morning, against shared parenting.

● (1100)

It is true that for each divorce case before the courts there are individual circumstances that must be considered, but we must acknowledge the assumption that both parents deserve an equal role in raising their children.

Just before I get to my summary, I want to refer to another letter that I received. I think this letter probably went to all members of Parliament of all parties. I will not have enough time to read the entire letter but I think members will get the drift. The letter is dated July 2, 2000 and it was sent to the Prime Minister. It reads:

> Dear Mr. Prime Minister
>
> I am the 14-year-old daughter of Darrin White, the father who recently took his life in British Columbia as a result of the frustration and hopelessness caused in dealing with Canada's family justice system. Although the justice system was not 100 percent the cause of his death, based on what I and members of my family have seen, it was the biggest factor. My father took his life mostly in part because of the injustices being perpetrated against him by what many Canadians say is a biased and morally corrupt Canadian family justice system. Our family justice system seems to allow good fathers to be destroyed while it allows vindictive and revengeful mothers to rule over the court.
>
> Prior to my father's death, he told me of the anguish he was going through trying to see his children. He told me of the abuse that his wife subjected him to. She did not want him to have a relationship even with me, his own daughter, because she was jealous. He told me of the frustration in dealing with the courts and the lawyers. He told me how the court did nothing except put further barriers to him seeing his children.
>
> As a young Canadian I can only say that I am utterly ashamed to see how the country I call Canada treats fathers in its courts. It is a disgrace! I know my father was a good man and a good father. He did not deserve to be pushed over the edge as he was. He did not deserve to be kept from seeing his children. He obviously reached a point where he could see that justice was beyond his reach and for reasons that only God will know, decided that taking his life was the only way to end his suffering.
>
> From what I have learned about the family justice system in this country, Canada is not the home of the proud and the free. In my view, Canada has become a safe haven for corrupt lawyers and biased judges who think nothing about the lives of the children and parents they destroy every day in our family courts.
>
> I have learned that Canada's Justice Minister...has been stalling legislation about shared parenting which is intended to prevent the kind of tragedy that has been forced upon my family. I understand that a special committee recommended that the justice department should promote a concept called shared parenting. If shared parenting had been in place before my father took his life and if our system of justice guaranteed the rights of children to see their parents, I have no doubt in my mind that my loving father would be alive today. All he wanted was to see his children, but it seems that our justice system would not give him that.

The letter goes on and on. This is from the 14 year old daughter of a gentleman who felt his only way out was to commit suicide. It was signed by Ashlee Barnett-White, the daughter of Darrin White from Prince George in my riding.

In summary, the Canadian Alliance is opposed to Bill C-22 as it is presently worded for the following reasons.

First, Bill C-22 completely misses the basic fundamental principle laid out in the report "For the Sake of the Children", that modern Canadian society is best reflected by shared parenting.

Second, Bill C-22 would not ensure that our courts and judges receive the direction that first and foremost it is in the best interests of the children to maintain maximum contact with both parents following divorce.

Third, Bill C-22's passing reference to the relationships between children of divorce and siblings and grandparents in clause 16.2(i) is insufficient to ensure the survival of those vital relationships following divorce.

Fourth, any agreement made between the parents regarding the best parenting arrangement prior to separation and divorce is completely irrelevant following separation and therefore any reference should be removed from clause 16.2(c).

Fifth, Bill C-22 drops the so-called friendly parent rule that at least provided some direction to the courts.

For those and many other inadequacies addressed in the 48 recommendation of the "For the Sake of the Children" report, we will be proposing substantive amendments at committee stage to fix these deficiencies.

● (1105)

I sincerely hope that, unlike so many previous bills on so many issues that I have seen go through the House in the last nine years that I have been an MP, the government will allow those amendments to pass so that not only the Canadian Alliance can support Bill C-22 but all Canadians.

I also have an amendment. I move, seconded by the member for Edmonton North:

> That the motion be amended by deleting all the words after the word "That" and substituting the following therefor:
>
> Bill C-22, an act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment, Attachment and Pension Diversion Act and the Judges Act and to amend other acts in consequence, 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.

[*Translation*]

The Deputy Speaker: The amendment is in order. Resuming debate, on the amendment. The member for Charlesbourg—Jacques-Cartier.

Mr. Richard Marceau: Mr. Speaker, before taking part in the debate, I would like to know if the debate is on the amendment introduced by the hon. member from the Canadian Alliance or on the entire bill.

The Deputy Speaker: The debate has to be on the entire bill, which the amendment now is part of since it was moved by the hon. member from the Canadian Alliance.

● (1110)

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, as the Bloc Quebecois critic for Justice, I have the pleasure of being the first speaker from our party in this debate on Bill C-22. This is a very important bill and, if passed, it could considerably change the legal framework for marriage and its dissolution.

In fact, anticipating this bill, several people have already contacted me, and I have had the opportunity to meet with many citizens from my riding, who shared their hopes and concerns about this bill with me. I am thinking of, among others, Ms. Lafortune, who very eloquently expressed her views.

When we met, this lady pointed out the serious hardship unfortunately experienced directly or indirectly following a divorce by people like a second spouse or the children of the second spouse.

All this to say that the debate that got underway this morning is very important because it will affect the personal, daily life of hundreds of thousands of people across the country.

I am calling on my colleagues to ensure that, as we debate this whole issue, we do so bearing in mind these men, women and children who are unfortunately adversely affected by a marriage breakdown and that, in our consideration of the various clauses, we never lose sight of these people. This is not just a matter of coldly dealing with words written on a piece of paper; this is about the lives of individuals.

Bill C-22 will amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment, Attachment and Pension Diversion Act and the Judges Act and other existing acts.

On December 10, the Minister of Justice unveiled a new legislative initiative known as the Child-centred Family Justice Strategy. The minister says he wants to upgrade and modernize the various existing acts to try to harmonize to some extent relations between spouses who eventually decide to break up. We know that such an ordeal, affecting a huge segment of the population in Quebec and Canada, causes major wranglings, over children in particular.

Divorce is difficult and sometimes tragic. The harsh reality of divorce, which is the break-up of a loving, emotional relationship between two people, is that, too often, it involves children who, also too often, feel as if they are being torn in two. It is essential to remember and, above all, to explain to these children that their parents' decision to separate has nothing to do with them and that they will always be loved and cherished.

As I was saying, the minister's bill aims for relative harmony, sometimes achieved with great difficulty, the ultimate goal being the well-being of children. However, I would say that, despite his efforts, the minister has missed the mark. On behalf of children and in his quest for happiness, the minister has missed an important issue in this debate, which is the harmonization of the various applicable acts regarding divorce.

● (1115)

During my speech, I will endeavour to demonstrate how the minister could have simplified his approach, better promoted the well-being of children, and in a more relevant way, while helping them through something as difficult and as complex as divorce.

The goal of the child-centred family justice strategy is to assist parents who are divorcing or separating and guide their attention to the needs of the children. The Minister of Justice's approach is based on three specific aspects: family justice services, legislative reform and expanding the unified family courts.

I must first clarify and repeat the fact that the Bloc Quebecois, because it opposes Bill C-22, will present a firm and very structured opposition to the minister's initiative. My colleagues and I will clearly show how and in what way the minister is going about this all wrong, and what would be the right way to reach the initial objectives, which should be those of society as a whole.

As is usually the case—and those who listen to us are aware of this—the Bloc Quebecois, despite its opposition to the bill will actively participate in all stages of the legislative process to try to drag a compromise out of the minister and thus make an effective contribution to this overhaul of divorce legislation. As always, our general attitude will be guided by indepth research into the situation, since the Divorce Act involves numerous considerations and affects a great many people.

Furthermore, we hope the Standing Committee on Justice and Human Rights will hold extensive consultations on the matter because the impact of this legislation could become a determining factor in the lives of thousands. I also strongly hope that when the Standing Committee on Justice and Human Rights holds hearings on the matter, it will not only listen to certain groups, such as lawyers, associations that defend the rights of spouses, children and so on, but also make a concerted effort so that children, ordinary people, the average citizen will also have the opportunity to come and give us their point of view on a bill that affects them so closely.

Not everything in Bill C-22 is new. For instance, the criterion related to the interests of the child is a recognized principle in current divorce legislation and in the Quebec Civil Code. Similarly, the well-known list of criteria in the bill with regard to the interests of the child, is basically a consolidation of existing jurisprudence. It is not new legislation, but simply the consolidation of existing legislation.

From this perspective, we will take advantage of this debate to highlight the elements of the proposed reform that cause us the most concern with respect to some of the practices that are specific to Quebec.

Our political party, true to its primary objective of defending the interests of Quebec, opposes the very principle of the bill because we feel that, in fact, the Divorce Act should be repealed. We think it would be better, more appropriate and more efficient if Quebec had full jurisdiction over matters of divorce. This call for full jurisdiction over family law in its entirety has been Quebec's traditional stand.

In fact, for decades all governments of Quebec, whether the Parti Quebecois, the Union Nationale or the Liberal Party of Quebec, have called for this power to be transferred from the federal to the Quebec government. This, along with marriage, being the only area of federal jurisdiction over family law, its would be both appropriate and advisable for it to be transferred to Quebec and included in civil law.

Before continuing with this debate, I believe it is important to draw attention to the Special Joint Committee on Child Custody and Access and its considerable accomplishments during the 36th Parliament.

● (1120)

When its task was over in December 1998, after months of intense efforts, the committee tabled a thick report which, unfortunately, did not take into account the specific nature of the Quebec reality. Nothing new there; it is too often the case.

The Bloc Quebecois therefore felt obliged to express a dissenting opinion on the contents of this report, based solely on its desire to see legislation on divorce be made the responsibility of Quebec and the provinces.

This position, you will understand, has not changed, and the arguments we made at the time are as relevant today as ever.

I will quote, if I may, an excerpt from the Bloc Quebecois dissenting opinion on the report of the Special Joint Committee on Child Custody and Access:

> —all matters relating to the family, education and social services are clearly within the jurisdiction of the provinces, as are any questions relating to separation from bed and board.

The report goes on to say:

> In Quebec, separation from bed and board is covered by articles 493 et seq. of the Civil Code of Québec. On the other hand, divorce is under federal jurisdiction, by virtue of the Constitution. The vast majority of divorces are settled out of court. In most cases, agreements regarding child custody and access are made when a couple separates. Since separation from bed and board is under provincial jurisdiction, it would be logical for legislation on divorce to be as well.
>
> Accordingly, we recommend that the Divorce Act be repealed and that jurisdiction over divorce be transferred to the provinces.
>
> It would also be logical to repeal the Marriage Act and transfer that jurisdiction to the provinces. The celebration of marriage, as well as division of property, the civil effects of marriage and filiation are within the exclusive jurisdiction of the provinces, while the substantive requirements (capacity to contract marriage and impediments to marriage) are under federal jurisdiction. In Quebec, for example, the Government of Quebec has legislated to permit civil marriages. In our view, this is another example of the pointless and outdated division of powers. It would be much simpler for all family law to be under the jurisdiction of a single level of government: the provinces.

As an aside, I can tell you that, for the sake of logic and rigour, this is also the position the Bloc Quebecois will defend when the time comes to debate the whole issue of whether of not homosexuals have the right to marry, which is currently under consideration in committee.

I could go on and on quoting Senator Beaudoin, a renowned expert on the Constitution if there was ever one, about the division of powers at the time when the federation was established, in 1867. The national duality at the time also reflected religious division.

So, the decision of the Fathers of Confederation to confer upon the federal government constitutional authority over divorce was essentially predicated upon a compromise between the Catholics and the Protestants concerning the dissolution of the bond of marriage.

I will now read on:

> What was appropriate in 1867 no longer is today. Given that the religious issue no longer has the same significance, our laws ought to reflect reality. Our recommendation would mean that the provinces could have complete jurisdiction over their family law and could legislate in that field as appropriate to their own social context.

Naturally, this includes everything having to do with marriage and divorce.

As Senator Beaudoin stated further in his report entitled "La constitution du Canada, institutions, partage des pouvoirs, droits et libertés", and I quote:

> The question then arises of whether the field of marriage and divorce should not be returned to the provinces, thereby enabling Quebec to have more absolute control over its family law, an important part of its private law, which is different from the private law of the other provinces.

● (1125)

I would point out that this is a quote of comments made by a federalist Conservative senator from Quebec, and not a sovereignist.

This illustration of the issue and the Bloc Quebecois' approach reflects the long term historic claims made by Quebec and its governments.

Allow me to highlight some of the most significant steps taken by the Government of Quebec in this approach.

Take the government of Daniel Johnson, Sr., from 1966 to 1968. Members will recall he was a unionist premier, in other words, from the Union Nationale political party. His government demanded that the constitution be amended to include divorce as an exclusively provincial area of responsibility.

Later, in December 1969, at a first ministers conference, the very federalist premier, Jean-Jacques Bertrand, said that marriage and divorce should come under Quebec's jurisdiction under the constitution, in which case the decision to establish family courts would be up to it.

During the second term of the great René Lévesque's government, in the early 1980s, he made proposals in the area of divorce. The Parti Quebecois government at the time was proposing that divorce become a concurrent jurisdiction, even though Quebec law would override federal legislation. As such, a province could exclude the federal Parliament from divorce if the province wanted to.

Finally, in 1985, the Government of Quebec said that the division of constitutional powers should be reviewed in order to grant Quebec exclusive jurisdiction over marriage and divorce.

This proposal was laid out in a document prepared for the federal government by René Lévesque entitled "Projet d'accord constitutionnel—Propositions du gouvernement du Québec".

Obviously, Canadian federalism being what it is, the changes Quebec has called for are not likely to come about any time soon. Federalism is increasingly heading toward standardization and uniformity, rather than the other way.

As a result, in view of the fact that for now divorce unfortunately remains under the jurisdiction of the federal government, we will review the minister's proposal and we will endeavour to preserve Quebec's particular and specific character in the reformed legislation.

The immediate impact of this type of government initiative is certainly too important and will affect so many people that we must remain ever vigilant and, understandably, beware of the intentions of the Liberal government.

Bill C-22 proposes radical changes to the Divorce Act, by including a new approach to agreements reached between parents with regard to the children, one that is based on parental responsibilities.

Rather than issuing custody or access orders, the court will issue "parenting orders", which will establish parenting time blocks, as well as decision-making responsibilities in such matters as health, education and religion.

The court will also issue "contact orders", establishing the nature of contacts that the child may have with persons other than the spouses.

A detailed study of the proposed clauses in Bill C-22 indicates the nature of these orders. These two types of court orders are based on the notion of the best interests of the child.

The minister took the time to establish a non-exhaustive list of criteria that the court must consider. The enactment also makes amendments to the Divorce Act by anticipating questions related to the nature and scope of such support orders when the spouses reside in different provinces.

That was a brief overview of Bill C-22. As I stated when I began, the proposed legislative measures would amend various other acts presently in force. Of these, I would mention the Garnishment, Attachment and Pension Diversion Act.

● (1130)

This legislation will make family support obligations a priority, include powers of monitoring and research and provide for protection from liability.

In this regard, and I know that many of my hon. colleagues are aware of this problem, it is important to point out that there is an organization in Quebec defending the rights of second spouses. In fact, the Association des secondes épouses et conjointes du Québec represents the interests of women with regard to support orders paid to former spouses. According to this organization, many divorced women are abusing the current system by using support payments for their own purposes instead of making an effort to take control of their lives.

The existing Divorce Act does not set a time limit on support payments when the divorce is granted. These payments are, therefore, a type of lifetime pension which, being a "pension", is indexed and can be revised.

Of course both parties may avail themselves of this right. However, if, for instance, an ex-husband requests a variation he is not the only one involved. The assets, income, insurance, and pension plans of his new spouse—married or not—all come into play. It is slightly different when an ex-wife requests a variation. Citing a difficulty of some sort, she can take advantage of the arrival of the new spouse to have her pension increased.

It is easy to see the potential disputes inherent in such provisions. I feel it would be wise to address this issue head on in committee, and to make sure that this problem is examined at length when Bill C-22 is studied.

It will be important to meet with the Association des deuxièmes conjointes, the second wives association, and its equivalent for first wives, and listen to what they have to say, to ensure that the committee makes a thorough examination of this problem that affects so many people.

Bill C-22, introduced by the Minister of Justice, also specifies some related and rather technical changes to the Family Orders and Agreements Enforcement Assistance Act and the Garnishment, Attachment and Pension Diversion Act.

However, in amending the Divorce Act, one of the crucial elements of Bill C-22 is the inclusion of a list of specific criteria for parents, jurists, lawyers and judges, so that they will take into account the best interests of the child. The purpose of this list is to reaffirm and implement the basic principle of family law, which is that the interests of the child are paramount.

We would like to remove the terms "custody" and "access" from the legislation. A new model based on parental responsibilities will be developed to eliminate any connotation of winner-loser and any notion of possession that some people associate with these terms. According to the minister, this change will contribute to reducing parents' levels of conflict and stress and supposedly allow them to focus more on their most important obligation, which is to make sure that their children receive all the care they need.

The intention is certainly laudable, but it will not change the perception of parents, especially in such a conflict situation, that there is a winner and a loser in a court-decreed arrangement.

Whether the words access and custody are removed or not, the fact remains that the child, boy or girl, will have to spend *x* number of days with mom and *y* number of days with dad. Change form and wording as we may, it does not change the fact that one parent will have the child for a period of time and the other will have him and her of another period of time.

Cooperation between the parents will also be encouraged, but we must recognize that happy, amicable divorces are rare. Unfortunately, it seems somewhat unrealistic to want to raise the parents' awareness of their parenting responsibilities, and particularly of how they intend to carry them out, when a case is before the court and, all too often, the parties are communicating only through their lawyers.

● (1135)

It is well known how painful divorce is. Emotions run high, and this may get in the way of an amicable settlement between spouses.

Parents would be provided with the services of a mediator or lawyer to achieve the department's objectives. However, need I insist that this is an approach that has been favoured for many years in Quebec, Quebec once again showing its leadership in this regard?

Taking a step back and looking at the bill as a whole, we must recognize that the proposed amendments to the Divorce Act are not the revolution they were made out to be by the Minister of Justice. Without being overly pessimistic, one cannot rely on this bill to overhaul current legislation and its enforcement.

Where the interests of the child is concerned, the Bloc Quebecois has taken a clear philosophical position. In their dissenting opinion in the 36th Parliament, my colleagues also asserted their recognition of the principle of the best interests of the child. It read, and I quote:

> —a child must not be the victim of conflicts between his or her parents, and the child's interests must not be confused with those of the child's parents or extended family.

The principle of the best interests of the child is not a new idea in law. It strikes me as appropriate in this connection to draw attention to subsection 16(8) of the current Divorce Act, which states the following:

> In making an order under this section, the court shall take into consideration only the best interests of the child of the marriage as determined by reference to the condition, means, needs and other circumstances of the child.

This does not strike me as much different or broader than what the minister is proposing today.

As well, the principle of the child's best interests is part of the philosophy of Quebec, and is moreover set out in section 514 of the Quebec civil code. It reads as follows:

> The court, in granting separation from bed and board or subsequently, decides as to the custody, maintenance and education of the children, in their interest and in the respect of their rights, taking into account the agreements made between the spouses, where such is the case.

The courts have spoken on numerous occasions on these provisions and have, in connection with them, already established a list of criteria to which they refer when interpreting what constitutes the child's best interests.

The only thing that is new about this list of criteria is that it is now included in the law. What the minister has done is merely to codify existing criteria from the jurisprudence. This cannot be considered new law.

However, I will be pleased to share my views as to whether it is appropriate to enshrine it in the act. I wonder if this change will have the effect of setting criteria that will help determine the best interests of the child. Could this way of doing things have the opposite effect, that is restrict the judge's options? These are important issues that I intend to raise in committee, and I hope that we can get some clear answers.

I will follow very closely the work relating to the various legislative stages of this bill. I am especially looking forward to working in committee to examine and debate every aspect of the bill, and particularly the possible impact of the list of criteria regarding the best interests of the child, when these criteria are considered by the courts.

I mentioned this in my introduction, but I want to repeat it: in my view, this bill does not represent the innovative and revolutionary approach that the Minister of Justice would have had us believe when he introduced this legislation. Once again, the government has very little to show for all the promises it made.

In many ways, it seems that the only thing that has changed is the terms used for principles that are already recognized. The government uses some fine sounding terms which, unfortunately, do not reflect, far from it, the harsh reality experienced each year by thousands of couples or former couples.

Even though the terms custody and access are removed, the fact remains that, in reality, children will have to spend *x*number of days with their father and *y* number of days with their mother.

● (1140)

The minister argues that avoidance of anything suggesting winners and losers will help reduce the level of conflict and stress between parents. This is, theoretically, a step forward. In actual fact, however, it does not really do anything to change parents' feelings.

The legislative measures proposed are based on the model of parental responsibility. According to this model, both parents will be responsible for their child's well-being after separation or divorce. It is up to them first and foremost to decide how they will agree to fulfill their obligations to their child.

Should a major impasse occur, as for example when parents do not manage to reach agreement or in cases where there is a high degree of conflict or family violence, the court will in future issue a parenting order setting out the responsibilities of each parent. In my opinion, this reflects the way the courts are already handling the cases submitted to them. Despite the minister's claims, we wonder about the true impact of this change in terminology.

Before I end my remarks, I have a duty to raise one other important aspect of the minister's family justice strategy, namely the unified family courts.

When the new child-centred family justice strategy was announced, the Minister of Justice announced the expansion of the unified family courts. According to him, these courts will improve outcomes for children and families through the following advantages: a single place with jurisdiction over any matter of family law, ready access to a full array of family justice services, specialist judges who are experts in family law, and a user friendly environment with simplified procedures.

I would remind those listening that the Bloc Quebecois spoke out in its dissenting opinion on the December 1998 joint committee report against one recommendation that:

> —the federal government continue to work with the provinces and territories to accelerate the establishment of unified family courts, or courts of a similar nature, in all judicial districts across Canada.

It is still clear to the Bloc Quebecois that the Quebec government does not endorse the unified family court. The reason is quite simple, since the approach currently favoured by the federal government is to grant jurisdiction for all matters pertaining to family law to the provincial superior court, for which the judges are appointed by the federal government. Quebec would rather combine all jurisdictions in this area under the Quebec court, which would, naturally, mean amending the Constitution.

In this regard, I would remind all my hon. colleagues that, in terms of the unified family courts, civil law and the administration of justice are the responsibility of Quebec and the provinces. I believe that it would be appropriate, however, since the federal government has announced increased funding for the unified family courts and since Quebec does not wish to set up such courts, for Quebec to receive its fair share of the federal funding to deal with this matter in its own way, according to its character and specificity.

That, then, as an introduction, is the position that the Bloc Quebecois will defend throughout this legislative process. We strongly hope that the government will hear our point of view and understand the scope of our line of reasoning, the first cornerstone of which is the fact that all family law, including marriage and divorce, should be under the jurisdiction of Quebec and the provinces, should they so wish. This is the basis of the Bloc Quebecois' philosophical and political action. It is, naturally, on the basis of this philosophy, on this solid basis, that we will base our action in Parliament when the time comes to take other positions on Bill C-22.

● (1145)

[*English*]

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, I am pleased to participate in the debate at second reading of Bill C-22. This is a very important piece of legislation on amendments to the Divorce Act and other statutes.

As others have already noted in the debate, this is a very critical issue for many in our society today.

[*Translation*]

This is a policy that affects a large number of families, children, women and parents in general. It is critical that the House of Commons study these issues and develop a bill that will bring solutions to these problems.

[*English*]

As many Canadians have already indicated in the steps leading up to the bill, this is a very important issue that needs to be addressed in a comprehensive and serious way by this chamber. The legislation has been eagerly awaited and some would say it is long overdue.

Today we have the opportunity to discuss the broad principles of Bill C-22. As others have already indicated, we believe the bill is so complex and the issue is so full of emotion and competing views that the bill must be sent to the justice committee as soon as possible. I support the recommendations made by members previously that this bill must be addressed in great detail and that we must be receptive to a great number of witnesses and expert testimony.

[*Translation*]

It is clear that the goal of these changes to the Divorce Act is to attempt to take into account the concerns and hopes of those who are calling for changes and those who want the status quo to be maintained when it comes to how divorce proceedings are handled.

[*English*]

Clearly the bill is an attempt to bring a balanced approach to custody and access and divorce based on a number of years of consultations and indepth study and research. I do not need to remind members of the rocky path that has preceded this moment with the bill before the House.

It is important for us to remember that the bill is an important phase in a long process that started in 1997 when, in exchange for Senate support for the child support guidelines, the Minister of Justice at the time agreed to create the Special Joint Committee on Child Custody and Access. The hearings at the joint committee were emotional. There were a number of heated presentations throughout the course of the committee hearings across the country. For many the end result was not satisfactory. It left a bad taste in the mouths of many who participated and it reflected some very serious divisions in our society.

Certainly there were very emotional and heated presentations from what has come to be known as the fathers' rights lobby. There were some angry words and hostile reactions in that process to the work of the feminist community, to the work of the status of women organizations which have devoted many hours and years in pursuing a just policy that reflects our goal of gender equality in this very important policy area.

Not surprisingly, given that kind of emotional testimony and heated debate throughout the special committee hearings, the report that was tabled in 1999 entitled “For the Sake of the Children” was met with a great deal of concern and criticism. There is no question about that.

Concerns were raised by individuals and organizations across Canada about the recommendations which included mandatory joint custody and shared decision making, maximum contact, parenting plans and mandatory mediation, coercive sanctions targeted against the non-cooperative parent and criminal sanctions against women who make false allegations. That is a summary of some of the contentious recommendations that were made.

Clearly the issue was not resolved with that process. Most would agree that in the report there was a lack of balance and a lack of evidence of sound research to back up the recommendations that were made. As a result the Minister of Justice promised further consultations on proposed law reform options.

In the spring of 2001 the Department of Justice and the Federal-Provincial-Territorial Family Law Committee released a consultation document entitled “Custody, Access and Child Support in Canada: Putting Children's Interests First”. It was recognized that this was an important step in terms of breaking the impasse. However, that process also generated considerable controversy and concern.

Many of the women's organizations, including the National Association of Women and the Law, felt that the process was not conducive to a serious review of the issues and was not founded on what they would consider to be a fundamental stepping off point, which is a gender based analysis. They decided to boycott those consultations and to show a concern with what they considered to be an undemocratic aspect to the consultations initiated by the government back in the spring of 2001.

● (1150)

The Department of Justice has taken the process a step further. Today we have a bill that seeks to address some of those concerns raised over the past five years but which still raises many unanswered questions.

The New Democratic Party position is that the bill be sent as quickly as possible to committee for indepth consultation with the proviso that there be adequate time to hear from a wide range of witnesses and to receive expert testimony with respect to the provisions in the bill.

At face value Bill C-22 seems worthy of support. By the New Democratic Party's recommendation today to send the bill to committee, we are indicating a measure of support for the provisions. We accept that there is an attempt here to find a balance and to address the outstanding concerns of many organizations in Canada.

The changes being proposed to the Divorce Act seek to remedy the often confrontational situation that exists in divorce. In the bill there is the possibility that children's interests are paramount and that is important. The bill, rather than focusing on which parent will get custody, puts in place a responsibilities framework where the responsibilities of both parents in the case of a divorce will have to be worked out. The bill attempts to strengthen the enforcement of child support guidelines and agreements.

My party also acknowledges that beyond the changes to the Divorce Act, the legislation seeks to expand the unified family court program in order to ensure that there is a specific grant to the judiciary oriented toward family issues and concerns. We understand this will include increased funding and the hiring of at least 62 new family court judges. This is absolutely imperative. There are also provisions in Bill C-22 to increase provincial and territorial family justice services, including mediation, parent education and other court related services.

After a preliminary analysis of the bill, there seems to be an important attempt to find balance and to address outstanding concerns. However I want to make a couple of points and to give further examples of why we believe the bill must be addressed at committee and full hearings held before we give full support to it.

The first point has to do with a very legitimate concern raised by the women's community. Has a gender analysis of this legislation taken place? By all accounts that has never happened. The women's community and status of women organizations in this country have repeatedly called for such an analysis. The government does not seem to be taking those recommendations seriously.

That does not surprise me given what we have been going through in the last few days with respect to the reproductive technologies legislation where the Minister of Health vetoed an amendment from the health committee pertaining to gender parity on the new agency to oversee reproductive technologies. It does not surprise me given that we have just been through a long and arduous process in terms of reforming Canada's immigration and refugee legislation and there was no gender analysis.

The need to have a gender analysis with respect to every legislative proposal, every program and every policy is part of Liberal government policy. It has been stated that this is a fundamental imperative for government. To this day it is hard to discern where that policy comes into play and is actually practised.

Today we call on the government to ensure that a gender based analysis is done and is presented to the justice committee so it can be taken into account during the hearings on Bill C-22. It is a very important issue. We are trying to grapple with the impact on women living in violent situations in the context of this important debate around custody and access. I want to remind members of why this is so important.

The National Association of Women and the Law very clearly stated:

> [The association wants]... to ensure that changes to family law be made not only in the best interests of children, but also that they not jeopardize the autonomy and equality interests of women in the family. We believe that government policies must promote women's equality if Canada is to live up to its charter obligations and to its commitments made in the Beijing Platform for Action and other international instruments.

That association and many other status of women organizations have written to the Minister of Justice and to many of us in the House to make a similar point. I will quote from a couple of those sources, beginning with NAWL which said:

> Making joint custody and shared parenting mandatory, enforcing a rule of "maximum contact" between father and children and imposing a "friendly parent rule" can all be used by abusive or dominating men to bolster their power over ex-wives, forcing them to remain in oppressive relationships.

I will quote from a couple of other submissions made to the Minister of Justice and to all of us. A member of the Kitchener-Waterloo sexual assault support centre said:

> I expect that any changes to the federal Divorce Act will acknowledge the prevalence of violence against women and put provisions in place to ensure that child custody and access arrangements protect women and children from exposure to violence and abuse on the part of former partners. These provisions are entirely in keeping with the federal government's national and international commitments to end violence against women.

● (1200)

[*Translation*]

I would also like to quote from a letter sent to the Minister of Justice by the Association des francophones du nord-ouest de l'Ontario a few weeks ago:

> This letter is to ask if you have fulfilled your duty, as a minister, to ensure that a gender-based analysis be done of all aspects of this federal legislation that is likely to have a significant impact on women.

[*English*]

There are many other organizations and expert advisers who I could quote. I want to reference very briefly the Vancouver Custody and Access Support and Advocacy Association, which is a very important organization to take into account. It was the first group in Canada to identify how the cycle of abuse was perpetrated beyond intimate relationships through custody and access mechanisms. That organization has done a very indepth examination of the whole area of custody and access and ought to be taken seriously in the process of careful scrutiny of Bill C-22.

Also, I want to reference the British Columbia ad hoc custody and access coalition which has also made that very important link between divorce law, custody and access arrangements and the way in which it can have a deleterious impact on women already in precarious situations of domestic violence, something that is critical in this day and age.

As we have heard many times before, I want to remind members how serious this issue is. I refer to an expert from my own community in Winnipeg, Dr. Jane Ursel who is with the department of sociology, University of Manitoba and with the Winnipeg Family Violence Court. In 1998 before the special joint committee, she said, "This data has indicated that of course family violence is serious and endemic in our community". She makes that point in the context of reviewing child and custody and access arrangements and proposed changes or amendments to the divorce law because of the interrelationship between domestic violence and arrangements pertaining to custody and access.

There is no shortage of evidence to help us understand the vulnerability that women face in domestic situations and to come to grips with the significant extent of family violence in our society today.

The information by Jane Ursel at our committee meetings five or six years ago was very important for understanding the links and reinforcing the need to take seriously this very important issue. I want to reference a couple of her statistics.

In a study she did, based on her assignment with the Winnipeg family violence court, she said:

> First of all, unfortunately, in the three-year time period that I have the data for you today, there were 5,674 cases of spousal abuse. The court indicates that 92% of the convicted offenders were male and 89% of the victims of those offences were female.

This was said in response to some of the testimony that we heard before that special committee suggesting that when it comes to violence in the home, domestic assaults, really there is no difference in terms of gender and that should not be a factor in these discussions. The fact of the matter is that by and large women are the victims in cases of family violence and men are the perpetrators. We need to be very conscious of that and we need to be prepared to scrutinize this legislation from that point of view.

Our job today is to take the benefit of the advice and knowledge out there in so many different organizations and apply it to the work at hand. We need to get down to a serious indepth analysis of Bill C-22 knowing that our demands and obligations require us to seek balance. We need to do everything we can to ensure that we do not make more serious a grave situation of family violence in our society today.

● (1205)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I know how hard the member has worked on the issue of gender equity and on the issue generally of domestic violence. I know the member is aware that Health Canada recently issued a report on the incidents of domestic violence. Based on survey data, it concluded that the incidents of domestic violence or violence was perpetrated equally by men against women and women against men. I believe this tells us that the issue of family violence or domestic violence should not have a gender with regard to our discussions. Should there be a perpetrator, clearly the courts have to take that into account.

The joint Commons-Senate committee on custody and access produced the report "For the Sake of the Children" in December 1998. It also looked at this matter very carefully and received witnesses from across Canada. Based on the testimony, one thing it concluded was that children had the right to love each parent even though the parents hated each other.

I believe, subject to check, that the joint committee also recommended that even if there were a situation of violence or abuse, there were cases in which a parent, even if accused or convicted of domestic violence, could still have supervised access to the children.

Would the member concur that the issue of custody should certainly take into account the family violence facts, but that even if there should be some evidence of some past or recent abusive behaviour, that parent should not be precluded from having at least supervised access to their children?

Ms. Judy Wasylycia-Leis: Madam Speaker, I want to indicate to the member for Mississauga South that I am not trying in my presentation during this debate in principle on Bill C-22 to inflame an already emotional issue or polarize matters any more than they are.

In my opening statement I wanted to simply try to ensure that the House was aware of the fact that one cannot look at custody and access matters and legislative changes to the Divorce Act without taking into account the impact on women and without considering the prevalence of violence against women in our society today.

It is clear that we are operating on different premises and assumptions. I want the member to know that I believe he is wrong when he suggests that violence in the home knows no gender, that gender is not a factor in when analyzing domestic abuse. All the statistics show the opposite and those statistics have not changed over the years, certainly from the days when they were reported during the special House-Senate study on the issue.

I do not believe that the member can deny the fact that when we look at the statistics over the years of spousal abuse where convictions occur, well over 90% of the offenders are men and almost 90% of the victims of those offences are female. I already made that point in my remark.

I want to further quote from Jane Ursel who is an expert in this area. She looked at 562 convictions in the same period to which I just referred. She said:

> —89% of the accused were male and 76% of the victims were female, with the remainder male and female children who were victimized. In the case of elder abuse, 91% of the accused were male and 81% of the victims were female.

She concluded by saying, "It is a sad statement about our society that the factor that makes a person at risk is vulnerability".

That must be taken into account in this debate. So many experts already have said that legislation on divorce and provisions on custody and access have an impact on women and could create for a situation where violence in the home is perpetuated, not diminished. We need to look at all the facts. I am not an expert in terms of this whole area but I know one thing. We must be open to the testimony, the facts and we must ensure that our legislative proposals do not have a deleterious impact on women who are already vulnerable and facing domestic violence in the home.

● (1210)

Mr. Rick Borotsik (Brandon—Souris, PC): Madam Speaker, first, I congratulate the member for Winnipeg North Centre. She is consistent and puts her positions forth with passion. However I have a couple of questions.

She talks of the gender analysis, and I agree with that. However she also talks about seeking balance. In cases of divorces there is more than just simply abuse and violence. There are other areas that have to be dealt with which also have to seek that balance. Those areas obviously are financial supports and shared parenting and custody. We are not necessarily in all cases dealing with violence and abuse.

My question is twofold. In dealing with the gender analysis and issues of violence and abuse, is she prepared to keep that same open mind to seek balance with respect to both parties in divorce when dealing with other criteria such as financial support as well as shared parenting and custody? It is imperative that we ensure that we have that balance between the mother and the father in a situation that deals with children and divorce.

The second question is probably more of a rhetorical question. The member said initially in her debate that she was prepared to send this forward to committee. I concur with that but she perhaps gives committee a bit more confidence than perhaps I share by going to committee, trying to develop some better changes to the legislation, then bringing it forward to the House so that all factors can be dealt with. Does she believe that the committee is prepared at this time to have an open mind and listen to amendments that make this better legislation than what is being proposed right now in Bill C-22?

● (1215)

Ms. Judy Wasylycia-Leis: Madam Speaker, first, the member for Brandon—Souris knows that I always keep an open mind on legislative proposals, and I am certainly trying to do that in this debate.

When I focus on the question of a gender based analysis, I am pointing out what appears to be a missing piece in this whole process and a necessary one in terms of being able to critically evaluate this legislative proposal and make wise judgments in the end.

I am certainly open to all the other issues raised by the member from Brandon but I want him to acknowledge the fact that there is a need for legislation like this to be based upon a solid, gender based review of the policy area and the legislative proposal for us to do our jobs effectively.

With respect to all the other issues that the member raised, he may have missed the fact that at the outset of my remarks I said that based upon an initial analysis of the bill there appeared to be an attempt to achieve balance in this very difficult policy area. I also pointed out what appeared to be some very positive aspects to the legislation. I also referenced the issues around putting the child's interests front and centre, about finding a better framework for dealing with parental custody and responsibility, about revamping our unified family court program and about making advancements in those areas.

I have indicated that we are prepared to see this move forward because there is some balance in the legislation. It is not totally in conflict with our fundamental beliefs and values. On that basis we believe it should go forward but with the proviso that we need to hear from expert witnesses in the context of the bill.

I hope the justice committee is prepared to do the hard work in terms of amendments but, more important, it is critical, because this is such a complex bill, that we get the bill to committee and hear as many witnesses as is necessary to evaluate the bill in a positive way.

[*Translation*]

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Madam Speaker, it is a pleasure to see you in the chair this morning. It is always a pleasure.

Clearly, this is a very important bill for Canada. Divorce is a very complex and emotional subject. The implications for children, parents and all families throughout the country are significant. These issues can have a very negative impact on society.

So, the government must respond by passing a bill that takes a very clear and very direct stand on these issues.

[*English*]

The debate, clearly, will evoke some very emotional responses from members of Parliament who have been involved in this issue for many years. I know the member from Mississauga, as well as my colleague from the NDP, have followed the issue very closely and will present compelling arguments and important perspectives as we move forward with the legislation.

However we must constantly be cognizant of the fact that the changes we initiate in the bill can have a profound impact on people's lives, particularly those with children and those with families in general. The bill could have significant, long-lasting and, at the risk of sounding overly dramatic, life-lasting implications.

Legislation is part of the answer. I would suggest that there is attitude and obviously a need to put protections in place, as has been referred by my colleague from Winnipeg. It is always difficult to legislate morality, just as it is difficult to legislate against immoral and sometimes simply stupid behaviour.

I prefaced my remarks by saying that Parliament began by investigating this important issue back in the mid-1990s. You would know this, Madam Speaker, because you were very much a part of that study and a part of that committee. In fact, a Special Joint Committee on Child Custody and Access was established during the 36th session of Parliament. The committee's recommendations were presented to Canadians through Parliament back in 1998.

The Special Joint Committee on Child Custody and Access brought forward a report entitled, "For the Sake of the Children". It provided an indepth examination of all issues surrounding children and divorce and, in total, made 48 important recommendations. Some of those recommendations have found their way into this legislation.

Unfortunately, I would underline, for children and their families, 13 key points, which I think are crucial to the legislation, did not make their way into the legislation. I will discuss some of those in my remarks today.

A few of those major omissions include the omission of the use of the maximum contact principle in which each of the parents are required to have a maximum amount of contact for the best interests of children.

The requirement for parents to attend post-separation education programs and create parenting plans before being able to proceed with their applications for a parenting order also did not find its way into the report. I strongly suggest that this would have added a greater transition period for families going through the trauma of a divorce.

Recognizing the importance of family relationships with other extended family members is also something that is difficult to legislate but there could have been some inclusion in the legislation.

The amendments to the Criminal Code regarding punishment for intentionally false allegations of abuse or neglected family law matters. I cannot underscore this enough because, as much as I strongly agree and wrap my arms around the discussion put forward by my colleague from Winnipeg, the implications of abuse and the need to protect women, children and all members of the family from the terrible implications of violence and sexual violence, the false allegations, although on a scale are not as serious, do have a tremendous impact on a person's life and his or her reputation in the community if these allegations are made falsely.

According to the minister's legal team, which would be formidable in size and legal knowledge, the most substantive changes to the Divorce Act attempt to remove the tensions that exist between parents wishing to divorce. As members know, our judicial system is based on the adversarial model where one person is the winner and one is the loser. That sadly is often the feeling at the outcome.

In essence, the government will remove the terms "custody" and "access" and replace them with what it feels is less contentious wording, such as "parenting orders".

These changes are outlined in clause 16(1), which reads:

> A court of competent jurisdiction may make an order relating to the exercise of parental responsibilities in respect of any child of the marriage, on application....

The government believes that this change in terminology, the elimination of the words "custody" and "access", which tend to focus on a parent's rights rather than on their responsibilities toward children, will have a beneficial effect. Well, as the old saying goes, time will tell.

● (1220)

What this represents is a conceptual shift, which, unfortunately, in my view will not change the dynamics present in cases of divorce. Regardless of what we call it, sole custody parenting, one parent will be the winner and one parent will still be the loser. It will take more than the bill to change societal attitudes and values in this regard.

The rationale that a change in terminology will make a divorce easier on families and by extension children, is beyond debate. Not only will it be virtually impossible for the court to extend a change in societal attitudes and values but realistically it is unworkable. By not taking into consideration the reality of divorce and some of the more preventable motivating factors, we stand to put at risk the well-being of a child further. All too often parents are more concerned about hurting one another than they are with the best interests of children, and the children unwittingly become pawns in the game of one-upmanship.

Having practised law, I far too often saw this occur. There really was no winner and loser in the final analysis. It appeared to me that everyone seemed to be losing some of their dignity and some of their emotional well-being. Some might argue that the winners were the lawyers in terms of their billable hours. However, all kidding aside, it is a very disturbing situation when this tension plays itself out through a divorce and children are thrown into the middle of the conflict and left with two competing parents, whom they love dearly, using the children to hurt one another. I cannot think of a more gutting situation for a young, impressionable child beginning life. It is a terrible situation and difficult to remedy, but we are missing an opportunity in the legislation unless some corrections and amendments are brought about.

The concerns of course deal with worse case scenarios. It is important to recognize that there are cases, and I would suggest many cases, where parents do put the best interests of their children at the forefront, regardless of their feelings in a breakdown over their own relationship with one another. Emotion often overtakes rational thinking in that regard and even some of the subtleties can be very detrimental to a child.

We in the Progressive Conservative Party are very concerned with the minister's approach, which seems to remain in the status quo with regard to grandparents.

● (1225)

[*Translation*]

That is my opinion. This is a very important question. Grandparents also need protection in this bill.

[*English*]

This is a very real failing in the legislation. It seems to defy logic and ignores the legitimate rights of maternal and paternal grandparents to access children. Clause 16(1)(b) outlines those persons other than a parent who can ask the court to review the parenting orders. It reads:

> a person, other than a spouse, who is a parent, stands in the place of a parent or intends to stand in the place of a parent.

We all know there is a broad range of individuals who can fill the role of guardian. It might be a sibling or a close relative such as a nephew, a niece, an aunt or an uncle. However I would suggest that grandparents deserve special consideration in circumstances of a family breakup. I would suggest that there should be a legislated recognition of the special role that a grandparent can play in the life of a child.

While there is no specific reference to grandparents, the clause I just referenced, clause 16(1)(b), deals with the application by a grandparent to the court to seek leave of the court to make the request to assume the role of guardian.

The Progressive Conservative Party has taken the approach that we want to advocate for grandparents' rights when seeking custody of grandchildren. This issue was given considerable examination by the joint special committee, and you, as Speaker, will recall that there were many representations by grandparents.

I know that other members of my caucus, the member for St. John's East and the member for Saint John, New Brunswick, have met with grandparents groups in their communities and have heard with passion the concern that grandparents have about getting this recognition, not just to seek leave but to have automatic consideration by the courts.

The requirement that the grandparents apply for leave can become extremely costly and unnecessarily time consuming so on November 4 of this year I introduced a private member's bill that deals with a specific amendment to the Divorce Act which would allow grandparents to apply directly for custody of their grandchildren without leave of the court. Such an important amendment would allow grandparents greater ability to nurture, protect and care for children in the stead of parents. This is of course only if parents are unable, unwilling or deemed unfit to care for their children. It is an issue that should be acted upon when the bill goes to committee and an issue that has been completely ignored in the bill in its current form.

[*Translation*]

I am going to list some of the most important omissions in this bill. For example, there was no mention of the principle of maximum human contact with the parents or guardians, nor of amendments to the Criminal Code regarding false allegations of abuse or neglect with respect to family law. The most important omission is, perhaps, that it is impossible for grandparents to directly intervene regarding child custody.

This bill provides a very important opportunity for the Parliament of Canada to improve existing legislation.

[*English*]

There are difficulties as well with subclause 16.2(2) of the proposed legislation, which sets out the criteria that the court must consider when determining the best interests of the child. This section directs the court to consider all the needs and circumstances of the children, not necessarily an approach which will ultimately protect the child.

The criteria in paragraphs 16.2(2)(a) to (l) of the bill consider such things as the physical, emotional and psychological needs of the child, taking into account the child's age and stage of development; the benefit to the child of developing and maintaining meaningful relationships; the history of care for the child; any family violence, including its impact on the safety of the child and other family members; and the child's well-being.

I believe that this section, although it tries to go through an exhaustive list, is a sort of Cartesian thinking. It might in fact have been better to have approached this the other way and in fact have put in place the phraseology for what would not be in the best interests of the child rather than trying to include an exhaustive list of everything that is important for the child.

According to the government in this presentation of the bill, all the criteria in this section will carry the same weight, although the judge will certainly give priority to different sections depending on each case.

For example, there may be some competing interests at times. Paragraph (h), which speaks of the nature, strength and stability of the relationship between the child and each spouse, will carry the same weight as paragraph (c), the history of care for the child, although I suggest that there are instances where one parent may have been absent in terms of child care and then this would carry more weight with the judge when making his or her decision. That is to say, if one parent is working outside the home it may afford an unfair advantage to the parent providing the most day to day, hands-on care.

I find that the way in which the legislation is worded may be cumbersome. It may be setting up a situation whereby the judge is forced to make a decision on somewhat arbitrary terms because of the way in which the legislation has been set out.

Surely there are important decisions that the judges across the land are making already, based on the evidence provided to the court, and that is what ultimately should be the determining factor: factual, backed up information that is presented during the course of a hearing which allows judges to make a case by case proper determination to the best of their abilities in what will best serve the interests of the child.

The legislation is coming forward at a time when there is a sense of need. There is a sense of confusion, I would suggest, in the courts in many instances in cases involving children, particularly when the parents have taken a very adversarial approach toward one another. It is my hope that the legislation will provide further direction, yet that is one of the real concerns I have. Because of the way in which it is presented, it may throw the courts into further confusion.

The government's reasoning behind certain sections of the legislation, which set out in detail what constitute the best interests of the children, may in fact focus away from the rights of the parents. The rights of the parents also have to be given ample consideration when going through the process of determining access and custody and contact with the child. They place the focus on the best interests of the child, which have to be given primary consideration, but again, this will of course be subject to a judge's interpretation. More likely than not the end result may of course be that it causes further strife and tension because of an improper decision, because of a decision that may in fact exclude one parent from the desired contact. There are then terrible ramifications which can lead to situations that we have sadly borne witness to, where children are abducted, where parents react violently, where parents, motivated, I am quick to add, by a strong love and a strong desire to see that child, respond emotionally and irrationally.

The situation is always volatile. I can think of few other situations with such potential for a terrible result than when a parent is deprived of the right to be with a child, the right to foster and nurture a loving relationship with a child.

● (1235)

We are all, in this tumultuous world, aware of the violence that is taking place around the world and the images of children suffering that are constantly portrayed on the television. That tends in some cases to almost desensitize people, yet I do not think that there is any desensitization when it comes to people's connection to their child and the thought that they might lose that contact.

So the federal government is quietly spending almost twice as much money on advertising and on training lawyers about the new divorce law when it could be putting that money, I suggest, more productively into areas like counselling, like mediation for separating parents, into helping ease the pain and the excruciating emotional strain that occurs in some divorces.

Again it is an issue of priorities, I would suggest. While we agree that the Divorce Act needs to be modified and modernized to represent the current societal trends, we are concerned that this legislation does not quite fit the bill, does not quite live up to the standard that is going to be required as we go into the future with this type of legislation.

It will require and will receive examination at the committee level, I suggest, and I look forward to taking part in those committee hearings. I hope that we will be able to improve this legislation. I cannot think of a bill that is more closely tied to the societal trends that exist in Canada today, that deals with the issue of the proper rearing and nurturing of children, an important issue that all Canadians and all parliamentarians are clearly concerned with.

I look forward on behalf of the Progressive Conservative Party to bringing forward amendments that I think will improve the bill. Hopefully we are going to get this right. We have the opportunity.

[*Translation*]

We have the opportunity to develop a very productive and positive bill for the future of families and the country.

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, the member touched on a number of points that I think are quite useful for the House's consideration. I have read a book with regard to the issue of divorce. One of the lines that really impressed me was that when a couple divorces, "a small civilization" is destroyed. The author was referring to the family tree in that the separation of parents meant that access to grandparents, uncles, aunts and couples suddenly was taken away from the child. Children have to be put first in this.

What is really happening out there, because custody is so prevalent for the mothers, is that we have a lot of fathers out there who are having difficulty seeing their children. They are subject to what is called parental alienation syndrome, whereby the child is pitted against the father. We have numerous cases where, notwithstanding visitation rights specified by the courts, access is denied to those fathers. Fathers then have to go to court and exhaust all their resources in simply trying to see their children.

I hope that the member will give his comments on what is really happening out there. I wonder if he would also agree that Bill C-22 does not change the current substantive policy on presumptive sole maternity custody, and also that it does not address the lack of enforcement of custody and access court orders and the resulting parental alienation of children, and that possibly it does not address the denial of access of children to grandparents and other extended family members.

Mr. Peter MacKay: Madam Speaker, I thank my friend from Mississauga. I think he will find that within the body of my remarks I did refer to all of these. In particular, I agree with the point on the omission of some specific reference to grandparents, because of that special relationship.

Similarly, this presumptive maternal custody that is still very prevalent in courts does pose a particular problem for paternal participants in the process. I feel that in many cases fathers do emerge from the courts extremely frustrated. The word "balance" is going to be thrown around a great deal in the discussion and yet the balance in my view is still not correct. It still does not favour an approach that is completely level as far as a parent's participation and a father's participation in the nurturing and raising of a child is concerned.

I am hoping, and I know that my colleague will be participating in these hearings as well, that we will somehow try to re-calibrate the approach that the courts are taking. I will admit that I myself come from a home where my parents separated when I was quite young. It goes through a child in such a painful way to see that happen. When the father is excluded from access and significant participation in a child's life the damage is fourfold, depending on how other family members react.

The ability to give the courts the opportunity to give the father that type of participation, that type of access and in some instances the custody of a child is an extremely important and powerful decision. I would suggest that we have to somehow adjust the legislation so that it does not continue to reflect a bias toward one parent over the other.

The enforcement also becomes very difficult. My friend is correct. There is nothing that I have seen in my time practising law that was more disturbing than having to send police or child support workers to a home to remove a child from one parent or the other because that child was being used as a tool to injure the other parent. That trauma lasts a lifetime as well. With regard to the enforcement mechanisms, I think we are going to have to rely on great expertise, like that of the hon. member himself, to determine the way in which we go about enforcing the law without doing further harm to the child and the relationship with the child's parents and family members.

I thank the hon. member for his questions. I know that he has been an active and passionate advocate for parents in situations such as this.

● (1240)

Mr. Paul Szabo: Madam Speaker, one of the roles of members of Parliament obviously is to bring to Parliamentarians, colleagues in the House, the feelings of their constituents. I have had numerous people come to me who are in these situations. They have given their stories, which the member has related, and the general circumstances that the world is not unfolding. We have situations where people cannot get along, they split up and children turn out to be the victims.

I will support the bill to get it to committee and start talking about it. However, we had two years of cross-Canada consultations that were reported in 1998. The response to that was slow and in fact the response was to have another series of consultations with other people. Now we are coming here.

One of my constituents, and I will speak on his behalf, said that contrary to the commitments of the previous justice minister and the special joint committee's recommendations, this bill is not in the interests of the child, but is in the interests of the divorce industry. It is a serious indictment and I believe it is incumbent on members of Parliament to bring themselves up to speed and to inform themselves on the actual impact of the changes being made here.

The act has not been amended for a very long time. One of the things everyone agreed with, throughout all those hearings and consultations, was that we must put the interests of the children ahead of the interests of the parents. We cannot have everybody have their own way. Parents have their lawyers in court. Who is the lawyer for the children?

I am not sure whether or not we will be able to deal with this balance and put the children's interests first. I am not sure, I have not fully informed myself about the provisions of the bill and I will have to wait until it gets to committee to find out, whether or not we have balanced the interests of the divorce industry and the divorcing couple and children, instead of looking at the balance of the parties affected by the divorce.

I wonder if the member has heard similar concerns about whether or not the bill has somehow skewed or gone out of focus with regard to the principal objectives and that is to put the interests of the children first?

● (1245)

Mr. Peter MacKay: Madam Speaker, although I am aware of the atmosphere of cynicism and doubt around this issue, I try to be instinctively optimistic that we can in fact improve the situation.

I find myself in complete agreement though with the hon. member's condemnation of his own government and the length of time it has taken to get this matter back before Parliament in such a fashion that we can do something about it.

Yes, I hear from constituents quite regularly. I heard from them during the time I was practising law about the frustration and the need to go back to basics in offering an approach that is balanced toward ensuring that the rights of both parents and grandparents are protected, all those persons interested in the well-being of the child, and that the rights of children are protected.

The hon. member is certainly correct to suggest that in some instances it is apparent that it would be preferable to have a lawyer there speaking solely for the child. There have been rare instances where the court has appointed counsel for a child in cases where the warring parents become so driven and obsessed with their own interests that the child becomes very much the victim.

I look forward to working with the member and hearing from those who are still striving to improve the situation, and who will come before committee. Our objective is to bring forward a bill that will in fact improve the situation and not exacerbate it. I have real concerns that the way the bill is currently presented will not improve the situation, but cause further problems for parents and for children in situations of divorce and separation.

Hon. Ethel Blondin-Andrew (Secretary of State (Children and Youth), Lib.): Madam Speaker, I am honoured today to speak to Bill C-22.

I was in the House this morning when the Minister of Justice spoke. I was listening very intently, as many Canadians were, to hear the tone of the presentation of the Minister of Justice. I was so overwhelmingly pleased that in every aspect of the changes of this legislation it was child centred. In every comment that the Minister of Justice made, it always returned to the fact that it was in the best interests of the child.

As the Secretary of State for Children and Youth I am particularly touched by that because I know, from my own personal experience, as well as those of many Canadians and worldwide citizens, that divorce is not something one intends; it is something that happens as a matter of circumstance and other things that occur.

We bring children into this world to perhaps have as good a life as we have had, if not better. We bring them into this world to dream big dreams, achieve great things, and perhaps achieve the unachievable. We bring them into this world to attain their highest goals in search of excellence. We do not bring them into this world and put them in a circumstance of victimization from their very early years on to their teen years when they go out on their own. In a sense, unfortunately, circumstances of divorce have prevailed that upon our children, and our youth. It is very unfortunate.

In listening to the Minister of Justice this morning I am happy about the important steps the government is taking for children of divorce in Bill C-22, an act to amend the Divorce Act and other acts.

What greater assets do we have in this country than our children? Yet we often feel powerless or unprepared to help them when they experience the breakdown of their family. It is clear that in introducing this bill and the child centred family law strategy the government is committed to improving outcomes for children of divorce.

Prior to the Divorce Act reforms, federal, provincial and territorial governments held public consultations to learn more about the views of Canadians on parenting after separation and divorce. Some of these consultations were conducted with youth. I am particularly interested in this as I am the secretary of state for youth. In one of these groups a young participant wondered whether we could make a law that would force parents to be responsible.

While laws may not effectively force parents to act in a certain way, they may help them to see things differently, but primarily they provide protection for children and youth.

This is the essence of Bill C-22: helping parents focus on their responsibilities; ensuring that parenting decisions are based only on what is best for children; providing help and guidance to parents and others who must make these difficult decisions; and encouraging parents, when appropriate, to resolve their differences out of court. In an ideal world we would not have these circumstances, however we live in a great world, but not all circumstances are ideal.

Often children are the ones who suffer the greatest consequences because of what happens. They do not make the decisions; they have decisions made for them that shape their lives.

By moving away from the current terms “custody” and “access” to an approach based on responsibility we are shifting the focus from the parents to the child. In this new system parents would decide how they would each carry out their responsibilities, including the time they spend with the children and the decision making responsibility that they each would have with respect to the children.

The issues families would need to deal with would remain the same. It would not eliminate the acrimony and the hard feelings that occur sometimes when there is the situation of divorce, or the history that those people share, or how other people get involved. It becomes a whole family situation and some of it is not good. The main thing is that children are victimized. In this circumstance all that could be there, but the government and the legislators have put something forward to protect the children.

● (1250)

The bill would continue to provide the court with discretion to make decisions on parenting arrangements that are in the best interests of the child. However the bill would provide greater guidance on how decisions could be made. For example, parenting orders can vary greatly in terms of how responsibilities for the child are distributed between the parents. By outlining the various types of parental responsibilities that may be allocated, the new Divorce Act approach would facilitate the work of parents when they sit down to tailor an arrangement to suit a particular child.

Too many times in the past it has been about the win-lose situation; who got custody of the child or access to the child. It was all around and about the child. It was not for the child. It was about the people around the child or children.

Parents are generally best placed to determine what is in the best interests of the child. Parents can work out arrangements themselves or with the help of a mediator, counsellor or lawyer. Where a judge is needed to make a decision, for example, where parents cannot agree or are in high conflict as well as family violence cases, judges would be able to issue a parenting order allocating parental responsibilities, because this is purely in the interests of the child.

The addition of the best interests criteria to the Divorce Act would play an important part in helping all parties focus on working out arrangements that are the best for the child in his or her unique circumstances. The criteria would help people understand the factors that a court must consider when making a decision on the basis of the best interests of the child. There is currently no list of factors and the court is directed only to make a decision that is in the best interests of the child.

In the new approach there are at least 12 best interest criteria. This list is not exhaustive and no one factor is more important than another. The weight to be given to each factor would depend upon the importance to the best interests of that particular child. These factors are not intended to direct particular outcomes, since this would not be consistent with the child centred approach. Rather they indicate important issues that the court must consider in the circumstances of the particular child.

Parents often need to make the best decisions about their child's care after separation and divorce. Family justice services, such as parent education courses, mediation and court-related services, all help parents focus on their children's needs. Children would benefit when parents would use these services.

This bill would require lawyers to discuss with their clients the mediation and family justice services available in the community. We expect that by requiring lawyers to inform clients about these services early on, this would result in timely and more amicable settlements that in turn would reduce the pain of divorce for children.

I have many cases and examples of people who are in pain, adults who are engaged in divorce or who have been divorced for a number of years. These people have issues of separation anxiety, the pain of going through a divorce, and being separated from ex-spouses as well as their children, but the underpinning of this is not about them. It is about what happens to those most vulnerable and most at risk, the children.

The technical aspects are about how to dissolve a relationship. The fallout is about the children and the parents, but we must provide protection for those children. The best laws are not based upon individual circumstances or instances. There must be a universal application that has the broadest breadth of application that does the best for those who are most at risk. Again, in this case, those are children.

What we must keep in mind is that besides dealing with the legal aspects of divorce, families have many emotional issues to deal with.

● (1255)

To quote another youth who said during the consultations, "Divorce is about law and about feelings; you need to make sure both are in the right place". No law is going to fix the problems associated with the feelings. For the reforms to work, everyone from judges and lawyers to mothers and fathers must recognize that children's need for love, attention and support should be paramount. The most important thing should be the love the children get, the attention they get and the support they get.

That was very well reflected in the minister's speech. By focusing on parental responsibilities rather than parental rights, Bill C-22 along with other components of the child centred family justice strategy, will bring about improvements to the family law system that will have important benefits for children and their families as well as long term benefits for Canadian society.

Another a youngster said, "Kids should come first. We are the future".

Given all of these considerations, we have to reflect on some of the provisions in the bill. People will want to know such things as what a parenting order is; what parental responsibilities are; what decision making responsibilities are; what is parenting time; what are the implications of having taken out the terms "custody" and "access" from the Divorce Act; and contact orders. Do people know that contact orders have to do with the provision of contact between the child and a person other than a parent, such as a grandparent, in the form of visits or oral or written or other methods of communication? People need to know this.

When the special joint committee recommended the removal of the terms "custody" and "access" from the Divorce Act some people believed there was the presumption of shared parenting. There was not. The special joint committee did not recommend a presumption of shared parenting. Instead, the committee's recommendation focused on the best interests of the child. That should be clear.

Although the committee has not recommended establishing a legal presumption in favour of either parent or any particular parenting arrangement, the committee did see the value of shared decision making and even substantially equal time sharing where appropriate, but always in the best interests of the child.

Today is another good day for children in Canada. It is a good day because in listening to and reflecting on the remarks of the Minister of Justice, I can see that after a long period of acrimony, confusion and a lot of the fallout from very difficult circumstances, children have a chance of surviving the economic fallout, the emotional fallout, the acrimony, all of those things that happen to children in a divorce. They become the victims of what happens. It is not in all cases, but too often that has happened.

I would like the House to know that I think this bill is a good thing for Canada. It is good for children. It is good for all parties concerned and we should support it.

● (1300)

Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance): Madam Speaker, it is an honour to speak on behalf of the children and on behalf of the many parents and families who go through the great tragedy of separation and divorce and see their families being divided.

I want to look at two or three of the committee recommendations and glance at the UN resolutions before I get into the legislation itself.

The committee recommended that the Divorce Act be amended to include a preamble alluding to the relevant principles of the United Nations Convention on the Rights of the Child. I looked to see what those might be and I found article 3 of the Convention on the Rights of the Child, ratified in 1991 by Canada, which states:

> In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

I am aware that phrase was in the divorce code even before these revisions and it has not helped much. It is good to know there is a stronger focus on that now. We agree with that idea.

Article 9 states:

> States parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child.

We must keep that in mind.

The committee also recommended that the Divorce Act be amended to repeal the definition of custody and to add the definition of shared parenting that reflects the meaning ascribed to the term by the committee. The Minister of Justice has insisted on ignoring this recommendation and still does not want to discuss the real meaning of shared parenting. The change recommended by the committee indicated more than simply a change in terminology.

I have to ask, have members been there? I do not necessarily mean have they been there personally, but have they been there with more than just a personal issue? Were members there when parents moved from the happiness of their marriage into a time of debate and quarrelling and battle? Were members there to calm and encourage and help parents? Were members there when that was not successful and the parents went to court? Are members aware of the things that happen within the courtroom? Have members been there? I dare say a large number of members have not been there in that capacity.

I have been there in all of those cases. I have seen it in my own family. I have counselled many families who have gone through this. I have sat in the courtroom and heard the verdicts. The Divorce Act is in bad need of repair. We believe the repair being offered today falls short of what is needed.

Who is impacted by the ongoing injustices imposed by the courts in the present adversarial winner takes all approach? Every child and every parent who goes through that situation is impacted and it does not end there. There are thousands of grandparents across Canada who have been cut off from access to their own grandchildren. They cannot see them. Maybe they see them on rare occasions but in a number of cases there is no occasion at all. When that happens the grandparents are severely impacted. I can also speak to the bill from that aspect. I have grandchildren who have suffered through divorce. I know how badly they are impacted.

● (1305)

The impact goes on, not just for the wife and husband who go through the breakup, the separation and divorce. The judgment is so often the final spike in the heart of that couple. It goes on to perhaps another family when the mother or the father establishes a new relationship in a new home with another family perhaps. Other ingredients are added. The impact goes on and on. The innocent party in the new relationship often is put through agony because the new spouse is being driven into the ground or is agonizing over the loss of contact with children from a previous marriage.

It does not end in the courtroom. If only it did end in the courtroom. Even though the parents get divorced, the relationship between them does not end; it changes drastically but it does not end. We must especially remember that parents do not divorce their children. There is a relationship and we need to be extremely careful in how we handle it. There needs to be an ongoing relationship between the children and their mother and father and their grandfathers and grandmothers. That needs strong consideration.

We are talking about the best interests of the child in the legislation and let us leave that as the top principle. I agree with that. But let us also realize that we have a responsibility to the mother and the father to do the best we can to assist them through that traumatic time in their lives and see a proper outcome.

Subclause 1(1) of Bill C-22 states:

> The definitions "custody" and "custody order" in subsection 2(1) of the Divorce Act are repealed.

That is wonderful news in itself but as I look at Bill C-22 very carefully, although the wording has changed, I do not see the veil yet removed. I see the same things simply said in other words and in other terms. We are going to see the same thing continue to happen. We could have done a better job of making that clearer. In fact, just today the Minister of Justice in his presentation said that the government could not accept the concept that one parenting arrangement was better than any other.

Well, I suggest and I dare any member to argue with it, that there is one parenting arrangement that is better than any other and that is to have a child with its natural mother and its natural father in a happy relationship. The Canadian Alliance would have been laughed out of this place had we made a statement like that, that there is not a situation that is better than another. There is one.

We can look at the statistics across the land and across North America as a whole and find the awful tragedy that is imposed upon fatherless homes where there is only one parent. I am sure there are also tragic statistics for the family that has only the father in the home. I believe that we are made in such a way that we need the influence of our mothers and our fathers in order for us to develop to our greatest potential.

● (1310)

The minister said that the government could not put shared parenting in because it would lead to confusion. We are already confused. This act as is has led to confusion. Even though it talks about the best interests of the child, we are confused because no one seems to be really concerned about the best interests of the child. The child is shuffled off to one side or the other, whichever way the judge perhaps feels is the expedient thing to do. I can think of cases where this was not in the best interests of the child, but was for the convenience perhaps of the court.

One thing that is put forward in the new bill is parenting orders. Again, even though these new terms do not say custody, they are still veiled and weighted. Let me read subclause 16(1):

> A court of competent jurisdiction may make an order relating to the exercise of parental responsibilities in respect of any child of the marriage, on application by
>
> (a) either or both spouses;

Then it goes ahead to mention other people. It says either or both spouses.

I agree that my education, experience and background is a bit different than the norm in this place, but I remember something from when I studied theology. There is a principle when one is taught how to study the Bible that the first mention of something is always the most important thing to consider in considering a matter. Ladies may have a little trouble relating to this because when they go into a store it is never the first article they see that they want to buy, at least not until they have checked the rest of the mall. Men like to go into a store, pick out the shirt on the first rack that fits and buy it. We are attracted many times to the first thing we see.

Subclause (a) says either or both spouses. I think we could have had a little stronger language. Maybe this is a small point, but perhaps it should have said that a judge could write the order to both spouses or to either. I think we should at least imply that the first order of things should be to consider these spouses in an equal manner before the court.

I suggest that one of the reasons there is so much confusion around the term "shared parenting", and there is not as much confusion as the hon. minister implied, is because there are those who have attempted to ensure that there is confusion and that it is obscured. There are those who have run the idea that shared parenting would dictate that every couple that walked into a divorce court would get fifty-fifty time with the kids and the kids would have to shuttle back and forth. That is not the idea that most would have on shared parenting.

When parents walks through the courtroom door, it is a real tragedy of justice when the judge, with the entry of those people, has already made up his mind on his verdict, as recently told in one case in Saskatchewan. The judge literally slept through the divorce proceedings and at the end made his ruling. That is a travesty of justice. That happened only because he already knew what would do, which was the same thing that he had been doing, and on and on it goes.

● (1315)

Parenting orders is a good change from custody but at the same time we need to understand that the parents need some sort of equality until it is demonstrated that one of the parents in their relationship would bring harm or has brought harm to the child in the past.

The legislation talks about parenting time. It talks about the time they spend with other people. I want to read subclause 15(5). It states, "The court may, in an order under this section, allocate to either spouse or to both spouses", and there is that wording again "either spouse" or by a wild change maybe to both, "any combination of those individuals, parenting time, responsibilities for making major decisions". It goes to say that they would be responsible for making other kinds of decisions. I think we are starting to get the point that responsibility for making decisions can be assigned and divided under this.

First, it says that parenting time is something that they can order by way of a schedule. I looked at that and I realized there has never been an adequate way of enforcing, encouraging or handling the time schedule. Yes, some of the court orders read with wonderful terminology. That I cannot deny. It all looks good on paper, but when one parent is given the run around week after week, shuttled to the end of the line, shuttled to the end of the month and then shuttled to another month and not allowed to have decent time spent with their own children, something needs to be in the legislation as to how the breaking of that order can be enforced, because the failure of the paying parent to pay can be enforced and that is done quite readily. There are contact orders and also guidelines under that.

The legislation talks about ensuring that we do it in the best interests of the child. The court shall take into consideration only the best interests of the child. Perhaps we understand that is the highest, but I think we need to mention also the inherent rights of the child and perhaps even of the parents.

One thing that has improved is the putting in of the list of criteria that the judge needs to consider to determine the best interests of the child. However, as we look at this, there is no guidance given or indication that a disqualification in any of these categories has to be proven. It can only be alleged and that is all that is required. Because it does not have to be demonstrated that it would not be helpful, it leaves it very vague.

The legislation talks about including the child's cultural, linguistic, religious and spiritual upbringing and heritage, including aboriginal upbringing and heritage. For one thing, why do we single out one race? Whose heritage? Whose religion and whose culture?

We are leaving so much up to the judge that I am afraid the adversarial system of the past will simply be passed on. I am afraid we will continue to disengage some who will not go to court, or will not pursue the interests of the child, or will not pay or will not be responsible. I would suggest the reason so much of this happens today is not so much because we have deadbeat parents, or deadbeat dads or deadbeat moms, but because the court system, in the way it has interpreted this past legislation, has issued radically unfair and not charter proof rulings. I do not think this legislation will keep that from continuing to happen.

● (1320)

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, Bill C-22 seeks to make some amendments to the Divorce Act of Canada. I believe we have not had changes to the Divorce Act since 1986.

Members will talk today in the House, in committee and as we go through the various stages of legislation about the best interests of the children and putting their interests first. There will be all forms of description of somehow trying to shift the focus away from couples in dispute and to their children.

Why have parliamentarians and other groups around the country, such as the judicial system, recognized that children are in distress when it comes to divorce situations? That question twigged my interest back in 1997. I penned a monograph, only about 80 pages long, called "Divorce—The Bold Facts". It struck my interest because I learned that in 1967 there were 11,000 divorces in Canada. Some 30 years later we had gone from 11,000 divorces up to 90,000 divorces, a significant change. Fifty per cent of marriages in 1997 ended up in divorce, which shocked me. What happened in our society that all of a sudden the percentage of marriages ending in divorce would go from 10% to 50%? What are the consequences?

As parliamentarians, we are concerned about issues such as child poverty. We are concerned about the Young Offenders Act and our criminal justice system. Well here are the facts and why I wrote this monograph.

The monograph says that lone parent families represent about 15% of all families in Canada. Lone parents are those who are no longer in a married relationship or have a partner. However they account for 54% of all children living in poverty. Fifteen per cent of the families account for 54% of children living in poverty. Why then, when we talk about child poverty, do we somehow have to talk about giving money here and there? If we really want to address child poverty, clearly we have to address the one issue which is the cause of more than half of it, and that is the breakdown of families.

In addition to that, the Department of Justice reported that 70% of young offenders come from broken families. Do members think that children are affected by the breakdown of the Canadian family? Do members think that maybe there is an opportunity for us to address the criminal justice system as it relates to young offenders?

Children are not born bad. Children are a function of their environment, and the breakdown of the Canadian family is the single largest cause of poverty and youth crime in Canada. That is why we must address the Divorce Act. That is why we must make absolutely sure, in making changes to the Divorce Act this time around, after so many years and after so much study, that we do not have a false start. We cannot afford to let our children down. This is all about children.

● (1325)

Earlier a member spent most of the speech talking about domestic violence. I have a report produced by Statistics Canada in 1999 on behalf of the Canadian Centre for Justice Statistics. It is the most recent information available. It reports that there were 690,000 incidents of violence against a female spouse and 549,000 perpetrated by a woman against a man.

The conclusion of the survey was that we were getting very close to where the incidents of domestic violence were equally perpetrated by men and women. This is shameful. Something is wrong out there and we need to be extremely careful not to be relying on anecdotal evidence of the past about the existence and perpetration of domestic violence or abuse because it does affect children.

We know from the research that has been done in Canada that children who witness abuse are as seriously affected by that abuse as if they had been abused themselves directly. That is how serious it is. That is why as we approach this I think it is absolutely critical that we take into account the full range of impacts on children.

It is not simply that Mommy and Daddy are breaking down and are going their separate ways. The children have to witness that. The parents may hate each other and abuse each other but the children are the ones affected. All of a sudden there are two homes to care for. Mommy's and Daddy's incomes did not change but expenses sure went up because now there is a second residence.

Anyone who enters into a family breakdown relationship had better know real quick that their financial viability will go south. The financial burden on couples when they break down often manufactures poverty. Many families, when they are together, statistically and however we measure family poverty, would say that they are not in poverty. However, once they split up, once they have a second residence, and once they have ongoing legal and court costs and all the other things attendant to an acrimonious breakup, those families in a lot of cases end up living in poverty. It is not economic poverty due to economic circumstances. It is economic poverty due to social circumstances. It is a social poverty; a manufactured poverty.

We have to understand that children always are the victims. When we worked through the joint Commons-Senate committee on custody and access we talked about these issues. We heard witnesses over a two year period. There was no disagreement and recommendations were made in the December 1998 report, "For the Sake of the Children". It reflected the theme and the principles on which we should approach our Divorce Act.

One of the key issues the committee talked about was the whole concept of custody and access. Custody and access would tend to indicate to parties that there is a winner and a loser. The committee disagreed with that based on broad, expert testimony from across the country over a two year period that said that we should get some things straight. It said that each parent had an important contribution to make to the lives of their children and they should have that opportunity, and that children had the right to love both parents equally, even if the parents hated each other. These are important, base foundation principles that must be taken into serious account as we look at the Divorce Act.

Many members will come forward with horror stories from their constituents. We will hear stories about the concept of parental alienation syndrome. This is a situation where a parent pits a child against the other parent and makes the parent look bad. Usually it is the custodial parent who perpetrates this.

● (1330)

Even though there are court orders and access orders stating that a non-custodial parent can have access at certain periods, we will hear stories that access is actually denied by the custodial parent. The recourse to the parent who has been denied access is to go to the courts. All of sudden we need lawyers again and we need the courts. In the meantime, the family has exhausted all of its resources and liquid assets fighting a battle that basically would allow them to see their children.

I will talk about the fathers out there but first I will explain why I say fathers. The evidence is clear that about 80% of custody orders go to women when they go to the courts. However, it is even worse than that. The lawyers for the fathers who want access advise their clients that the climate is such or their circumstances are such that they do not have a hope. They tell them that since it will cost them hundreds of thousands of dollars to fight the case only to lose that they might as well not go.

It is not just 80% of custody orders going to the mother. When we take into account all the fathers who just cannot afford to go bankrupt trying to express their love for their children and wish to have access to those children, they are not even in the game and are not included in the statistics. However, when all is said and done, probably closer to 90% of custody is held by women and, therefore, the incidences of parental alienation and the incidences of denial of access are predominantly to the disadvantage of the fathers.

We have fathers' groups set up all across the country that have been crying out for a little bit of equity within the Divorce Act. These fathers want the opportunity to love their children and to play a role in their children's lives.

One of the important aspects of how we deal with parents who decide to split up has to do with a parenting plan. What a lovely concept that parents, before they leave the table, before they go their own ways and before they pick up the pieces of their lives, that they will have a parenting plan that will lay out visitation privileges, education and medical decisions, religious arrangements and anything else to do with the lives of those children. It respects the principle that parents will have the maximum exposure possible.

The question of access or visitation of non-parents, like grandparents, was an issue raised by some members and certainly by witnesses before the committee.

A parenting plan sounds like a good concept. It should be there, not just imposed for those cases where there is a custody dispute or a disputed split up. I believe that a parenting plan should be there for all parties, whether children are involved or whether they have a harmonious relationship or not, and it should be protected by the courts.

I think it is very serious to violate a parenting plan, to deny access, to perpetrate parental alienation, to take flight with a child or to simply not respect the provisions of a parenting plan.

When the committee discussed this, and in some of the testimony that was given, it was said that if parents were not going to play ball, if parents were not going to understand that children needed protection and if parents were not going to respect the provisions of a parenting plan, they needed to understand that they were breaking the law and that it would jeopardize their right to have custody of that child. That is how serious this is.

As we go through the legislative process I hope members will seek to ensure that the changes that we make to the Divorce Act will protect and enshrine the fundamental principles that came out of that very important committee work through the joint Commons-Senate committee on custody and access.

● (1335)

I do not think there is anything more important than children when it comes down to dealing with this issue. I have heard some members express some concern for balance because one size does not fit all. We need to have some dynamism within our legislation to take into account unusual circumstances, such as the case of a mother who has custody of the children. If she has special training but a job is no longer available in her community should she be able to relocate to another community where there is real work? I think there is good argument in that case but what about a case where it is a little bit grey? Obviously there are concerns there.

The bill ought to have some dynamism. It should not be black and white. It should not be rigid.

I have spent a lot of time following the development of the debate on the Divorce Act. I have given a number of speeches to groups, ostensibly fathers' groups, fathers who were fighting to have access to their children, fathers who have lost everything they had trying to get access to their children and could not find justice in Canada.

If we honestly believe that both parents have an important contribution to make to their children and that we should do everything possible to make that happen, those who would break that bond and not respect that principle should understand that it would be against the law to do so and that there would be consequences for denying a parent their legitimate and important right to have access to children.

The bill is at second reading. Rather than getting into too much detail and into each individual clause I want to hear more. I want to hear some of the experts and legal experts comment on the provisions of the bill, the true intent, the effect and to see whether it is happening.

I also hope that the committee will look at the recommendations of the joint Commons-Senate committee. Over 40 recommendations were embraced by members from all parties, including members of the other place. It is important that the committee look at each and every recommendation to understand the genesis of those recommendations and to understand what is appearing now in Bill C-22 that reflects that important work that was done by Parliament.

If any of those recommendations are not there, and I know many are not, parliamentarians on the justice committee and those who will appear should make their case as to why they should or should not be there. I think we have to vet that particular report.

I received a report from Mr. Brian Jenkins who is very active in a fathers' group. Mr. Jenkins is fighting to get a bit of equity in our system. I would like to put into the record a couple of his concerns that I hope the committee will address. He raised the concern about the terms custody and access. He said that the vocabulary changed but that it would not correct the divorce law regime. I hope we will address that.

He also said that the bill did not change the current substantive policy of presumptive sole custody and control that makes fathers mere visitors in children's lives and that it did not address the problems of parental alienation. I think he has a good point. I think the bill should if it does not.

He also said that the bill would repeal subsection 16(10) of the Divorce Act which provides for children to have maximum contact time with each parent, both custodial and non-custodial. I do not have a problem with that. Why would the bill repeal it? I want the committee to ensure that it investigates and examines the true intent.

The bill also does not address the lack of enforcement of custody and access of court orders which result in the parental alienation of children. Why?

I could go on but I know I will have other opportunities. I think members should be aware that this an important issue. It is a children's issue more than it is a parenting issue. Members should also know of the importance demonstrated around the world in other models where counselling after breakdown should and will help. We would like to find out how come these rules do not also apply to the breakdown of common law couples with children. Are these children not as important as the children of married couples?

● (1340)

Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance): Madam Speaker, I appreciate very much the work done on this file by the hon. member who just spoke, his stand on it and his willingness to stand even on some controversial issues. He mentioned the fact that there is a lack of enforcement, so I have a couple of questions I would like him to comment on.

Could the member suggest ideas for a better, less expensive way to possibly review a court decision, parenting orders or custody and access orders, whatever we want to call them, a way that would take less money and make it more accessible to the parents? Should they be able to review both the time allocation and the money? Is there any way that the member could think of that would encourage the enforcement of time access orders?

Mr. Paul Szabo: Madam Speaker, the member raises good issues, because the problem is that at some point we have an understanding, it breaks down and then does not seem to be followed. Then we have this difficulty of trying to enforce or address it. We end up getting lawyers and the courts involved again and the situation continues to spiral and get worse.

It is not a matter of whether I can suggest a way in which this might be improved. The important point is to recognize that these circumstances do exist and that it is incumbent upon parliamentarians on all sides to look for those opportunities to ensure that we can get equitable, timely addressing of some of these severe problems that occur so frequently, so that children do not lose that access, even for a heartbeat.

[*Translation*]

Mr. Robert Lanctôt (Châteauguay, BQ): Madam Speaker, I would like to ask one thing of the member for Mississauga South, who has just spoken. He mentioned having taken part in the work of the committee, or subcommittee, probably in 1998. Our expectation at that time was an in depth reform of the Divorce Act.

As hon. members are aware, under the Constitution, the Divorce Act is a federal jurisdiction. Would it not be wiser for everything relating to families to be under the jurisdiction of the provinces, Quebec among them? From listening to him, it would appear they have changed the entire world and wanted to give this legislation some real clout. Yet, imagine, Quebec has been talking about the child's interests for more than a decade already, and this is already in the Quebec civil code.

The Divorce Act already contains provision for the child's interests, in subsection 16(8), so this bill is not changing the whole world and improving the legislation. Once again, it is a matter of just sprinkling a little bit of blue powder in the eyes of the public, or those who are having problems, in order to convince them that their government is working for them, listening to them. But all of society is affected.

We have no choice but to study this bill here, because this is still an area of federal jurisdiction. Ought we not, however, to take this out of the Constitution and hand it back to the provinces?

● (1345)

[*English*]

Mr. Paul Szabo: Madam Speaker, regardless of the level of government, I think that there is a common bond of association in that we should be addressing the best interests of children.

The Divorce Act is a federal law, but the provinces do have laws that deal with family law matters. One excellent example is what is done in Alberta. There is actually a law in Alberta that the court can order mandatory counselling prior to the granting of a legal sanction of a divorce. Ninety-five per cent of the people who were ordered by the courts to go to this mandatory counselling said that afterward they were glad they made it, because they did not understand the financial consequences, the impact on their children, et cetera.

The Province of Alberta has shown that provinces that have these programs would certainly have an important contribution to make to support the principle. I agree with the member that there is provincial jurisdiction with regard to family services. Alberta has shown that it can be done within the context of current envelopes of spending so that there would be no new costs. It has shown that if we keep people out of the courts it in fact saves families from destroying themselves financially. That is also now the case in B.C. and I understand that about 15 states in the United States have the same program.

The member is quite right. The provinces have an important role to play in the lives of children.

[*Translation*]

Mr. Robert Lanctôt: Madam Speaker, with your leave, I have a few questions to ask. I am told that counselling is important. Since there are four minutes remaining, I will try to ask a two-minute question so that the hon. member will also have two minutes to answer me.

When one talks about mediation and counselling—I too am a mediator not only at the civil level but also at the family level—this is the best solution if one wants diversion and to act in the best interests of children.

How is it that this has existed in Quebec for several years already? It is even obligatory to provide information sessions regarding mediation. The hon. member tells us that yes, that is good. It is true, Quebec is ahead in this area, and the reason is that family law is a provincial jurisdiction.

It is because of your Constitution that there is a federal Divorce Act. Did you know that you are behind the times? That is probably why Canadians who are married and use the Divorce Act are obliged to wait several years. There are delays of seven, eight and even ten years.

The government tells us that we are disrupting things, but we are not. We are simply trying to bring things up to speed. It also tells us that it is trying to change the terms. Is it not in fact simply changing the terms without improving the system?

Improving the system is not a question of just changing the words "custody rights" or "access rights". Of course, it will tell us that this is what the bar association is calling for. This may well be, but that is not what we need. We need to have the necessary money to invest in the right place to help children and to address the interests of children. Then we will have legislation that will change things. It is not different terms that we need. We need money and we need to focus on hiring psychologists and social workers in the right places and at the right times. Of course it would be even better to do this in the framework of mediation.

[*English*]

Mr. Paul Szabo: Madam Speaker, the statistics are clear that the rate of marriage in Canada has gone down. In fact, the Vanier Institute reported that it has declined in Canada by 39% over the last 25 years. Interestingly enough, the province with the biggest drop in the marriage rate was the Province of Quebec, with a 58% drop.

Every bit of testimony, every witness we heard and every research study I have ever read have said that the safest place for women and children and fathers is with the biological mother and biological father in a family home.

The member cannot lecture others about the good job that Quebec is doing. Quite frankly, I think the record is clear: Quebec must do better.

● (1350)

Mr. Brian Fitzpatrick (Prince Albert, Canadian Alliance): Madam Speaker, I was interested in the comments about the explosion of the divorce rate in the last 20 or 30 years in our country. It struck my mind that one of the biggest causes for breakdowns is financial problems in the family. It also occurred to me that in a lot of cases there is a heavy tax penalty to being married in this country.

I would like to ask the member if he can enlighten us as to what specifically the Liberal government is doing about addressing the real negative discrimination there is in the tax system against married folks.

Mr. Paul Szabo: First, Madam Speaker, when I penned the monograph on divorce facts let me tell the member what the real causes of divorce were according to Statistics Canada at that time in 1997. Abuse was the cause in 25% of the cases, adultery in 20%, substance abuse in 15%, and there was a financial cause in 20%. The balance related to illnesses, incompatibility, career decisions, et cetera.

I think the member is referring to the marriage penalty, et cetera. One of the problems when a couple breaks down and a mother has custody of the child is that the mother can then claim the child as an equivalent to spouse exemption and in fact lower the couple's taxes because the marriage broke down. In fact, divorced couples, split up couples, actually get a better tax deal than people who stay together. I agree with the member that we should fix it.

[*Translation*]

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Madam Speaker, it is with great interest that I read Bill C-22, an act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment, Attachment and Pension Diversion Act and the Judges Act and to amend other acts in consequence.

As the Bloc Quebecois critic for the status of women, I want to tell this House about the concerns of Canadian and Quebec women regarding this bill.

While we feel that the committee has made some efforts to improve the Divorce Act, we think that the legislator, or the committee, will have to go back to the drawing board. We are asking that committee members hold hearings, so that all groups, that is those representing both men and women, can express their views.

The reason we say all groups is simply to acknowledge the fact that there is currently a strong lobby of men's groups working to ensure that their rights are recognized, because, apparently, some judges are not granting them access and custody rights.

First, I remind the House that Canada does not even have a real family policy, and it does not have a policy promoting women's equality and the well-being of their children within the family.

During the World March of Women, which took place in the year 2000, the Canadian committee for that march made a number of recommendations, namely: to eliminate poverty and violence against women, to ensure equality for women in the workplace, pay equity, employment equity, universal, accessible and affordable daycare services, social assistance programs, a comprehensive civil law legal aid program, comprehensive social programs, specific measures to meet the various needs of women and their children, public and universal health care services and so on. There was also a specific request that had to do with the changes that we wanted to the Divorce Act.

The bill now before us turns the responsibility for one's family into a private affair. However, I, like other women, feel that since children are the future of a society, the responsibility for them falls on all citizens.

Too many studies show that the rise in child poverty is due, for the most part, to higher poverty rates among women. Not everyone is convinced that the child-centred family justice strategy does indeed minimize the negative impact of separation or divorce on children as it claims to do. Take, for example, the current guidelines for child support payments, which stipulate that in cases of joint custody, the support payments be dramatically reduced or even eliminated.

In reality, a great many women today find themselves caring for children alone and without child support payments, despite joint custody agreements. This problem only adds to and exacerbates the already extremely high poverty levels experienced by single mothers, leading to some of the worst situations of social and economic hardship in Canada.

● (1355)

Driven to such poverty, many mothers become much more vulnerable to harassment and threats of violence.

Women are also very concerned about proposals to entrench a model based on shared parenting.

In June 2001, the National Association of Women and the Law submitted a brief to the federal-provincial-territorial family law committee. In it, the association recommended against creating a legal presumption in support of joint custody or shared parenting. Imposing this type of formula on recalcitrant parents guaranteed disastrous results.

The Acting Speaker (Ms. Bakopanos): Order, please. Unfortunately I must interrupt the hon. member. She will have 14 minutes to continue her speech once the oral question period ends.

STATEMENTS BY MEMBERS

[*English*]

WINTERFEST NEW BRUNSWICK

Hon. Andy Scott (Fredericton, Lib.): Madam Speaker, I rise today to inform the House that the second annual Winterfest New Brunswick festival will take place this coming weekend, February 8 and 9, in Oromocto.

Winterfest is a non-profit community based organization of volunteers dedicated to the success of a non-commercial winter festival.

Winterfest was born of the vision of winter fun embodied by our national capital's Winterlude. New Brunswick's winter festival offers free of charge, fun filled and safe outdoor winter activities to people of all ages.

Winterfest New Brunswick is an ambitious concept that requires the dedication of many volunteers and strong partnerships. I would like to take this opportunity to pay tribute to Winterfest executive director John Antworth, the Department of National Defence and everyone who volunteers their time and energy to make Winterfest such a timely and unique event.

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NATIONAL CHILDREN'S INFRASTRUCTURE PROGRAM

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Madam Speaker, the city of Coquitlam is joining with the Federation of Canadian Municipalities in calling for a national children's infrastructure program which would provide resources to communities to develop recreation spaces and programs. Last week the city sent me a letter asking me to bring their voice to Ottawa, so here I stand.

The federal and provincial governments are supposed to share the cost of medicare 50-50, which would give the provinces the resources to fund initiatives like the one the city of Coquitlam supports. But the federal Liberals are only paying 14% of the costs, leaving provinces to pay the other 86%.

In B.C. we have tried electing NDP governments to develop our ideal health system, but they failed. We have tried by electing a centre right government in the B.C. Liberals and are also encountering problems with closures and cutbacks at St. Mary's Hospital and Delta Hospital.

No matter whom we elect in B.C. we have difficulty in securing the ideal health system. This is because the genesis of the problem is in Ottawa, not Victoria.

The Liberal government, led by the current Prime Minister and managed by the former finance minister and leadership frontrunner, has devastated our health system.

My constituents deserve a strong, publicly insured health system that is properly funded by Ottawa. It is time that the irresponsible health policies—

● (1400)

The Acting Speaker (Ms. Bakopanos): The hon. member for Bonavista—Trinity—Conception.

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QUEEN'S JUBILEE MEDAL

Mr. R. John Efford (Bonavista—Trinity—Conception, Lib.): Madam Speaker, before the Christmas recess I had the honour and privilege to present a number of deserving constituents from my riding of Bonavista—Trinity—Conception with the Queen's Golden Jubilee Medal in recognition of their outstanding achievements and contribution to our communities and to our country.

The recipients are Walter Baggs, Captain Gushue, William Ford, Dr. Barton Manning, Harry Strong, Judy Stagg, Byron Rodway, Gordon Pike, Elizabeth Jerrett, Augustus Mercer, John Crane, Max Hussey, Eugene Hurley, Robert Moore, Effie Boone, Elihu Antle, Bram Walters, Eliza Swyers, Roderick Nicholl, Herb Brett and Eric Kenneth Jerrett.

* * *

CAMBRIDGE, ONTARIO

Mr. Janko Perić (Cambridge, Lib.): Madam Speaker, January 1, 2003 marked the 30th birthday of the city of Cambridge.

When the communities of Galt, Preston and Hespeler were forced together by order of the provincial government in 1973, residents feared that their communities would lose their identity. Fortunately the city of Cambridge has prospered and Galt, Preston and Hespeler have retained much of their history and charm.

A vibrant economy anchored by industrial leaders such as Toyota, ATS, Canadian General Tower and A.G. Simpson has helped to draw an increasing number of residents to Cambridge.

With a population of 110,000 and growing, Cambridge will continue to lead the region in industrial growth while still maintaining a sense of community that those of us who live in Cambridge truly appreciate.

Happy birthday, Cambridge.

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MUSGRAVE HARBOUR

Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance): Madam Speaker, families from coast to coast are mourning the loss of a number of precious Canadian lives.

Yesterday we learned of the death of five hunters from the small community of Musgrave Harbour, Newfoundland. This loss of life brings us all great sadness.

The hunting party included a father, his three sons and two other men. Only one of the six men survived a terrible ordeal in the frigid waters off northeastern Newfoundland.

This is a devastating blow to this tightly knit community of 1,400 people. The death of five of its own is indeed a heartbreaking tragedy which powerfully impacts the whole community.

On behalf of the Canadian Alliance, I want to extend my sincere condolences to the families and residents of Musgrave Harbour today. Our hearts and prayers are with them during this most trying time. Canada has indeed suffered yet another tragic loss.

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[*Translation*]

PAUL HÉBERT

Mr. Gérard Binet (Frontenac—Mégantic, Lib.): Mr. Speaker, last Sunday, the ninth annual Soirée des Masques was held. This tribute to Quebec theatre recognizes the artists, writers, directors and actors who share a passion for their art.

In addition to highlighting their accomplishments, this celebration is an opportunity for the public to see the breadth, diversity and richness of Quebec theatre.

This year, the Académie québécoise du théâtre decided to honour a man of the theatre, an actor and director originally from Thetford Mines, Paul Hébert. This man, who has dedicated his life to the theatre, received the Hommage de l'Académie award for his body of work.

On behalf of the people of Frontenac—Mégantic, I am very proud to congratulate Paul Hébert, a master of his craft.

* * *

[*English*]

WETLANDS

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, I am pleased to inform the House that the Canadian Wetlands Stewardship Conference is being held here in Ottawa this week. The three day conference brings together a wide range of resource sector groups, conservation organizations, government agencies and individual Canadians sharing a keen interest in the conservation of Canada's wetlands. It is being held at an opportune time as this past Sunday was Global Wetlands Day.

Wetlands are exceptionally diverse and productive ecosystems. They play a vital role in filtering and purifying our water. They provide habitat to over 30% of the species at risk in Canada. They also store large quantities of carbon, making wetlands a key resource as we address climate change issues.

Despite their tremendous importance to our nation, many of Canada's wetlands have been destroyed and those that remain are often under pressure from competing land use. While heartening progress has been made across Canada in wetlands conservation, it is critical that we collectively redouble our efforts to ensure that wetlands are protected for future generations.

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● (1405)

[*Translation*]

GRANDS PRIX DE L'ENTREPRENEURIAT DE ROUSSILLON

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, on behalf of my constituents, I want to congratulate the winners of the 2002 Grands Prix de l'entrepreneuriat de Roussillon.

In categories ranging from retail business to community involvement and tourism, the winners distinguished themselves by their professionalism and the quality of their products.

I want to congratulate Construction CF Jacob, Transport S.R.S., Entretien de voies ferrées Coyle, Thermofin, Vulcain Alarme, Les produits Zinda, le Complexe Le Partage, Les Élevages du Ruban bleu, la Société locative d'investissement et de développement social, and Webecom Technologies 2000.

In the young promoters category, an award went to Au petit violon.

These winners are working for the economic, social and cultural development of the Montérégie region, and we are all very proud of them.

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INTERNATIONAL DEVELOPMENT WEEK

Mr. André Harvey (Chicoutimi—Le Fjord, Lib.): Mr. Speaker, February 2 to 8 is International Development Week 2003. The theme of this week is "Celebrating Canadians Making a Difference in the World".

Today the Minister for International Cooperation marked International Development Week by presenting the Bill McWhinney Award of Excellence to the Prince Edward Island chapter of Farmers Helping Farmers.

This group brings together 50 Canadian volunteers who work together with farmers from Kenya and Tanzania to improve the rural economies in those countries. Their work and the work of many other Canadians deserves our recognition because, for more than 50 years, they have been supporting the development of the most disadvantaged countries and communities in the world.

I invite all Canadians to take advantage of International Development Week to learn more about the life of people who live in developing nations and to applaud Canadians who work to make our world safer, fairer and more prosperous.

* * *

[*English*]

CURLING

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance): Mr. Speaker, the nation's best junior curlers are gathered in Ottawa for the Karcher Canadian Juniors, Canada's premier junior curling event.

Saskatchewan is represented by two excellent teams. Our young men are from the Sutherland Curling Club in Saskatoon. They are Steve Laycock, Christopher Haichert, Michael Jantzen and Kyler Broad, all coached by Barry Fiendell. Our young women are from the Nutana Curling Club in Saskatoon and are coached by Bob Miller. Playing with Biggar's own Teejay Surik are Marliese Miller, Janelle Lemon and Chelsey Bell.

All these find young athletes have worked hard to get to this level of competition. Their determination and commitment to their sport will ensure their success. Saskatchewan is behind them all the way. Good curling to all.

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HEALTH

Mr. David Pratt (Nepean—Carleton, Lib.): Mr. Speaker, since the release of the Romanow report the Prime Minister has been clear in his calls for greater accountability with respect to the money we spend on health care.

I rise today to assure the Prime Minister that his leadership on this vital issue has the support of my constituents.

According to a health care survey I conducted in my riding, 93% of my constituents agree that mechanisms should be put in place to increase government accountability. Of the more than 2,000 health care surveys we received, 85% of my constituents agreed that "the federal government should insist on stronger national standards where federal health care dollars are spent by the provinces".

Like Mr. Romanow, the Prime Minister and the Minister of Health, my constituents and I strongly believe that any additional money put into our health care system must result in real reform that requires increased accountability to the taxpayers of Canada.

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STAN ROGERS

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, when Canadian folk music hero Stan Rogers died in an airplane fire in 1983 it was a loss that devastated family, friends and music fans from coast to coast to coast.

Rogers was son of a steelworker from Hamilton, Ontario, with family roots firmly grounded in Canada's east coast. Stan Rogers loved this country and its people, especially working men and women. He wrote powerful songs about fishermen, farmers and factory workers—everyday Canadian heroes. Songs like *Northwest Passage* and *Barrett's Privateers* earned him a place of honour in Canada's musical history.

There is a movement underway to get Stan into the Juno Canadian Hall of Fame. It is hard to imagine how Rogers' enormous contribution to the music and mythology of the country have been overlooked for 20 years.

It is an oversight that Vancouver's *Geist* magazine wants to fix. *Geist* has launched a grassroots online petition. They are looking for 10,000 people to sign the petition at www.geist.com. I invite all Canadians to Canso, Nova Scotia, from July 4 to 6 for the annual Stanfest. The federal NDP caucus joins me in supporting this campaign.

"Rise again", Stan Rogers wrote in the *Mary Ellen Carter*.

> Rise again, rise again, that her name not be lost
> To the knowledge of men

I say rise again, Stan Rogers.

* * *

● (1410)

[*Translation*]

CHOMEDEY NEWS

Ms. Madeleine Dalphond-Guiral (Laval Centre, BQ): Mr. Speaker, recently the Canadian Weekly Newspapers Association, which boasts some 700 members, rewarded the *Chomedey News* for the third year in a row with the Blue Ribbon General Excellence Award. This recognition underscores the exceptional professionalism of its writing team, the objectivity and quality of its research, and the excellence of its content.

On the eve of the 10th anniversary of the *Chomedey News*, it is my pleasure to point out that this newspaper is a model of information thanks to the in-depth analysis of the topics it tackles and the critical eye it casts on socio-economic issues affecting the Laval community.

At a time of unsettling media concentration, the *Chomedey News*, an independent newspaper—only 4% of all newspapers in Quebec are independent—is the David to the Goliath of print media.

I applaud their work and thank them for their contribution to democracy.

* * *

[*English*]

NEW DEMOCRATIC PARTY

Mr. Bill Matthews (Burin—St. George's, Lib.): Mr. Speaker, I rise today to bring to light the unfortunate decision of Canada's newest political leader. Mr. Layton has been leader of the NDP for just over one week and it appears in great NDP style that he could not wait to make his first glaring error.

It turns out that the new leader of the NDP has hired none other than Rick Smith as his chief of staff. Yes, that is right, Mr. Speaker, the same Rick Smith who, as director of the International Fund for Animal Welfare, called the seal hunt an unnecessary slaughter.

Not only does Mr. Layton's tragic lack of vision on this issue shock and amaze Canadians, including some 12,000 Canadians who depend on the hunt for income, but now we have Newfoundland and Labrador NDP leader, Jack Harris, who has said that he was quite disturbed by the hiring. Mr. Harris went on to say that Layton's decision would be very damaging to the party.

Given the total lack of judgment demonstrated in this hiring, it would surprise none of us to see Mr. Layton now come flying up the Ottawa River on a jet ski, but of course he will not be wearing a seal coat.

* * *

IN FLANDERS FIELDS MARATHON

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, it is an honour and privilege for me to rise today in the House of Commons in support of a historic partnership and a very worthwhile cause.

This year the Royal Canadian Legion has joined forces with the Arthritis Society to raise money for the September 2003 "In Flanders Fields Marathon" to take place in Belgium. The marathon participants and legion members will take the opportunity to attend memorial services at the historic Menin Gate in Ypres.

Not only will this venture give more Canadians an opportunity to learn about our rich military heritage, it will contribute much needed resources to the fight against arthritis through the Arthritis Society's "Joints in Motion" campaign. Since the year 2000 the "Joints in Motion" campaign has raised more than $7 million with the generous assistance of Merck Frosst Canada and Global Television.

Tomorrow, the New Brunswick division of the Arthritis Society and the Royal Canadian Legion will launch this fantastic effort at the Ridgewood Veterans Facility in Saint John, New Brunswick and I wish them all good luck.

ABORIGINAL AFFAIRS

Mr. Jim Pankiw (Saskatoon—Humboldt, Ind.): Mr. Speaker, I have consistently said that Indian lobbyists and their supporters have a hidden racist agenda. It turns out I was right.

David Ahenakew, a highly prominent Indian lobbyist, revealed his racist agenda by applauding Hitler, calling non-Indians immigrants, and saying that Indians should be the bosses of everyone else. Matthew Coon Come referred to non-Indian Canadians as a "white mob".

The Canadian Alliance criticized me for exposing Ahenakew and other Indian supremacists who want race based privileges for Indians. In so doing the Alliance endorsed the racist policies of tax exemptions, handouts, gambling revenue, preferential hiring quotas, and lenient sentencing provisions for Indian criminals. That is why the Canadian Alliance only has 10% public support. It has abandoned the original integrity and common sense of the Reform Party.

There is only one true Reformer remaining in this Parliament who will tell it like it is and, Mr. Speaker, you are looking at him.

* * *

● (1415)

NATIONAL DEFENCE

Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance): Mr. Speaker, on February 2 HMCS *Regina* became the sixth ship to leave CFB Esquimalt to help in our battle against terrorism.

I would like to thank the crew of the *Regina* and indeed all of the military personnel at CFB Esquimalt for their service to protect us. I also salute their families who bravely support these courageous men and women.

Now on the cusp of war our government has chosen this month to cut the cost of living allowances of our soldiers by $151 a month. These cuts are enormous when we consider that an ordinary seaman grosses only $2,200 a month. The government also increased their rents by $100 a month last November. These cuts exceed their raises last year, making our soldiers worse off this year than last.

I wish to challenge the government to do the right thing, and stop these heartless and insensitive timed cuts to the finances of our armed forces personnel. We must respect our soldiers and their families, and not penalize them while they are being sent half a world away to protect our interests.

ORAL QUESTION PERIOD

[*English*]

HEALTH

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, as the first ministers prepare to meet this evening, Canadians are clear in what they want from the health care system. They want results. They do not want grand schemes. They want to see the current system fixed. They want more doctors, more

hospital beds and shorter waiting lists. In the paper today the government talks about a whole bunch of new money.

I want to ask the government, will it allow the bulk of this money for the provinces to be spent on restoring the core of the health care system?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, as we have indicated, we have listened intently, both to Canadians and to others including Commissioner Romanow and Senator Kirby, in relation to what needs to happen to change our health care system so it is there for the future.

I have met with my provincial and territorial colleagues. I suggest that we are in complete agreement around what needs to happen to ensure that we renew our system for the well-being of all Canadians. I have no doubt that is what the first ministers will agree to tomorrow.

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, the House will note that the minister avoided the question.

Everyone wants core services restored. For example, the Canadian Medical Association said:

> ...75% of new funding—be allocated to basic hospital services, physicians services, nursing and other services.

Canadians do not want new money spent on new promises and new bureaucracy.

Let me be clear to the minister once again. Will the government allow the provinces to spend the new money on restoring the core of health care services?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, we have always suggested that the provinces have flexibility to deliver their health care in ways that make sense for them and their residents. We have also made it very plain that we understand that it is the provinces and the territories that are on the front line of delivery of health care in this country.

We do understand that what Canadians want is a renewed sustainable system where they have access on a timely basis to high quality care. I have no doubt that is what the first ministers will renew their commitment to tomorrow.

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, I am still not getting a clear answer so I will try it again.

[*Translation*]

The federal government wants the bulk of the new health care money to go to new promises. The provinces want to allocate these funds to essential services.

Will the government work with the provinces to ensure that the existing essential services are restored and viable before offering new promises?

[*English*]

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, federal, provincial and territorial health ministers met in December and agreed upon a list of areas that we felt needed to be addressed to ensure a renewed sustainable health care system. The hon. member will see that all these areas are identified in our draft accord.

I hope an agreement is reached tomorrow, dealt with and funded by the federal government, and provincial and territorial partners. Those areas include: primary health care, home care, pharmaceuticals, diagnostic medical equipment, human health resources, and information technology.

As far as I am aware there is no disagreement that those are areas we all need to work on to ensure we have a high quality system for the future.

* * *

● (1420)

BORDER SECURITY

Mr. Grant Hill (Macleod, Canadian Alliance): Still no answers, Mr. Speaker.

Yesterday, the revenue minister brushed off concerns about U.S. border security concerns as just fearmongering. However, Michael Kergin, our ambassador to the U.S., said plainly:

> We always have some challenges ahead of us and the border is, among them,...

My question is for the minister. Is the ambassador also just fearmongering?

Hon. Elinor Caplan (Minister of National Revenue, Lib.): Mr. Speaker, we have proposals all the time that are brought forward, and I recently discussed this one in particular with Ambassador Cellucci recently. We are committed to working with the Americans to ensure that our border is a smart border—one that is secure and efficient.

Mr. Grant Hill (Macleod, Canadian Alliance): Mr. Speaker, the Canadian ambassador to the U.S. said:

> We always have some challenges ahead of us and the border is, among them, the most critical.

Is the minister not a bit embarrassed about getting up in the House and talking about fearmongering when our ambassador to the U.S. says exactly the same thing? This is her opportunity to withdraw those flippant comments.

Hon. Elinor Caplan (Minister of National Revenue, Lib.): Mr. Speaker, in fact I think that I said exactly what Ambassador Kergin said. Our border has posed challenges for us for many years and in fact will always do so.

However, I can tell members that we take proposals very seriously. We are working very closely with the Americans. It is really important when something is just a proposal that we not try to give the impression that this is something that is being implemented, which is something that the opposition party tries to do frequently.

[*Translation*]

IRAQ

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, unlike the Prime Minister, who wants to let Cabinet decide on its own whether there will be any future participation in a war against Iraq, British Prime Minister Tony Blair has said "Of course we want a vote in the House of Commons".

Will the Prime Minister also admit that a vote in the House is needed prior to any Canadian participation in military intervention against Iraq, even if sanctioned by the UN?

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, this is far from the first time this type of question has been raised by the hon. member and his colleagues, I believe. The hon. member is, no doubt, aware that last week I gave an overview of the measures taken in the past, starting at the end of the second world war.

Despite what he claims, there is no historical tradition of holding votes every time, or anything of the kind. The contrary is true, moreover. We have instituted a system since our government came into power of holding debates every time there is a military intervention. At the present time, there is not even that, and yet we are holding debates. I am even offering to hold another one tomorrow evening.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, let us review the major military engagements by this country in the past century. There was a vote held before World War I, another before World War II, one before the second deployment of troops to Korea, and two others prior to the Gulf War, and each time these were, moreover, demanded by the Liberals, then in opposition.

When he refers to tradition, if he is referring to the one they instituted in 1993 when they started preventing the government from voting, it is all very fine to have take note debates but, instead of talking just for the sake of talking, we would rather vote and decide. That is why people elected us. I again ask the minister, why we are being prevented from voting?

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the hon. member is selective in his choice of references. There was no vote on Canada's participating in the Korean War and, in several other of the instances, these were votes on estimates. There was no vote in connection with Operation UNIFIL, nor on Canada's participation in the Sinai. Most of the time there was not even a debate. The same goes for the former Yugoslavia.

Since this government came into power, there has been a debate each time. Even if only a handful of personnel were being deployed, there has always been a debate in the House, or in parliamentary committee if the House happened not to be sitting.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, we are calling on the government to legitimize the participation of our soldiers in a war with a vote in the House of Commons. Great Britain will be holding a vote. It should be done here; it is being done everywhere.

The Prime Minister or the government House leader believed the ratification of the Kyoto protocol to be so important that members of Parliament had to vote on it—that was the opinion of the Prime Minister. If Kyoto was important enough to warrant a vote in the House, is sending our soldiers to war not equally so?

● (1425)

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, we are all aware of the major contribution of Canadian soldiers in the past. That has nothing to do with the current issue. There was no vote regarding the Korean war. No one said our participation was not important. In some cases, there was a vote. Most of the time, there was not even a debate.

In our case, there has always been debate, since the Prime Minister's excellent initiative in 1993. We are pleased about this; we take part in these debates. Incidentally, I have proposed one such debate for tomorrow night. If members believe we need more evenings of debate, I am even prepared to offer a Thursday night and other nights to accommodate everyone.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, when I meet people in the street, they do not ask me if I will be taking part in a debate on the war; they ask me if I will be voting on the war. They elected me to vote on important issues.

If the government House leader is prepared to allow evenings and nights of debate, could he not provide a half hour in the House for members, who represent their constituents, to vote and give their opinion?

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the hon. member somehow seems to be claiming that there is no opportunity to vote in the House. Every week, there are opposition days in the House and the subject of debate is chosen by the opposition parties.

There was a vote on the estimates here in the House a few days before Christmas. Members have the right to choose the terms under which they want to vote and they did not do so. I think members on the other side are suffering from a guilty conscience.

* * *

[*English*]

HEALTH

Mr. Svend Robinson (Burnaby—Douglas, NDP): Mr. Speaker, my question is for the Minister of Health. Today the national leader of the Assembly of First Nations, Matthew Coon Come, accused the Prime Minister of deliberately shutting first nations peoples out of this week's meetings on health care. He noted, as did the Royal Commission on Aboriginal Peoples, that Canada has a shameful, third world record on aboriginal health issues, from infant mortality to AIDS to TB to life expectancy.

I want to ask the minister, why is the Prime Minister deliberately excluding first nations leadership tonight? When will the government finally move to implement the long overdue recommendations of the Royal Commission on Aboriginal Peoples?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, the fact is that when first ministers meet, first ministers are there. Obviously there is a dialogue among the government, the premiers, the Prime Minister and other stakeholders in society. Of course the first nations are a very important part of our society and the leaders of the society have every chance to give their input, but a first ministers meeting is a first ministers meeting.

Mr. Svend Robinson (Burnaby—Douglas, NDP): Obviously they are not important enough to the government, Mr. Speaker.

[*Translation*]

I have a supplementary question for the Minister of Health.

The Prime Minister managed to get all of the provinces and territories, led by five different political parties, on board to support the recommendation that the federal government provide 25% of health care funding.

After the massive cuts by the former Minister of Finance and member for LaSalle—Émard, will the government accept this key recommendation by the Romanow commission? Yes or no?

[*English*]

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, as a government we have been absolutely clear that new funding is required to sustain and renew our health care system. We have also made it absolutely clear that the federal government will be at the table to do its fair share.

Therefore, obviously, I think all Canadians can expect to see an infusion of substantial, significant new dollars from the federal government into our health care system tomorrow.

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, for the Minister of Health, the Prime Minister insists on the creation of a new advisory body to monitor provincial health care systems. Would the Minister of Health tell us to whom this council would report and would its members be appointed jointly by the federal government and the provinces?

Hon. Anne McLellan (Minister of Health, Lib.): In fact, Mr. Speaker, if agreement is reached around enhanced and increased accountability provisions, any accountability is not one level of government to another, but in fact accountability would be from the federal government or a provincial or territorial government to the people of the country.

Let me reassure the hon. member that no such body or board would be appointed without the joint agreement of federal, provincial and territorial governments.

● (1430)

IRAQ

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, my question is for the acting prime minister. Members of the Liberal Party insisted on a vote on Canadian participation in the gulf war. There were two votes. Why is the government afraid of a vote now?

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I recognize that the right hon. member perhaps was unprepared for the fact that this question had been asked previously, but I will repeat to him that in 1950 there was no vote, no resolution. On a number of occasions, there was no vote, no resolution. There was no debate.

Since the government came to power, there have consistently been debates on all military participation because, specifically, the right hon. the Prime Minister is not afraid of such issues.

* * *

FIREARMS REGISTRY

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, it is becoming obvious that gun registration is not gun control.

Yesterday the justice minister tabled two reports that failed to tell Parliament how much it was going to cost to fix the big problems with the gun registry, and there are many. Even the minister's own reports indicate that it will cost another half a billion dollars. Past estimates were so out of whack that Canadians want to know, how much will it really cost? Another half a billion? Or one billion? Or two billion?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, obviously that question tells me that the hon. member was not at the briefing session that we gave them yesterday afternoon. If he would read Mr. Hession's report, based on his own numbers over the next 10 years we are talking about an economy of around $50 million.

Having said that, there are 16 recommendations in the report. We will have a close look at those recommendations. We will come forward with a good plan of action which will make the system more user friendly and as well more cost effective.

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, the minister says that with a straight face. I cannot believe it.

The issue is still that this is not about gun control. This is about government out of control.

Parliament has been waiting two months for answers. Now the justice minister says we have to wait a few more weeks for his action plan. He will not have a final total of the program's costs until fall now, he tells us. At this rate we will be into an election before taxpayers know the truth about this billion and a half dollar boondoggle.

My question is, where in these reports does it show that the gun registration is effective in reducing violent crime—

The Speaker: The hon. Minister of Justice.

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the fact of the matter is that obviously the opposition is totally out of control.

They do not support the policy. They do not want the government to keep proceeding with a policy which is highly supported by Canadians.

We said of course that there are some problems. We will fix the problems. The two reports that were tabled yesterday are very good reports that are giving us the foundation in order to proceed with a very good plan of action.

We are talking about public safety. We are heading in the right direction—

The Speaker: The hon. member for Mercier.

* * *

[*Translation*]

IRAQ

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, while even Tony Blair is now adding his voice to that of President Chirac and Chancellor Schroeder regarding the importance of a second Security Council resolution before proceeding to an armed intervention, Canada is the only country still waffling.

Does the Prime Minister realize that he is out of the loop? Will he agree that this attitude, in addition to weakening the UN, does the greatest disservice to Canada by helping to marginalize it on the world stage?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, it is quite the opposite. I believe that the Prime Minister's attitude strengthens the Security Council's position. The Prime Minister said that a second resolution was perhaps not legally necessary, but that Canadians prefer to have a resolution from the Security Council. However, that is up to the Security Council.

We are letting the Security Council do its work. We support resolution 1441. We have always done the same thing. The same course of action is being followed and UN procedure is being supported.

● (1435)

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, that is right, you are following.

Pearson did not wait for Eisenhower's opinion before suggesting the peacekeepers. Trudeau did not wait for Nixon before recognizing China, and Mulroney did not wait to take his cue from Reagan to boycott South Africa.

Will the Prime Minister agree that, unlike his predecessors, he is a follower and not a leader?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, once again, it is the opposite.

The Prime Minister clearly told President Bush, when he had his first conversation with him, that we absolutely require the approval of the UN Security Council for Canada to participate in armed action against another state. He has always maintained this.

This government's policy is to support the multilateral system, of which we are one of the biggest defenders.

* * *

[*English*]

TERRORISM

Mr. Deepak Obhrai (Calgary East, Canadian Alliance): Mr. Speaker, last Thursday we asked the Minister for International Cooperation for her assurance that no foreign aid dollars were being funneled to terrorist organizations like Hezbollah or the Tamil Tigers.

Reports now say that CIDA has been funding Canadian organizations with ties to al-Qaeda. Canadians are losing faith in the Liberal government. Will the minister order a review of aid programs in areas of terrorist control?

Hon. Susan Whelan (Minister for International Cooperation, Lib.): Mr. Speaker, as I said last week in the House, Canadians can expect that my department is being prudent in selecting our partners in the developing world. We work closely with the other departments and agencies and with foreign affairs and international trade. We verify that our partners are not on the lists of the United Nations or Canada of suspected terrorists.

I can assure the House that I have revisited with my department our different partners. We will continue to do that. We are very vigilant. We recognize the importance of Canadian dollars being distributed to the people who need it on the ground.

Mr. Deepak Obhrai (Calgary East, Canadian Alliance): Mr. Speaker, a disturbing theme is emerging. Terrorist organizations and individuals are benefiting because of the inability of CIDA to keep proper controls. This is totally unacceptable.

Will the minister immediately review her aid programs to ensure no terrorist organizations are recipients, directly or indirectly, of Canadian tax dollars?

Hon. Susan Whelan (Minister for International Cooperation, Lib.): Mr. Speaker, if my hon. colleague across the way has any evidence, I would like him to put it in front of me. I can tell the House that we do not fund terrorist organizations and that we channel our assistance through reputable organizations like the Red Cross and the United Nations.

I have asked my department to ensure that our money is going to reputable organizations and that we are not doing something indirectly that we should not be doing directly.

Very clearly, I had a meeting with the departmental official months ago on this issue and we are very actively working to ensure that our money is reaching those in need, the poor people of this world, for sustainable development to reduce poverty.

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[*Translation*]

IRAQ

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, yesterday UN chief inspector Hans Blix asked that U.S. Secretary of State Colin Powell provide concrete evidence leading to specific sites for inspectors to check.

Instead of hiding behind a wait and see approach, could the Prime Minister not add his voice to that of Mr. Blix and demand that American evidence support the inspection process rather than justify war in Iraq?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, last week, I had the opportunity to meet with Secretary of State Powell in Washington. He clearly stated his intention to present the Americans' case against Iraq tomorrow. Let us wait until he has given his briefing to the Security Council. Let us wait until Dr. Blix has submitted his report, on February 14. Then, we will have exactly the information we need to make a decision on this very serious matter.

● (1440)

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, we have been getting the same answer over and over, “Let us wait”. We are tired of waiting. This government must take the lead. The chief inspector's request is providing Canada with a golden opportunity to act.

Does the government plan to join with Hans Blix in demanding, today, that the Americans identify specific sites for UN representatives to inspect?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, I think that even the Bloc Quebecois should demonstrate a sense of justice and let Secretary of State Powell speak before the United Nations before criticizing. Let us give him a chance to give his briefing. As a government, we will take action on the basis of all the facts that we will be reviewing. We will act on this matter in the best interest of Canada and Canadians.

* * *

[*English*]

JUSTICE

Mr. Jay Hill (Prince George—Peace River, Canadian Alliance): Mr. Speaker, yesterday in Vancouver a judge ordered no jail time for two young men who ran down and killed an innocent woman while street racing.

The B.C. Supreme Court Justice who handed down the conditional sentences cited the federal government's concern about over incarceration as an excuse for misusing conditional sentencing. The judge did not understand that conditional sentencing was only intended for misdemeanours, not for violent crime.

Why does the government continue to allow criminals convicted of killing innocent people to use a loophole to get away with murder?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the event the hon. member is referring to is indeed a sad story. When we talk about a question of sentencing and conditional sentencing, we know a lot of work has been done on that by the justice departments not only at the federal level but at the provincial and territorial level.

We have been discussing the question of sentencing. There is no consensus around the table as to the way in which we should proceed. It is an ongoing process, and we are looking at the question of sentencing closely.

Mr. Jay Hill (Prince George—Peace River, Canadian Alliance): Mr. Speaker, while the minister is still trying to find consensus, innocent people are being killed. In August 1997, the B.C. Court of Appeals stated that if Parliament had intended to exclude certain offences from consideration under conditional sentencing, it could have done so in clear language.

I have had a private member's bill in the House for over three years that would restrict the use of conditional sentencing. Enough is enough. I will gladly lend my bill to the minister. Will he bring in legislation, now, today, to restrict conditional sentencing?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, when we talk about conditional sentencing and sentencing provisions as a whole, there was strong support around the table at the FPT meeting with regard to those provisions.

As I have said many times, we have been discussing the question of conditional sentencing. What has been enacted serves the purpose very well. It is an ongoing process and we are still discussing the question of sentencing around the table.

However as far as I am concerned, we have very good sentencing provisions in place. In some places, such as with the gun law, we have one of the toughest sentencing regimes in the world.

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[*Translation*]

RAIL TRANSPORTATION

Ms. Hélène Scherrer (Louis-Hébert, Lib.): Mr. Speaker, many rumours circulated recently about a new rapid rail service in the Montreal-Toronto corridor. Although I believe that establishing this type of infrastructure is excellent news, I am very disappointed to hear that Quebec City is not included in the projected plans.

Can the Minister of Transport confirm that Quebec City is not excluded, that it will be included in a rapid rail plan and that, in the future, it will be the Quebec City-Toronto corridor?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, even if it is too early to give all the details concerning the VIA Rail proposal to optimize the use of existing infrastructure in the Quebec City-Windsor corridor, my officials are currently looking at this situation. However, I must stress that this corridor runs between Quebec City and Windsor.

[*English*]

BORDER SECURITY

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, on November 7, 2002 the Minister of Industry minister responded to my question on the flawed process dealing with the Windsor border saying, "The people of Windsor do not want more process. They want action". Since that time thousands of people have attended six meetings to object to his committee's proposals and to demand an open and transparent process.

Now cabinet is considering the committee's report despite the public outcry to reject the DRTP and Ambassador Bridge submissions.

Will the minister commit to reject these two proposals and support projects that do not destroy neighbourhoods, and deal with the real issue?

● (1445)

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, in characteristic fashion the member wants to have it both ways. First, he is demanding more public input and then he is critical of our public meetings.

We are asking the public for their views on these issues. We are interested to know their reactions but we are also determined to make that border work. It is critical to the Canadian economy. It is a priority for all levels of government.

We will have the border functioning properly and we are finding a way to do it with the support of the community.

* * *

IRAQ

Ms. Alexa McDonough (Halifax, NDP): Tomorrow, Mr. Speaker, the U.S. will again try to convince the world that Bush's war is just. Iraqi civilians at risk know it is not. Canadians remain unconvinced. More and more Americans are unconvinced. Even Bush's intelligence operatives, the CIA and the FBI, find the evidence unconvincing.

When will the Liberals stop listening to Alliance hysteria and start listening to the voice of reason? Why will the Prime Minister not permit a vote? Is it because he is afraid of his own backbenchers?

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the question from the hon. member does not relate to the historical situation in the House at all. She is referring to not permitting or some such thing. The opposition has about one day a week in which it can bring forward any subject it likes in the House.

The government, through the excellent initiative of the right hon. Prime Minister, has instituted a system since 1993 whereby we debate these issues in the House of Commons, whether there are large or even small deployments. I have offered a debate as early as tomorrow night, and we had one less than a week ago.

FIREARMS REGISTRY

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, with the reports tabled yesterday, Canadians were shown again that the Canadian firearms registry is a flawed, overly complex, bureaucratic mess. The reports prove the registry will not only cost Canadian taxpayers more millions, but there is no guarantee of success and no connection to public safety. Another $15 million is called for to fix the faulty database with another system that will fail.

Will the Minister of Justice break his government's money wasting addiction on this ridiculous registry, given there are no assurances that the new guidelines, new timeframes or costs are any more realistic than the previous ones?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I would just like to start by saying that the party of the hon. member voted for gun control and it was a step in the right direction. When we are talking about gun control, we are talking about public safety.

The two reports, which were tabled yesterday, are interesting in the sense that it gives us a foundation to proceed with a good and valid plan of action. As I have said many times, the Canadian population is supporting our policy. It wants the government to proceed with that policy, and we will ensure that we proceed with the program, which is user friendly and cost efficient as well.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, perhaps the minister did not hear my question. I am not asking about gun control. I am asking about gun registration, the system that is not working.

The Hession report states that the organizational structure of the firearms program is cumbersome, unfocused and inefficient. The latest government plan will gobble up an additional half billion dollars over the next six years and cost $62 million annually to operate. These issues are further aggravated by the existence of multiple headquarters in Edmonton, Ottawa, Montreal and Miramichi.

Clearly the political decision to spread the wasteful system around added to the cost and confusion. How can the minister justify these expenditures given the dubious records and results?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, first, we asked for the Hession report because we wanted to have some recommendations regarding the future and recommendations about the management. We have 16 recommendations that are very interesting. We will look into all those recommendations and come forward with a plan of action.

I would just like to tell the member that when we say that the Canadian population is supporting our policy, we are talking about gun control with the two components of licensing and registration.

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CHILD PORNOGRAPHY

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, Canadians and the official opposition are demanding an effective national strategy for fighting child pornography, not Liberal half measures and empty promises.

The Solicitor General's recent announcement that the RCMP and the OPP will develop a national strategy, and that funding for this undertaking will come from the existing RCMP budget, rings hollow with Canadians because Canadians cannot take this promise seriously when they know the RCMP simply does not have the funds. When will it get the funds?

● (1450)

Hon. Wayne Easter (Solicitor General of Canada, Lib.): Mr. Speaker, we have among the toughest child pornography laws in the world, as a matter of fact. Over the last nine years the government has moved on this issue and has brought in tougher penalties. It has increased the money for policing on this issue. Last week, as the member indicated, I announced a national steering committee to develop a more improved national strategy for this issue, and we will move on it.

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, 98% of the people in Canada know about our tough laws. They are not tough.

The government is known for putting billions of dollars toward a useless gun registry but not a single penny toward protecting our children from exploitation. Will the government divert the money that is used for the gun registry and put it toward fighting child pornography?

Hon. Wayne Easter (Solicitor General of Canada, Lib.): Mr. Speaker, it is that party that is blocking the bill we are trying to get through the House right now, which would in fact more effectively deal with this issue.

The fact of the matter is that this is a very serious crime and we take it very seriously. We will do everything within our power to protect our children, but let us look at what we have done.

We have strengthened the child pornography provisions. We created a new category for sexual exploitation. We have increased maximum sentences. We have facilitated the testimony of child victims and witnesses, and we are introducing new offences for voyeurism.

* * *

[*Translation*]

CANADA LABOUR CODE

Ms. Monique Guay (Laurentides, BQ): Mr. Speaker, strikes are dragging on in industries regulated by the Canada Labour Code. Along with employees at Cargill and Vidéotron, Radio-Nord workers on strike now have to cope with the presence of scabs.

The Quebec Labour Code prohibits the use of scabs so that disputes do not drag on.

What is the government waiting for? When will it enter the modern age and change the Labour Code to prohibit the use of scabs in labour disputes?

Hon. Claudette Bradshaw (Minister of Labour, Lib.): Mr. Speaker, as you know, Part I of the Labour Code was prepared and reviewed by employees and employers.

As for replacement workers in the event of a strike, they told us clearly what they wanted and that is what is found in the Labour Code. The Labour Code is the responsibility of employees and employers. What they see is what they asked for.

Ms. Monique Guay (Laurentides, BQ): Mr. Speaker, can we have clear and accurate answers? When they were in opposition, the Liberals supported an anti-scab bill introduced by the Bloc Quebecois. I myself introduced a similar bill recently.

Does the government intend to come back to the only defensible position and vote in favour of legislation that would ban the use of scabs?

Hon. Claudette Bradshaw (Minister of Labour, Lib.): Mr. Speaker, one thing is clear, very clear. We on this side of the House wanted to ensure that the Canada Labour Code belonged to employees and employers. The provisions in the Canada Labour Code with regard to the use of replacement workers were recommended by workers and employers.

* * *

[*English*]

VETERANS AFFAIRS

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, my question is for the Minister of Veterans Affairs.

Returning personnel who served in World War I and World War II who were in need of long term hospital care received appropriate attention. Today's military personnel who are also in need of long term hospital care are finding it difficult, if not impossible, to receive the same level of care as those who came home from World War II. Why is today's military personnel not treated the same as World War II vets?

Hon. Rey Pagtakhan (Minister of Veterans Affairs and Secretary of State (Science, Research and Development), Lib.): Mr. Speaker, I am proud to say that the veterans affairs department has been committed to providing excellent quality care, including home care for our veterans. In fact just a year ago we announced the 10 outcome quality care standards that most people and the major veterans organizations in the country are with us on. This is an excellent approach to ensuring quality care for our veterans.

● (1455)

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, there are hundreds of vets out there who are looking for care.

In a class action suit, two previous decisions ruled that the Government of Canada illegally withheld money owed to those veterans who were wards of the government. Why is the government waiting for the Supreme Court to make a final ruling on an issue which has twice been declared illegal?

Hon. Rey Pagtakhan (Minister of Veterans Affairs and Secretary of State (Science, Research and Development), Lib.): Mr. Speaker, the member knows full well that the case is before the courts of Canada and it would be inappropriate for us to comment. It would be against parliamentary tradition.

ENERGY

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, according to media reports, steps are being taken by the Department of Foreign Affairs to establish a continental energy policy which could considerably erode Canada's sovereignty. Will our distinguished Minister of Foreign Affairs inform the House as to the status of a proposed continental energy policy initiative?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, clearly Canadian energy and American energy infrastructures are highly integrated. Our energy markets are quite interdependent. This is driven by markets. There is no, I repeat no, intention or plans at this time to engage the United States in discussions concerning the development of a continental energy policy.

* * *

NATIONAL DEFENCE

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, the defence minister has announced his advisory committee on administrative efficiency. The chair of the committee is Harold Stephen who, in his bio, is noted to have experience in successfully restructuring bankrupt corporations. Why does the government allow its military to deteriorate so badly that it needs a bankruptcy expert to fix it?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, one of the tasks of large government departments as well as private sector corporations is to spend their money efficiently and wisely and to transform themselves with changing market conditions and a changing security environment.

In order to get maximum value for the taxpayers' money, I have enlisted the services of a couple of people in the private sector who have expertise in restructuring. I am sure they will come up with some excellent ideas which will be good for the taxpayers and the Canadian Forces.

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, the committee has an important job to do, to weed out inefficiencies in the Canadian military. Canadians will want to know what the committee finds so that the government can finally get on with the job of fixing the problems that it identifies.

Will the minister commit to making this report public?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, I will be meeting the four individuals soon. There will be a secretariat of departmental up and coming, younger officials to help them along the way. We will look at the procurement process which I think could be improved. They will have a mandate to search where they can to improve the efficiency of the department in every aspect. They will report back to me in six months, at which time I will study their recommendations.

[*Translation*]

IRAQ

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, today in oral question period, the government House leader twice made reference to opposition days in his refusal to allow a vote on our taking part in the war on Iraq. He is the one who allots opposition days, and we have had none since we came back and the session resumed.

I will issue him a challenge. Is he prepared to allocate an opposition day this week to the Bloc Quebecois as he has the power to do? I guarantee there will be a vote on our participation in a war on Iraq.

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, once again the hon. member is being very selective. Yes, I can confirm there will be an opposition day this week. I announced it last Thursday. This is not even news, because it is already Tuesday.

As to which party has which opposition day, it is not up to the House leader to allocate that. It is done among the parties in the opposition.

If I am right about the convention, it is generally the official opposition that gets the first day.

* * *

INTERNATIONAL NETWORK ON CULTURAL POLICY

Mr. Gérard Binet (Frontenac—Mégantic, Lib.): Mr. Speaker, the international network on cultural policy was created in Ottawa in 1998 as an initiative by the Minister of Canadian Heritage and the Government of Canada.

This network currently counts 53 member countries from every major region around the world. The purpose is to promote dialogue on issues that affect cultural diversity in the context of globalization, and to come up with ways to promote this initiative.

Can the Parliamentary Secretary to the Minister of Canadian Heritage inform the House what the Government of Canada is doing to promote cultural diversity internationally?

● (1500)

Ms. Carole-Marie Allard (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Mr. Speaker, I am pleased to inform the House that the Minister of Canadian Heritage is in Paris right now to bring together as many countries as possible in support of a legal instrument, which, once adopted and ratified, would help protect culture when trade agreements are concluded.

The minister is speaking in a variety of fora, including the Canada-France Chamber of Commerce and UNESCO. I would like to congratulate my government and the Minister of Canadian Heritage for their leadership in the area of cultural protection.

* * *

[*English*]

PRESENCE IN GALLERY

The Speaker: I draw the attention of hon. members to the presence in the gallery of the Hon. Ernest Fage, Minister of Energy of the Legislative Assembly of Nova Scotia.

Some hon. members: Hear, hear.

GOVERNMENT ORDERS

[*Translation*]

FIRST NATIONS FISCAL AND STATISTICAL MANAGEMENT ACT

The House resumed from January 30 consideration of the motion that Bill C-19, an act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Act be now read a second time and referred to a committee, and of the amendment and of the amendment to the amendment.

The Speaker: It being 3 p.m., the House will now proceed to the taking of the deferred recorded division on the amendment to the amendment of the motion for second reading of Bill C-19.

Call in the members.

(The House divided on the amendment to the amendment, which was negatived on the following division)

(Division No. 36)

YEAS

Members

Abbott	Ablonczy
Anders	Anderson (Cypress Hills—Grasslands)
Bailey	Benoit
Breitkreuz	Burton
Casson	Comartin
Cummins	Davies
Day	Desjarlais
Elley	Epp
Fitzpatrick	Forseth
Gallant	Godin
Goldring	Gouk
Grewal	Grey
Hanger	Harris
Hill (Prince George—Peace River)	Hill (Macleod)
Hilstrom	Hinton
Jaffer	Johnston
Lunney (Nanaimo—Alberni)	Martin (Esquimalt—Juan de Fuca)
Martin (Winnipeg Centre)	Masse
Mayfield	McDonough
Meredith	Merrifield
Moore	Nystrom
Obhrai	Pallister
Penson	Proctor
Rajotte	Reynolds
Ritz	Robinson
Schmidt	Skelton
Solberg	Sorenson
Spencer	Stinson
Stoffer	Strahl
Thompson (Wild Rose)	Toews
Wasylycia-Leis	White (Langley—Abbotsford)
Yelich– — 63	

NAYS

Members

Adams	Alcock
Allard	Assad

Assadourian
Bachand (Saint-Jean)
Barnes (London West)
Bélanger
Bennett
Bevilacqua
Binet
Bonin
Borotsik
Bourgeois
Brien
Brown
Bulte
Caccia
Cannis
Cardin
Carroll
Catterall
Chamberlain
Clark
Collenette
Cullen
Dalphond-Guiral
DeVillers
Dion
Doyle
Dubé
Duplain
Efford
Eyking
Fontana
Fry
Gagnon (Lac-Saint-Jean—Saguenay)
Gaudet
Godfrey
Graham
Guarnieri
Guimond
Harvard
Hearn
Hubbard
Jennings
Karygiannis
Kilgour (Edmonton Southeast)
Kraft Sloan
Laliberte
Lanctôt
LeBlanc
Leung
Longfield
MacKay (Pictou—Antigonish—Guysborough)
Mahoney
Maloney
Marcil
Matthews
McGuire
McLellan
Ménard
Mitchell
Myers
Neville
O'Brien (London—Fanshawe)
Owen
Pagtakhan
Paradis
Patry
Perron
Phinney
Plamondon
Price
Redman
Regan
Rocheleau
Roy
Sauvageau
Scott
Sgro
Simard
St-Jacques
Steckle
Szabo
Thibault (West Nova)
Tirabassi
Torsney
Augustine
Bagnell
Barnes (Gander—Grand Falls)
Bellemare
Bertrand
Bigras
Blondin-Andrew
Bonwick
Boudria
Bradshaw
Brison
Bryden
Byrne
Calder
Caplan
Carignan
Casey
Cauchon
Charbonneau
Coderre
Crête
Cuzner
Desrochers
Dhaliwal
Discepola
Drouin
Duceppe
Easter
Eggleton
Farrah
Frulla
Gagnon (Québec)
Gagnon (Champlain)
Gauthier
Goodale
Grose
Guay
Harb
Harvey
Herron
Jackson
Karetak-Lindell
Keyes
Knutson
Laframboise
Lalonde
Lastewka
Lee
Lincoln
MacAulay
Macklin
Malhi
Marceau
Marleau
McCallum
McKay (Scarborough East)
McTeague
Minna
Murphy
Nault
Normand
O'Reilly
Pacetti
Paquette
Parrish
Peric
Peterson
Pickard (Chatham—Kent Essex)
Pratt
Proulx
Reed (Halton)
Robillard
Rock
Saada
Scherrer
Serré
Shepherd
Speller
St. Denis
Stewart
Telegdi
Thibeault (Saint-Lambert)
Tonks
Tremblay
Ur
Wappel
Wilfert
Vanclief
Whelan
Wood– — 178

PAIRED

Members

Asselin
Castonguay
Fournier
Jordan
Manley
Picard (Drummond)
St-Hilaire
Bergeron
Folco
Girard-Bujold
Loubier
McCormick
Savoy
Valeri– — 14

● (1510)

[*English*]

The Speaker: I declare the amendment to the amendment lost.

* * *

SPECIFIC CLAIMS RESOLUTION ACT

The House resumed from February 3 consideration of the motion that 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, be concurred in.

The Speaker: The House will now proceed to the taking of the deferred recorded division on the report stage of Bill C-6.

Ms. Marlene Catterall: Mr. Speaker, I think if you ask you would find consent in the House that those who voted on the previous motion be recorded as voting on the motion now before the House, with the Liberal members voting yes.

The Speaker: Is there unanimous consent to proceed in this fashion?

Some hon. members: Agreed.

Mr. Dale Johnston: Mr. Speaker, Canadian Alliance members will vote no to the motion.

[*Translation*]

Mr. Michel Guimond: Mr. Speaker, the members of the Bloc Quebecois will vote against this motion.

Mr. Yvon Godin: Mr. Speaker, the members of the New Democratic Party will vote against this motion.

● (1515)

[*English*]

Mr. Rick Borotsik: Mr. Speaker, members of the Progressive Conservative Party will vote no to the motion.

[*Translation*]

Mr. Jean-Guy Carignan: Mr. Speaker, I will vote in favour of this motion.

[*English*]

Mr. Jim Pankiw: Mr. Speaker, I vote no.

[*Translation*]

Mr. Pierre Brien: Mr. Speaker, I will vote against this motion.

[*English*]

Mr. Rick Laliberte: Mr. Speaker, I would like to be recorded as voting against the motion.

Mr. Ovid Jackson: Mr. Speaker, I would like to be recorded as voting against the motion as well.

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

(Division No. 37)

YEAS

Members

Adams	Alcock
Allard	Assad
Assadourian	Augustine
Bagnell	Barnes (London West)
Bélanger	Bellemare
Bennett	Bertrand
Bevilacqua	Binet
Blondin-Andrew	Bonin
Bonwick	Boudria
Bradshaw	Brown
Bryden	Bulte
Byrne	Caccia
Calder	Cannis
Caplan	Carignan
Carroll	Catterall
Cauchon	Chamberlain
Charbonneau	Coderre
Collenette	Cullen
Cuzner	DeVillers
Dhaliwal	Dion
Discepola	Drouin
Duplain	Easter
Efford	Eggleton
Eyking	Farrah
Fontana	Frulla
Fry	Godfrey
Goodale	Graham
Grose	Guarnieri
Harb	Harvard
Harvey	Hubbard
Jackson	Jennings
Karetak-Lindell	Karygiannis
Keyes	Kilgour (Edmonton Southeast)
Knutson	Kraft Sloan
Lastewka	LeBlanc
Lee	Leung
Lincoln	Longfield
MacAulay	Macklin
Mahoney	Malhi
Maloney	Marcil
Marleau	Matthews
McCallum	McGuire
McKay (Scarborough East)	McLellan
McTeague	Minna
Mitchell	Murphy
Myers	Nault
Neville	Normand
O'Brien (London—Fanshawe)	O'Reilly
Owen	Pacetti
Pagtakhan	Paradis
Parrish	Patry
Peric	Peterson
Phinney	Pickard (Chatham—Kent Essex)
Pratt	Price
Proulx	Redman
Reed (Halton)	Regan
Robillard	Rock
Saada	Scherrer
Scott	Sgro
Shepherd	Simard
Speller	St-Jacques
St. Denis	Steckle
Stewart	Szabo
Telegdi	Thibault (West Nova)
Thibeault (Saint-Lambert)	Tirabassi
Tonks	Torsney
Ur	Vanclief
Wappel	Whelan
Wilfert	Wood– — 138

NAYS

Members

Abbott	Ablonczy
Anders	Anderson (Cypress Hills—Grasslands)
Bachand (Saint-Jean)	Bailey
Barnes (Gander—Grand Falls)	Benoit
Bigras	Borotsik
Bourgeois	Breitkreuz
Brien	Brison
Burton	Cardin
Casey	Casson
Clark	Comartin
Crête	Cummins
Dalphond-Guiral	Davies
Day	Desjarlais
Desrochers	Doyle
Dubé	Duceppe
Elley	Epp
Fitzpatrick	Forseth
Gagnon (Québec)	Gagnon (Champlain)
Gagnon (Lac-Saint-Jean—Saguenay)	Gallant
Gaudet	Gauthier
Godin	Goldring
Gouk	Grewal
Grey	Guay
Guimond	Hanger
Harris	Hearn
Herron	Hill (Macleod)
Hill (Prince George—Peace River)	Hilstrom
Hinton	Jaffer
Johnston	Laframboise
Laliberte	Lalonde
Lanctôt	Lunney (Nanaimo—Alberni)
MacKay (Pictou—Antigonish—Guysborough)	Marceau
Martin (Winnipeg Centre)	Martin (Esquimalt—Juan de Fuca)
Masse	Mayfield
McDonough	Ménard
Meredith	Merrifield
Moore	Nystrom
Obhrai	Pallister
Pankiw	Paquette
Penson	Perron
Plamondon	Proctor
Rajotte	Reynolds
Ritz	Robinson
Rocheleau	Roy
Sauvageau	Schmidt
Serré	Skelton
Solberg	Sorenson
Spencer	Stinson
Stoffer	Strahl
Thompson (Wild Rose)	Toews
Tremblay	Wasylycia-Leis
White (Langley—Abbotsford)	Yelich

PAIRED

Members

Asselin	Bergeron
Castonguay	Folco
Fournier	Girard-Bujold
Jordan	Loubier
Manley	McCormick
Picard (Drummond)	Savoy
St-Hilaire	Valeri– — 14

The Speaker: I declare the motion carried.

I wish to inform the House that because of the deferred recorded divisions government orders will be extended by 15 minutes.

[*Translation*]

DIVORCE ACT

The House resumed consideration of the motion that Bill C-22, An Act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment, Attachment and Pension Diversion Act and the Judges Act and to amend other Acts in consequence , be now read a second time and referred to a committee, and of the amendment.

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, before the interruption, I was saying that this bill, which seeks to amend the Divorce Act, will have to be reviewed and reworked. Groups representing Canadian and Quebec women are asking that hearings be held, so that all groups representing both men and women can express their views.

I was saying that Canada does not have a family policy, and it does not have a policy to promote equality for women and the well-being of their children within the family.

During the World March of Women, which took place in the year 2000, women made recommendations to eliminate poverty and violence, and they also made, among others, a recommendation to amend the Divorce Act, to take into account the fact that some women are victims of violence.

I also said that the bill now before us turns responsibility for the family into a private responsibility, and I said that we were opposed to this, because it is society which should assume its responsibilities toward the family.

There are many poor children and the reason for this is that there are poor parents, including poor women.

We do not think that the child-centred family justice strategy reduces—as the legislation attempts to do—the possible negative impact of separation or divorce on children. Take, as an example, the current guidelines on child support, which show that, in the case of joint custody, this support is far from being maintained and is in fact drastically reduced, if not totally eliminated.

The reality is that today many women find themselves looking after their children on their own, even though there may be a joint custody agreement. Moreover, these women are deprived of child support.

This is the problem that exacerbates the already heavy burden of poverty on single mothers and creates some of the worst social and economic hardship in Canada. This is why a rather significant number of mothers become all the more vulnerable to harassment, threats and violence.

I was saying that women are very concerned about the proposals to include a model based on the idea of shared parenting. Indeed, while there is no formal presumption to the effect that judges will rule in favour of joint custody, we think that it is very likely that, in reality, they will tend to do so.

Moreover, in June 2001, a brief submitted by the National Association of Women and the Law to the Federal/Provincial/Territorial Family Law Committee recommended against adopting the policy of creating a legal presumption in favour of joint custody or shared parenting. Imposition of such a formula on reluctant parents would most definitely have disastrous results.

In fact, studies have proven that the real problem faced by many women and children after divorce is the father's refusal to meet his parental responsibilities, or lack of interest in doing so.

Moreover, we are already seeing the results of joint custody arrangements that have been cobbled together in mediation or imposed by a court.

● (1520)

In most cases, the father gradually loses interest in the children and it is of course the mother who ends up having to do all the child care.

Family law reform must also take into consideration the ongoing inequality of women within the family and within society. In 2001-02, Status of Women Canada allocated—as it has for the past three years—in excess of $10 million for an action plan for gender equality.

Unfortunately, there is nothing in this bill to indicate that the legislator has taken any gender specific analysis into consideration, which I shall elaborate on.

The bill insists on formal equality between women and men and does not in any way do anything to ensure material equality for women. Nor does it assure divorcing or separating women of legal aid, representation services or social and economic programs and services.

We know that when a couple separates, divorces or ends a common law relationship, women are not likely to be able to negotiate custody and access rights on an equal footing. The non-availability of legal aid, the fact that legal professionals are still not adequately informed about the complex dynamics of violence in the family, and the lack of accountability in the legal systems, which continue to let off those guilty of assaulting women and children, are some of the factors that continue to impede access to justice for women.

This is why we condemn the third pillar of the strategy, which is to ensure that the way to proceed in justice is primarily based on cooperation, and that recourse to the courts is restricted to the most difficult cases. In our opinion, widely promoted alternate dispute settlement mechanisms such as mediation, counselling, adjudication and parenting courses can become dangerous avenues for women and children who are victims of violence.

To view the courts as mechanisms of last resort is a serious mistake in the case of families in which violence prevails, and for which the courts should be the first and the only option.

There is another issue that deserves particular attention, and that is the confusion and uncertainty that the bill could generate. Take, for example, the issues of access rights and child support. The terminology is changed, but the reality remains the same. The bill introduces some amendments, but it does not include any policy or guidelines that would allow us to envisage what will really happen. Who will make the decisions for the child? Who will make the decisions regarding the child's needs? What decisions will the parents be able to make? Will these decisions be proportionate to the amount of time spent by each parent with the child?

In the case of a trip, how will a parent that is with the child 20% of the time, which means that he does not have joint custody, be able to take his child on a trip? Who will decide that he can take his child on a trip? This is not clear in the bill. Basically, everything has to be redefined, and debated all over again. We agree that joint custody is a very popular concept these days.

I could go on and on. We, women and women's groups, think that one would have to be really irresponsible to introduce such a bill, especially since the approach the federal government is proposing is in part that of the 1998 report by the Special Joint Committee on Child Custody and Access. My colleagues have been referring to it since this morning in this House. The purpose of this special joint committee was to examine and analyze issues relating to child custody and access after separation and divorce. The committee's mandate was to look at what is called a child-centred approach.

● (1525)

I was listening to the opposition members this morning—I should point out they were men—who were against the Bloc Quebecois position. We must not lose sight of something that people must know very well—it is certainly clear to me—and that is that the special joint committee was established and given its mandate because fathers' rights advocates have been pushing for changes to the Divorce Act on the basis of a number of myths and false assumptions.

I would like to present some of these myths and, perhaps, the reality.

The first myth is that including presumptions in favour of joint custody or enhanced access in the Divorce Act will result in good and responsible parenting.

That is what we are told but in reality, good parenting cannot be achieved through legislation alone. What needs to be changed are the broader economic, social and cultural foundations of parenting.

The major impediments to men sharing in parenting responsibilities for children are not legal, but rather are based on assumptions about the roles of fathers and mothers. Changing these constraints on equal participation of men in child rearing is a very difficult task, as many social science studies have shown.

The act cannot achieve this objective. We feel it is inappropriate to try and use it for that purpose, especially at the time of a divorce or separation. We must help the children's primary caregivers so that they can ensure continuous care and security to the best of their ability, while recognizing the difficulties they—90% of those who provide care to children are mothers—may be faced with, including financial difficulties, lack of access to legal advice and their ex-husband' s violent behaviour.

The second myth is that men want to become more involved in raising their children after a separation or divorce.

That may be, but what is the reality? Most men who sue for custody or access are not interested in getting more involved in the day to day care of the children. They want a greater say in all decisions concerning the lives of their children and ex-wife.

A study conducted in Canada on fathers advocacy groups, among others, showed that members of such groups expected the mothers to be primarily responsible for the children, while fathers viewed their role only as one of support.

Not one of these father respondents mentioned wanting to take charge of the day to day care of children. So, the primary caregiver should also be the primary decision maker.

The third myth is that alternative dispute resolution procedures, and mediation in particular, are an alternative to lengthy legal battles over custody and access.

Mediation supposes that the parties are on an equal footing. It cannot work where power is not equal to begin with. If women refuse mediation, they are considered the parent the least open to work out an agreement.

There is a long list of such myths, but I shall conclude.

I will ask the members of the committee currently reviewing this bill, first, to be very careful not to fall for what is very "in". Caution must be exercised, because what is "in" one day is "out" the next day or a year later.

Human behaviour must also be considered. To update or modernize legislation is not always the best thing that can happen. Let us not forget that great promises may be made about changing behaviours, but there is no guarantee such changes will take place.

Finally, as a last request, I would to see the gender-based analysis, which Status of Women Canada is normally supposed to do in this case. I wonder if they did one, because it costs $10 million.

● (1530)

[*English*]

Mr. Reed Elley (Nanaimo—Cowichan, Canadian Alliance): Mr. Speaker, with all due respect to my colleague's position on this issue, I have some concern about the way in which she has phrased some of her words and comments.

It is quite clear that the tragedy of divorce is the fact that two people cannot get along together, and that has gone on obviously for a period of time, which has led to irreconcilable differences and a split in the marriage.

However for her to make comments, which, from my point of view, tend to continue this kind of unhealthy tension, that men are not prepared to be part of the care of their children once a divorce has taken place and that somehow this is a myth, goes against the reality of the changing world in which we live.

A great deal of change is going on in the kinds of roles that men and women play in our society. Both men and women are often the breadwinners in the family. Fathers are showing much more interest in the care of their children. The very fact that the joint custody and access committee brought these recommendations to the floor of the House shows that there is a genuine concern to change things.

Does my hon. colleague not see that perhaps there is a place now for us to look at shared custody and access that would truly bring both men and women into a shared role even beyond divorce?

● (1535)

[*Translation*]

Ms. Diane Bourgeois: Mr. Speaker, I think that there are two parts to the question posed by my hon. colleague from the Canadian Alliance.

First, I think that, yes, more and more young men are interested in sharing in family responsibilities and their children rearing. I think that, slowly, attitudes are changing with regard to the sharing of family responsibilities.

However, in reality, according to Statistics Canada or all the data available for the provinces, and it seems true, about 7% of fathers, after the shock of a divorce or a separation—and it is as much a shock for women as for men—continue to be interested in responsibilities related to caring for their children. Caring for children means changing diapers, washing them, helping them with their homework and lessons, talking to them, and so on.

After a certain phase in their life and, I would even say, and this is a shame, once fathers have someone new in their lives, a new partner, they are no longer interested. Ninety percent of mothers shoulder alone the responsibility for their children.

The law leads to joint custody, but the father does not come around, he is no longer there, he is no longer interested. If he is interested, it is because, essentially, he feels perhaps guilty for not continuing the relationship. Perhaps he is interested because he feels that a relationship is important, but he spends less time with his child. That is when women's groups say "We could sit down together again and see if there were not some way of having a law reflecting reality that would benefit everyone".

[*English*]

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, I have to say that I am somewhat shocked by what I just heard. The statistic that only 7% of fathers are interested in their children after divorce is quite shocking coming from the member because it simply is not true, it is inaccurate and not a reality.

As with many fathers, the happiest time in my life was when I was sharing in the parenting of my children. I am talking about the very active sharing in the parenting of our children. I think the member ought to check out the statistics a little more.

However she went beyond that and said that it was clear to her that most men simply did not take an interest and that they really did not want to be involved in parenting. What a shocking base to come from when we are looking at an issue as important as this.

I want to ask the member a question straight out and I would like her to give a straight answer? Does she feel that both parents should have equal access to the children following divorce?

[*Translation*]

Ms. Diane Bourgeois: Mr. Speaker, my colleague from the Canadian Alliance must have time to waste, with a question like that.

First, 7% of fathers provide constant care to their children after a divorce. I am talking about fathers who provide constant care to their children. That seems clear to me.

Second, this does not mean that 50 to 60% of fathers do not want to see their children. I am talking here about constancy of care. Eventually, the father gets tired of going to pick up the children. Eventually, the father gets fed up with making support payments. Eventually, the father gets tired of changing diapers and lets the mother take care of the children. How many times have we seen fathers who were supposed to come and pick up their children suddenly, some Friday night, turn around and say that they cannot come over. The law does not guarantee that with shared parenting, the father will assume his responsibilities.

Third, I am quite aware, as is my colleague, that amendments must be made and that parents want to assume their responsibilities. However, this particular bill is not going to make fathers assume more of their responsibilities. Where are the mechanisms? Where are the suggestions? Who will we educate about the cause of fathers and mothers? Will we educate the judges?

Quebec is in the process of establishing a real family policy that will take into consideration everything: access to daycare, legislation and parental leave that is fair. Here in Canada, there is no such policy. What good will shared parenting do? Will it help make up for the absence of family policies?

That is my answer for my colleague.

● (1540)

[*English*]

Mr. Leon Benoit: Mr. Speaker, it is sad when we hear that kind of commentary from the member. The broad generalization she has given about men not caring for children is simply not true. All most men want is to have access to their children after divorce. She is saying that is simply not true. Working with that foundation, we have no hope of working out an arrangement that will work for the children after divorce. This truly is shocking.

In the 1998 committee report, "For the Sake of the Children", it called for shared parenting because it found, after listening to both men and women, fathers and mothers who had gone through divorce, that the best thing for the children was to have both parents involved, unless there was some special reason why one parent should not be involved. However the member kind of brushes all that aside.

Does the member believe that report said the right things and really did point out what was best for children? If she does believe that, why is she not pushing for the government to implement that in the legislation. That is what the committee came up with.

[*Translation*]

Ms. Diane Bourgeois: Mr. Speaker, I think that my colleague from the Canadian Alliance misunderstood what I said. At the beginning of my speech, I did say that we agreed with the principle of shared parenting, but we will have to be careful as to how it is applied.

With regard to the 1998 report, the Special Joint Committee on Child Custody and Access obtained some support at the time from women's groups, who agreed with amending the Divorce Act.

However, the problem is that the committee was responding to requests from fathers who wanted to be able to negotiate on an equal footing.

You know full well that mediation or negotiation on an equal footing is out of the question when, for example, a woman is trapped in a violent situation. That is why we discredited the report by the special joint committee.

[*English*]

Hon. Jean Augustine (Secretary of State (Multiculturalism) (Status of Women), Lib.): Mr. Speaker, I am very pleased to join with my colleagues here in the House to address Bill C-22 at this stage. The bill proposes to modernize the family justice system in Canada by promoting a less adversarial system that will benefit children, their families and ultimately Canadian society.

I want to focus my remarks on the issue of enforcement because the bill also would improve support enforcement and enhance and strengthen existing provincial and territorial support enforcement programs.

These improvements are being proposed through Bill C-22 by amending the Family Orders and Agreements Enforcement Assistance Act and the Garnishment, Attachment and Pension Diversion Act.

As I know we are all very interested in ensuring that we work in the best interests of our children, I will speak about the Family Orders and Agreements Enforcement Assistance Act. This is a federal statute enacted in 1986 and it is divided into three parts. The first part speaks about the release of information that may assist in locating persons in default of a family provision. The second part speaks to the garnishment of specified federal money to assist support provisions. The third part of the act refers to the denial of certain federally issued licences, including passports to those persons in persistent arrears under a support provision.

The federal government provides locating information for 14,000 requests from provincial and territorial enforcement services annually. That is a good deal of requests. In the last three years between $80 million to $90 million has been collected annually through federal garnishment services.

Several changes are being proposed to the Family Orders and Agreements Enforcement Assistance Act. The processing of electronically transmitted applications for tracing information by the provincial enforcement services will be improved by the removal of the requirement to file an affidavit in support of that application. This requirement is not needed because it is already a condition set out in the agreements entered into between the provinces, the territories and the federal government under section 3 of the Family Orders and Agreements Enforcement Assistance Act.

Additionally, the binding period of a garnishee summons is extended from five to twelve years. Recent analysis shows that 75% of garnishees that reach the five year maximum are renewed. This amendment in Bill C-22 reflects the upper range of the life of a family support obligation and will better support efficiencies in program operation.

A major amendment proposed to the Family Orders and Agreements Enforcement Assistance Act is the creation of a mechanism whereby the Minister of National Revenue may demand that a debtor who is subject to this act file a tax return.

The Family Orders and Agreements Enforcement Assistance Act provides tracing and interception services. The Canada Customs and Revenue Agency, along with Human Resources Development Canada and other federal departments and agencies, is an important partner in the delivery of these two services. Currently, Canada Customs and Revenue Agency will, at the request of the Department of Justice, search its files for address information to assist in the tracing of support debtors.

It is important that the partnership between Canada Customs and Revenue Agency and Human Resource Development Canada and other federal departments and agencies be really affirmed. This would help departments to search files to determine whether a support debtor has a tax refund that can be garnished. The effectiveness of this would be significantly reduced when a support debtor does not file a tax return.

● (1545)

The creation of a mechanism whereby the Minister of National Revenue could demand that a debtor who is subject to this act file a tax return would improve the effectiveness of the tracing process and would further confirm our commitment to ensuring that children continue to benefit from the financial support of both their parents after separation or divorce.

Let us keep in mind that everything we do, and the direction of this bill, is in the best interests of the children.

The CCRA and the Department of Justice would closely monitor the operation of this amendment.

Bill C-22 proposes amendments to the Garnishment, Attachment and Pension Diversion Act. That is a federal statute enacted in the early eighties to provide for the garnishment of federal salaries and other moneys. It consists of two main parts: garnishment procedures to satisfy the payments of judgments and orders, including those for family support; and the diversion of pension benefits to help satisfy financial support orders.

In addition to a number of minor technical amendments Bill C-22 proposes amendments that would provide the federal government the option of paying the garnisheed funds to a provincial enforcement service where this is allowed by provincial law, because it is not allowed in every provincial area. It would introduce in part I of the act the notion of recovery of overpayment, and that is already in one of the sections of the act, but the amendment would reflect current practice as well as provide greater uniformity within the act. It would allow for the diversion of more than 50% of a net pension benefit where there were no provincial limits to satisfy arrears, arrears that could be set out in an order or decision. This would provide greater clarity concerning the interpretation of the section as well as ensure its uniform application. We are again working in the best interests of the children.

Lastly, this section speaks about providing legislative authority to make regulations, to amend schedules, and thus ensure greater flexibility and ability to reflect changes to pension legislation that is in the schedule. We were looking for greater transparency. We hope this would be achieved in federal enforcement legislation by including specific provisions concerning the research and monitoring functions.

These functions would help us to determine if policy objectives are being met. This is legislation that speaks to policy, policy change and decision. We must see the bill as providing us with a kind of direction which is backed by the necessary research so that we do the best we can, and again in the best interests of children.

Provision has been made to ensure privacy by setting strict limitations as to whom disclosure of the monitoring and research information can be released. I am sure we are in a period of time where privacy is very important, where information cannot be provided indiscriminately to everyone who asks, so there is cognizance in the bill to ensure that measure of privacy.

● (1550)

There is a major amendment that is being proposed to the Garnishment Attachment and Pension Diversion Act. We are talking about the creation of a priority for family support obligations over other judgment debt, thereby acknowledging the pre-eminence of family support obligations over other debts. In other words, the family comes first, before other debts are looked at.

Both judgment debt creditors and family support obligation creditors may apply under the act. There is currently no section in the act that addresses the situation where a debtor has both support and judgment debts.

Five years ago Canada's governments launched the national children's agenda, engaging Canadians in every part of the country on how to ensure that all Canadian children have a good start in life and that families with children have the tools they need to provide care and nurturing.

We made a presentation at the United Nations regarding the elimination of discrimination against women. We were asked questions about families in our country, the situation of our children, and the issue of child poverty. What we do in all the pieces of legislation that we put forward, especially in this area, is keep the interests of the family and children at the top of the list.

In the Speech from the Throne of January 30, 2001, the government identified as one of its top priorities that no Canadian child should suffer the debilitating effects of poverty. We have been working in this area with programs and policies. We have been looking at all of the possibilities that are before us as policy makers and government to meet the issue of the effects of poverty on our children. Creating a priority in favour of family support obligations over other debts would support this goal. Putting the family first, putting debt toward the family and support obligations before all other debts, must be pre-eminent and supported in this legislation.

Bill C-22 forms part of the government's stated goal to reduce child poverty and reform the family justice system.

Much has been debated and I think all members on every side of the House would agree that we must ensure that the quality of life for families and children is really at the base and the root of everything we say and do in the House.

I applaud all members who have participated in the discussion. I look forward to the work in committee as we ensure that whatever we do as legislators and policy makers will ensure that in supporting Bill C-22, in whatever necessary changes or however the discussion goes, that we come back with something where we keep in mind the best interests of our children.

We want the justice system to work for all of us and in such a way that it will ameliorate and lessen the issue of conflict that arises and brings to some of our families the kinds of distress that faces them on a daily basis today.

This is legislation, not only for today, but for tomorrow. This is legislation that will improve our community and improve relationships. This is legislation that is trend-setting because there are many jurisdictions that are looking at us as federal legislators for the guidance and the policy route that we must take in the best interests of our children.

● (1555)

Mr. Jay Hill (Prince George—Peace River, Canadian Alliance): Mr. Speaker, I will endeavour to be brief because I see that some of my colleagues would also like to ask the minister questions.

I appreciate her comments and listened very intently. I do not think anyone could doubt the minister's sincerity in what she was saying. I am a bit disappointed that she limited her comments to the enforcement aspects of Bill C-22, because of course there is so much more to the legislation.

Enforcement is important and I do not think anybody questions that parents who do not live up to their obligations when it comes to financial support for their children should be held accountable, but it is a very small minority of cases where it actually has to go to garnishment in order to collect the money. Research I have done over the years since I have been a member of Parliament indicates that because of Canada's adversarial justice system, unfortunately in some cases non-custodial parents, primarily fathers, feel that they have no other choice but to hold back money because they do not have access to their children. That is why our party, the Canadian Alliance, is such a strong supporter of the joint committee's report "For the Sake of the Children".

Would the minister agree with what my research has shown, that increased access results in increased compliance of support and therefore would detract from the need for greater enforcement?

● (1600)

Hon. Jean Augustine: Mr. Speaker, whenever we get into this discussion there are two words that are very important: "where appropriate". There are times when "where appropriate" needs to be part of the discussion. Indeed the legislation and what we are all working toward is the whole business of not just money, but the attention, love, nurturing, shared parenting, and areas of responsibility that we all must take and have toward our children.

Again, it is the issue of "where appropriate". There are times that "where appropriate" may come down on one side or the other. It is part of what this legislation is attempting to do.

I focused my attention on the issue of enforcement because I followed a lot of the discussion that has taken place and I know that much has been covered in the back and forth of debate in the House. Much has been said, but the bottom line is that we are talking about the best interests of our children. We are talking about how and when this would occur, the issue of visitation and time spent with the different parent. The two words "where appropriate" must be kept in mind as we deal with that issue.

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, I was pleased to hear the minister's comments and connections validating the relevancy of child poverty in this issue. It is very important and the minister did a good job of detailing some of the issues and the connections that are happening here.

I would like to ask a question with regard to child poverty. We know that in the year 1989 the House of Commons passed a unanimous resolution to eliminate child poverty by the year 2000. Since then it has gone up 21%. Fortunately we have seen some improvements over the last couple of years, but it is still up 21% since that vote happened in this chamber. That is unacceptable.

What happened during that timeframe when we had billions of dollars of surpluses? We have no affordable housing program and we know from the facts that affordable housing is a key element to ending child poverty. Will the minister agree to support $1 billion per year to create new units as campaign 2000 as many people have advocated in this country to help eliminate child poverty and put action where it really matters?

Hon. Jean Augustine: Mr. Speaker, I would say to the member that much has been happening. I hope he followed the Speech from the Throne on the direction what we ought take and must take.

I can delineate for him, as the Minister of Human Resources Development has done time and time again in the House, dollars that have been accessible to parents and the different ways in which we have made the system in some way responsive to the needs that are before us.

At the same time, I agree with the member that we have poverty in our midst. We have some issues with which we have to deal. My colleague has been dealing with homelessness and people who are on the street. We know that families at minimum wage should have opportunities for low cost affordable housing units that can meet their needs.

Again, those are all issues that are before all of us. As we have faced the difficult fiscal years, we are in a position now where all of us need to come together and work for the best quality of life for everyone in our communities.

There are programs and policies which we can delineate. However, at the same time the member knows that we are moving in the direction where we hope we can meet the needs of everyone in our community and provide them with that quality of life.

● (1605)

[*Translation*]

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, we know that, since the meeting in Beijing, Canada has made the commitment to make recommendations to each department in relation to the gender-based analysis. The government spends $10 million a year on this type of gender-based analysis.

In the context of the changes to the Divorce Act, can the secretary of state tell us whether Status of Women Canada has done a gender-based analysis and whether it would be possible to obtain a copy of the report that Status of Women Canada presented to the committee responsible for studying the changes to the Divorce Act?

[*English*]

Hon. Jean Augustine: Mr. Speaker, that is a very important issue and I thank my colleague for bringing it to the floor.

It is important that whatever we do and in whatever policy deliberation, we should always approach it with the perspective of gender based analysis, in which we believe. We agreed at the United Nations conference on women and with other countries around the world that we will do a gender based analysis. That is, we will look at all our programs, all our policies to see whether they differentially affect men and women.

We have been working on the gender based analysis of this specific issue. There is documentation that is not complete and I do not have at hand right now. However, we will provide it. The committee looking at the bill at the present time will also have the opportunity to use the gender based analysis to ensure that women are not disadvantaged and that men are not disadvantaged. The analysis is supposed to ensure that neither one nor the other gender is differentially affected.

The gender based analysis will be done, has to be done and ought to be done to ensure that this is good policy.

Ms. Val Meredith (South Surrey—White Rock—Langley, Canadian Alliance): Mr. Speaker, I am pleased to have the opportunity to speak to Bill C-22, an act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment, Attachment and Pension Diversion Act and the Judges Act and to amend other acts in consequence. The amendments pertain to child custody arrangements between parents following separation or divorce and are to provide a greater emphasis on parental responsibilities versus parental rights.

I do not think there is anybody who has found themselves in a situation with regard to divorce who does not feel that there is a need for major change in this legislation.

In the year 2000 there were 70,000 divorces in Canada. Although people would say that yes, in a perfect world everybody finds the right partner and ends up married for life, reality says something completely different. I know I join the ranks of one of the divorced persons in the House. I know for a fact that I am not alone. There are many of us.

It is not because the two players in the marriage did not try. It is not because we did not feel that when we made a commitment that it was for life. It is just the reality of the situation of what happened in the period of time we were married that a decision came that, for the sake of the children and each other, it was better to go separate ways.

That kind of decision is made daily by Canadians. It is nice to believe that when this decision is made, the parties coming to that kind of arrangement or agreement always put children first. However I know, not from my own experience but from others whom I have had come into my office, that is not always the case.

Unfortunately in our legal system, our legislation, the acts that pertain to divorce and the courts themselves have not encouraged a more amenable separation of a relationship, of assets and of child custody. Our courts have for whatever reasons increased the adversarial nature of marriage breakdown.

Over the almost 10 years that I have represented my constituents in the House, the saddest tales are those of individuals who find themselves at loggerheads because of the court system, with either an inability to use the courts because they cannot afford the process or an inability to get court orders enforced because nobody really cares and considers it to be civil.

What I perceive as a female is the biases of the courts toward females in any kind of child custody decisions and biases of the courts toward females against the males in a lot of situations that come out of a breakdown of a marriage. Although I have seen how it has happened, I do not think it is right. There has to be a complete overhaul of how our court system deals with the breakdown of marriage and all that occurs from that point forward.

To be quite honest, I do not think a band-aid solution, as I see in this bill, will really help. There is a lot more to it than the bill addresses.

Until we change the whole attitude of our court system when dealing with these kinds of family matters and until there is a change in the attitude of the judiciary which presides over these decisions, I do not think the minor changes or these band-aid solutions before us really will help.

There has to be a major overhaul and the primary focus of any legislation dealing with the breakdown of a marriage, the breakdown of a family unit, has to put the interest of the children before all else. They have to come to grips with the reality that a child needs not one parent, but two.

● (1610)

I go back to my earlier adult years when I lived in a community that had a lot of contact with aboriginal communities. At the time my husband of the day was a social worker. They would go into aboriginal communities and remove these kids because from the outsider's perspective the kids were in peril. From an outsider's perspective, the community was not looking after these children.

I remember one case when a well-meaning social worker went in with a school bus, after the payment for the firefighting was received and the party was going full blow, and picked up all the kids and took them out of the community because the kids needed protection.

What she did not understand was the community, knowing that this was going to happen, had its own resources. While it was not the parents looking after the children, they had the grandmothers, aunts and uncles looking after them. It was a lack of understanding in that the kids were far better off being dealt with in a different way. The kids were removed from what they knew and from what they were secure. They were put in a strange environment, a process that terrified them. One could even probably question whether they ever overcame the harm that was done to them.

Although we seem to be well-meaning and it seems to be logical thing to do at the time, there are many times when decisions are made because the interests of the children are not put first. It is the conscience of the adult, or the conflict of the adult, or who can afford the best lawyer or who can stay the fight longer than the other person. It is not what is best for the children.

I know from my own experience that the relationship between children and their father is equally important in the long run as it is with the mother, and I say that as a mother of four boys. I know that I have a special relationship with my boys that they do not have with their father. I also know that for their complete development, they have to have a relationship with their father. Whether it is a strong and prideful relationship or whether it is a different kind of relationship, that relationship is fundamental to who they are as an adult.

Any time the courts feel that they are in a position to choose one or the other, they are ultimately denying that child the ability to have a relationship with both parents, and that is fundamentally what the bill fails to do. It fails to recognize that for the well-being of children, they must have that relationship. It may be a relationship based on anger or disappointment but they need to have some relationship with both parents.

Without that lack of appreciation by our courts, courts pick sides and winners which is wrong. I appreciate there is sometimes abuse by a parent but our courts for the past number of years have accepted testimony, particularly from mothers, that the abuse is one-sided.

I know that the abuse can also be from mothers. I think there have been some instances where we have infanticide and other convicted felons, if we can call them that, of mothers who have abused their children. However for a long period of time courts automatically assumed that if the mother came in and said that the father was either sexually or physically abusing that child, they would take her word for it.

I have a situation where a father has not only made that complaint in the courts but he has substantiated it with professional psychologists, psychiatrists, others in the medical community and God knows who else who have dealt with the children. He has not only been denied access to the children but they have been left in a perilous situation with the mother simply because the courts have assumed the mother is the best caregiver.

● (1615)

I would not for a moment say that the mother is not important in the raising of a child. There is a special relationship between a mother and a child. Sometimes the kids may not realize it, but it is there. A mother, for the most part but not always, is the one who is most likely to give unconditional love, who is quite easily, because of her compassionate nature, and I am not saying that men are not compassionate, more willing to perhaps look beyond the slight and feel the pain, but not always. It is equally important that a child who might use the mother for the compassion, softness, forgiveness, and the warm and fuzzy stuff would have access to a father who will say to the son or daughter, "You should have known better and you could have done better", and bring in a different approach to parenting.

Any time children are denied that parenting perspective, they are being denied part of who they are. I would suggest that there comes a time when children are old enough and mature enough to decide what kind of relationship they want with their parents. It may be a more hands-off relationship or it may be a much closer relationship, but unless they have been allowed over a period of time to continue a relationship, they are not going to be in a position to make those kinds of decisions when they are a little more mature.

I want to reinforce the seriousness of the government ignoring a report that put children first and said that one of the most important things for children to have is equal parenting, and that when a divorce happens, unless there is proof beyond proof that there is physical or emotional abuse that is not healthy for the child, there should be dual parenting.

I want to go back to this report. The government in plural, because it was a joint Senate-Commons committee, sat for a couple of years, I think, well beyond a year. It heard testimony after testimony and came up with what I thought was a very sensible report. It certainly was not a small report. I remember trying to find the recommendations. It was a very large report, with 48 recommendations of what the committee saw that needed to happen in order to put children first and to make sure that children did not become victims of a divorce. It is amazing to me that the government can for the most part completely ignore the work of that joint Senate-Commons committee, because it went through the effort that I have not seen the ministry go through, quite frankly, in order to properly understand what needs to happen.

It is one of these things whereby the government puts a lot of money into having committees set up to investigate, hear testimony and make recommendations, and then we completely put it aside. Again as a female person, I would suggest it is largely because of the lobby of the women's groups. The women's groups were quite concerned with the direction that this report was going to take. I remember one occasion when women's groups were not going to even show up at a hearing because a men's representative group was going to be there at the same time and they would not be seen in the same room. That is precisely what we need to get away from.

There is nothing that distresses me more than a guy coming into my office and telling me that he has court access to his children, that he moved from Ontario to British Columbia so that he could be close enough to see his kids, that he gave up a very well paying job in the aerospace industry in order to be close to his kids and see them, and that his ex-wife will not allow him to see his kids. A man gives up his career and moves 2,000 miles away so that he can have a relationship with his children and some female person puts a blight on all of us by refusing him access to his children.

● (1620)

If it were only one case, perhaps I could say that it is only one case, but I hear this over and over again. Not only do I hear it from people coming into my office, I hear it from friends and family members. The anger against the ex-spouse is so strong that it overrides any thought of what is best for the children. Whether it is a man or a female who does it, I do not care; it is wrong. The anger between two individuals about the breakup of a family, a fight over assets, or a fight over who got more out of the marriage should never come down to fighting over the kids.

That we would allow, through legislation before the House or through our court system, adults to make kids victims through a legal proceeding is shameful. We as legislators need to address the reality that one-third of marriages end up in divorce. That will not change. It would be nice if it did. It would be nice if everybody could live happily ever after, but it is not reality. We continue to allow the courts to follow through and allow our children to become victimized. Are we paying a price for it? Yes, we are. Is it because of divorce? No, not really. We allow the divorce proceeding to victimize the kids. We allow a judge to select a winner and to pick a loser. We allow our court system to allow an adversarial situation in which adults fight with each other and the kids get ripped apart as a result. We allow that.

We are allowing it again with this legislation, because we are not dealing with the fact that in a divorce proceeding the children should be granted equal parenting. The children should be granted that, not the father or the mother, but the kids. The kids should be allowed from the very beginning to have free access to both parents, and then it needs to be supported by the community and by the establishment. If any parents take it upon themselves to use their child as a pawn, to use their child to get even, to use their child to get back at or send a message to their ex-spouse, they should be punished for doing that. I do not care if it is a female or a male. Any adult who uses a child to attack another adult does not deserve to be a parent, because a parent who is legitimately concerned about a child and the child's development and wants to ensure that the child does not end up with problems as an adult would not want to use that child as a tool or a vehicle for attacking another individual.

I do not know how much time I have left, but I have made it pretty clear what I think of the government's legislation. It has missed the essence of what needs to be done, which is to put our children first, to protect our children's right to have both a mother and a father involved in their raising. Let the child decide what kind of relationship that will be. We should not let the courts or the angry parent decide that. Let the children decide whether they will have a close warm relationship with both parents or whether one parent will end up with a more distant relationship. Let the children decide that. They are capable of it. It is up to us to make sure that they get the opportunity to grow up knowing both parents.

● (1625)

Mr. Jay Hill (Prince George—Peace River, Canadian Alliance): Mr. Speaker, I listened attentively to my hon. colleague's comments about Bill C-22. I note that one thing we share as well as being Canadian Alliance MPs is that we both have been divorced. I do not take any pride in saying that and I am sure she does not as well, but we are both lucky in that our ex-partners believe that both mothers and fathers deserve an ongoing, loving relationship with their children. Thank goodness for that. Unfortunately, many others are not that fortunate, as we have noted during this debate.

I note as well that the member has hit on what is really the greatest deficiency in Bill C-22, which is that the government failed to enact the very basic fundamental principle of the report "For the Sake of the Children". It was all enshrined around the concept of shared parenting: that both parents were equal, that if both parents were deemed good parents before the marriage ended then we must presume they would be good parents, given the opportunity, after the marriage ended and they were divorced.

Without this, how does my colleague believe that we can really send the message that we must send to the courts and to the judges, the message that shared parenting, except in proven cases of abuse or neglect, should become the norm? It should be automatic that the courts in their rulings, if the parents cannot come to an amicable decision whereby they both have an equal share in their parenting chores, must assume that. I wonder about that.

Ms. Val Meredith: Mr. Speaker, I thank my colleague for that question and statement, because this goes back to the attitudes of the courts. I do not know how we can change the focus of divorce and child custody to a less adversarial situation and to a fairer situation for children unless it is legislated. The courts need a clear message that the direction they have been taking in the past is not acceptable for the direction that they will be taking in the future.

The only way we can deliver that message is through legislation. I am at a loss to say how we are going to make that happen unless the government sees fit to put in legislation in which it is assumed that both parents will share in the parenting. It would be so easy to do. It would be so easy to change it from an adversarial to a mediated situation, but the leadership has to come from the government in this legislation to give the courts a clear message that what they are looking for is mediation, for both parties to get together to determine what is best for the children, and that shared parenting should be the norm, not the exception.

● (1630)

Mr. Jay Hill: Mr. Speaker, further to that point, I do not know whether this will be a question so much as a statement. My hon. colleague probably did not have the opportunity to be in the House this morning when the minister introduced the bill. One of the statements he made, and I wrote it down, is that he was opposed to this fundamental principle of the report "For the Sake of the Children", put together by the joint House of Commons and Senate committee my colleague referred to. He was opposed to that because, he said, use of the term shared parenting in the Divorce Act would have led to confusion. That is what the minister said this morning.

It absolutely blew me away because the very fundamental principle that all of us have been looking for is to see this dramatic shift in the attitudes of the courts and judges when they deal with these important issues of custody, access, shared parenting, responsibilities and obligations to children. It was all blown away by a minister who said that it would be too confusing. I wonder if my colleague would like to comment on that.

Ms. Val Meredith: Mr. Speaker, my gut reaction is why should we find it confusing that the minister finds it confusing. It is to be expected.

A comment from another colleague was that he is a lawyer. As a lawyer and as a minister he should be aware that at the beginning of every bill is a list of definitions. If it is confusing to him and he feels it needs to be clarified, we could sure put a definition in the front of the bill that makes it clear what we are talking about. By making it clear does not mean we tie it down so that there is no flexibility. There has to be flexibility.

Shared parenting could mean that the child goes from one parent to the other on an equal basis. It could mean that the child lives with one parent but the other parent has full and easy access to the child. It could mean that when important decisions on things such as education and health care are made that both parents are involved in a dialogue.

There has to be some flexibility, but shared parenting means that both parents have access to the child's upbringing in a meaningful way. I do not think it is too hard to write a definition in the bill that could be used by the courts.

The Acting Speaker (Mr. Bélair): It is my duty pursuant to Standing Order 38 to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Skeena, Aboriginal affairs.

Mr. Jim Karygiannis (Scarborough—Agincourt, Lib.): Mr. Speaker, we are discussing a very important piece of legislation, family law amendments and how they relate to the Divorce Act.

I will not endeavour to bring in more facts and figures on the present bill, the proposed amendments and how they will work. I am sure all of us in the House are quite informed of how the present as well as the proposed amendments will work in the future.

I want to travel down a path that very few of us have dared to explore. That path is why parents arrive at the conclusion that a divorce is required. What drives a couple to divorce? What can we as parliamentarians do in order to avoid family breakups?

Many years ago married couples stayed together until, as the preacher said, death did they part. This has changed with the evolution of knowledge and higher education. People have become more self-assured and confident and decide which way they want to go in their own future. Women are achieving higher education, so men cannot overpower them any longer. The female partner cannot be threatened and told, "You stay at home or I will not look after the children".

Higher education as well as the ability of women to achieve higher mobility in the workforce are things that we should support, welcome and enhance. They make the female partner more self-reliant, more self-supportive and able to make decisions that are a positive contribution to family growth and enhancement.

Gone are the days that the man of the house came home and ordered his wife around. Gone are the days when a wife would have to put up with all the whims of her husband and shut up and take the abuse and stay in an abusive relationship.

There are a few concerns and we as politicians, community leaders and community partners must work to ensure that families do not separate.

Economics is a major factor in separation. A lack of monetary support to keep the family together drives people to divorce. Husbands and wives both work to pay the bills, the mortgages and to survive day to day. A couple's desire to provide a better standard of living drives both spouses to work. Sometimes a person has two jobs in order to keep the family afloat and make ends meet.

The government has steadily done much needed work in the family field through successive budgets and initiatives to provide more support to fight poverty and provide support for families. We have successfully tackled some of the important issues.

One example is the length of time that a spouse can stay at home after giving birth. Maternity leave has been extended to one year. A spouse can now stay at home with the little ones and collect EI. The government has increased maternity leave, making it possible to watch the little one grow, take his or her first steps and say his or her first words.

From time to time there has been talk about increasing the period from a year to a year and one-half or even two years. If we endeavour to go down this path, we must make sure, perhaps through community consultations, that it is something Canadians want.

Next comes the issue of daycare. Often we hear of universal daycare and our support for families that need daycare spots. Many of us receive calls from constituents who ask us to assist them with this dilemma of placing their child in a healthy daycare.

Why not have universal daycare? We should look at the cost of such an endeavour and the return it would have on our overall quality of life, the better growth and higher education of our children, as well as the end result of better citizens.

● (1635)

What is the trade-off on such a suggestion to our everyday way of life? Better citizens, higher educated citizens, children seeking a better and more fulfilled life. Would this result in citizens being more law abiding, citizens being focused on the quality of family life? Some people say yes.

How would this translate into the cost and the way we do our budgets now, police budgets, education budgets as well as the overall quality of life? We will be faced with budget deliberations at the end of the month. Maybe we could start a discussion along these lines and develop it over the years.

Another very important issue that we must look at is the length of time it takes to reunite families. Canada is a country of immigrants, people who have come from all walks of life from all corners of the world. It can take up to two or three years to reunite families.

For example, if a mother and her child were to come to this country, fleeing their situation at home, they could be stranded here for three or four years until the husband, spouse or partner were to join them. In the first steps of life a young adolescent of 14, 15 or 16 needs the mother and the father but we are not assisting to bring these families together. We are hindering them by keeping them apart for three or four years. That translates into dollars and cents. Do we need more resources at the tail end or at the front end in order to reunite those families? Yes, we do.

The new immigrants who come to this country want to make a better way of life for themselves. Mothers and fathers work double shifts and sometimes even work on the weekends in order to survive, make some money, make a down payment and carry a mortgage. Sometimes the families are very limited in their knowledge of the Canadian way of life. They are very limited in speaking the language. We must provide new Canadians with more money for settlement arrangements.

As an aside, not long ago we saw the statistics on new immigrants who come to Canada. The majority of the people who come to my riding are from mainland China. When we look at the way the funding for settlement arrangements is being done, the people who want to speak and have services in their own native language, the Mandarin language, we hear that there is not much support for it. We hear that there is no group that wants to speak it, but it is quite the opposite.

We have to look at how we keep families together, especially new families that come to Canada and want to make it their home. They are new families with children who will be the taxpayers of tomorrow supporting our Canada pension plan.

It all comes down to dollars and cents. We are waiting to see how the budget will address keeping families together. More support means better families, a better standard of living as well as healthier children.

I chose to travel down this path in order to bring an alternative to the discussion in the House on how we keep families together versus discussions on how we deal with the issues after the family separates. A healthy family is positive for our community and the country and costs us less than the cost of having to deal with all the things that come from broken families. More support, more dollars at the front end keep families together and costs us less than the issues at the tail end.

I want to touch on one other item that a constituent has raised with me. What happens to access for grandparents once the parents decide they want to separate? There was a discussion in the House previously that grandparents should be given access to their grandchildren. This is something we have to look at. We must ask grandparents, whether they are on the mother's side or the father's side, on their access needs to their grandchildren.

● (1640)

Mr. Reed Elley (Nanaimo—Cowichan, Canadian Alliance): Mr. Speaker, I must say that I am quite astonished that the member was dealing with immigration matters. I had no idea that this bill dealt with immigration matters to such great extent. I guess I will have to go back and take a further look a the bill.

In any case, I do agree with one thing that my colleague said when he talked about bringing families together. Of course the bill deals with what happens when families are split asunder. In fact, if the government were truly interested in keeping families together, even after a divorce, as best it can, I would ask my hon. colleague a question.

I will preface my question by saying that I had a constituent visit me just recently who had gone through a very terrible divorce. The judge in the situation gave his orders in terms of custody and access. There was a certain access agreement that could take place but, unfortunately, the mother had moved the children 2,000 miles away. The access orders have never been carried out and there is no hope that this gentleman will ever see his children. There is no way that there are any teeth in the law for the court to enforce that access order.

The bill says a lot about support enforcement but it says nothing about access enforcement. Would the member agree that the bill is deficit in this area by not addressing that very important subject?

● (1645)

Mr. Jim Karygiannis: Mr. Speaker, I want to thank my colleague across the way for his question but he did not dare travel the path that I went down, which was, how do we avoid divorces. My colleague across the way just let my thoughts, my feelings and my words sort of fly over his head.

I am more concerned about the front end, which is how to keep families together, versus the tail end. Once people get to the tail end, there are bitter divorces, bitter fights, and two parents going at each other. It is incumbent upon us as parliamentarians to make sure that we support our families at the front end so they do not end up at the tail end, in the controversy as well as the feuding.

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, it has been absolutely years since I have heard what the hon. gentleman had to say. I have been in the business of being around children since probably before he was born, but to hear him say that somebody else can raise our children better than we can, through daycare or whatever, I do not believe that and I do not think Canadians believe that. Sometimes it is necessary, but please do not tell me that pops and moms across Canada who raise their children, and the mothers who gave birth to those children, are not capable of raising them. I disagree totally.

Mr. Jim Karygiannis: Mr. Speaker, I am the father of five daughters. If I accumulate the ages of my daughters together they come close to 100. I can speak with some experience on raising children, on being at home and on being a responsible parent. The comments across the way reflect what the Alliance thinks.

I said very clearly that it was incumbent upon us to support families. Sometimes, because parents cannot afford it, they need to go out to work. I am not saying that the Government of Canada should go to every household and say "Here is the money for your mortgage", but why not have universal daycare? Why not discuss the issue? Why not provide support for the parents who choose to go out and work?

The thoughts of the gentleman across the way are that the father goes out to work and the mother stays at home, or the mother goes out to work and the father stays home. The idea of both parents working is not something that appears on his radar screen.

I am quite the opposite. I certainly think that my daughters can be good mothers as well as work. Therefore, when they are out in the workplace why should they not have the support they need in order to raise their children?

If the gentleman across the way ever wants to tell me how to raise children, I have news for him. I raised five of them and I am very proud of the way in which I have raised them.

Mr. Jay Hill (Prince George—Peace River, Canadian Alliance): Mr. Speaker, I have a revelation for the hon. member across the way. The reason that both the mother and father in most Canadian families are forced to work outside the home today is because his government continues to put taxes up to a level where families cannot make it on one income. The government is taking away the choice for Canadians so they are forced out of their homes. We support mothers who want to work outside the home but they should not be forced to do so because of excessive high taxation, and that is what is happening.

I question whether the hon. member has even read Bill C-22. *Hansard* will show that at the end of his comments he made reference to grandparents. Grandparents are mentioned in the bill but not sufficiently enough, and I will be the first to agree with that. However they are mentioned under the criteria in clause 16.2. As one of the criteria for deciding access and custody and parenting, judges should consider:

> the nature, strength and stability of the relationship between the child and each sibling, grandparent and any other significant person in the child's life.

I wanted to enlighten the member about that because he mentioned it at the end of his speech.

When the Canadian Alliance brings forward a motion amending the bill to ensure that grandparents do not have to apply to the courts and throw themselves on its mercy to get access to their grandchildren, will he support that amendment? I assume he will.

● (1650)

Mr. Jim Karygiannis: Mr. Speaker, I will go back to my comments again. The front end versus the tail end. I do not think my comments were heard by that side of the House.

Mr. Roy Bailey: Mr. Speaker, I want to ask the member a very direct question to be fair to parents across Canada.

The hon. member mentioned that there should be universal day care and that government money should be put in to support it. That is what I understood.

However, in order for the parents who choose to stay at home and raise their children to receive the same equality they must get the same amount of money to raise their children at home as those parents who put their children into day care. Would he not agree to that, in all fairness?

Mr. Jim Karygiannis: Mr. Speaker, finally my words are starting to make sense to members on that side of the House.

Should they? This is a matter of consultation. It is a process on which we must start speaking and one on which we must consult with our community partners. It is a great idea and food for thought.

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, I cannot say too much about divorce but I can sure say a lot about marriage, having been in a relationship for probably longer than anyone in the House. Therefore I know a great deal about it.

As an educator for well over 40 years, I know a great deal about the harm from what I have seen on children's faces. I know firsthand what divorce does to the family. For over 50 years I have watched families disintegrate because of divorce.

We have people in the House who have been justifying such things as pornography. In all my working years in the profession I have never seen one child emerge from a sexual situation who has not been harmed, and yet we have people in the House who think that as long as it does not harm the child it is all right.

I cannot believe that the same thing is happening here. There is a correlation in that. The time for divorce is during the courtship. I expect most divorces do get started there. I am not saying that divorces are not part of society, they are, but what should never be part of society is to have a bill that pits one of the parents against the other. That is what the bill would do.

I have seen people go through a divorce where they lose a farm over the haggling as to who gets what. I have seen grandparents denied the right to see their own grandchildren. On more occasions than I would have liked, I saw kids who came to school and I knew very well what had happened at home. They could not learn as well and were upset. What we need is a bill that gives protection to the children.

If we have a mother who loves her children and a father who loves his children, they surely will put aside their individual differences in favour of the children and, in doing so, they will see all the benefits the children could get through shared parenting. We do not see that.

I have really seen a lot of the idea that when the court brings down the decision the father must contribute *x* amount of dollars. In the constituency where I live there is an oil patch. Sometimes the fathers are on big salaries and sometimes they have very little. The court orders that one father must pay *x* amount of dollars but then there is a drop in the activity and the father goes unemployed for a period of time. He cannot meet the payments for his children and wife and he has no recourse.

Now we hear a whole lot about deadbeat dads. There are no more deadbeat dads out there than there are deadbeat moms. I think we should quit using that expression. I personally know of three young men who destroyed themselves because they had no money left to live on because they were tied down to the court. They could never live and try to make the payments and had no place to go. I think we have to review this.

● (1655)

There was a time 20 or 25 years ago when a mother was always right and the father was always wrong. It still leans that way. For the sake of the kids, we need a better arrangement. Child custody arrangements are made in the court. These arrangements should have some humanitarian end results. That is not happening. We have nothing but an adversarial approach.

Recently a young father came into my office. He said that he had a right to see his children. However the only time he saw them was on weekends or to look after them while the ex-wife was doing something else. He said that he was unable to get to know them and that they really did not want to see him because they did not know him, even though it was shared custody.

There is no working arrangement. This whole thing is not working. This winner take all approach in the courts has to come to an end.

Children never gain in a divorce unless both parents can set aside their differences, put the kids above themselves and make life as pleasant as possible for them. That does not take place. Unfortunately, if we go into a classroom, we will see the troubles that the kids are having, even in grades 5 and 6. They are so psychologically disturbed because one or the other or both parents have put themselves ahead of the kids because they want to be the winner. Parents should make the kids the winners. They should let them grow up as closely as possible. Kids need some order. They need love. That can be passed from the father and the mother even though they are apart. Children cannot live properly without love.

Adolf Hitler was going to have a superior race of children. He was going to raise them in a very proper way, in a proper environment. They grew up total misfits because they lacked what children need and children deserve, and that is love.

The bill does not deal with maintaining meaningful relationships or acting in the best interests of the children. We are wrong again in this field.

Sometimes grandmas, who have had more experience, are needed in the worst way but oftentimes they are not appreciated. I have a grandfather who continues to phone my office. He is broken-hearted because he cannot see the grandchildren. That is not right. Mothers who deny children the right to see their own grandfathers are putting themselves ahead of their children.

After all the years of trying to deal and cope with this, surely after the court has made a decision, there must be some easier way for the adversaries to come together, for the sake of the children. This could be led by one or both grandparents before a family counsellor. Then maybe we would be on the right path. I do not think we are now. This is totally adversarial. I do not think it will be any better and millions of children will be hurt by this type of arrangement.

● (1700)

Mr. Jay Hill (Prince George—Peace River, Canadian Alliance): Madam Speaker, I listened with great interest to my hon. colleague's speech. He brought up many important and relevant points about the need to change the adversarial system.

The one thing I found of great interest in the debate today is that almost every speaker has talked about the best interests of the child and the children. I take that at face value. I believe that every member, regardless of political affiliation, whether they sit on the government benches or those of any one of the four opposition parties, are very sincere when they say that they want to see change that is in the best interests of our children.

I do not see how that can happen and how there can be a substantive shift in the way in which courts treat those disputes between parents, which are a minority, that end up in court. We can only wish that all the parents would join the majority and settle their issues, especially where it concerns the children, before they go before the court to battle over the children. As many speakers today have pointed out, they end up using children in many cases as pawns in this tug of war between the mother and the father.

We hear that everybody wants to keep the best interests of the children close at heart, but I do not see it in Bill C-22. As I have said repeatedly today, the minister and the Department of Justice have missed the fundamental building block of the report "For the Sake of the Children". The report calls for a dynamic shift from the focus being on parents, whether it is the mother versus father rights to see their children or someone wronged someone or someone is a better parent, to the focus being on shared parenting. We need to recognize that both parents, both mother and father, not only have rights to see their children and to participate in parenting their children, but they have obligations to their children. When I heard the minister this morning say that he chose not to put into Bill C-22 the term "shared parenting" because he thought it would be too confusing, I knew the battle had been lost.

I will try again to bring forward amendments at committee stage to get that inserted into the legislation. Without it I fear we will not see any shift in the thinking and in the way in which courts rule on these cases where they pit one parent against another, or they reinforce a parent being against another, or they exclude grandparents or siblings. There are all too many cases. Every MP, regardless of political stripe, has people coming into their constituency offices, if not every day, I am sure every week, with tales of horror of how lawyers, judges and the justice system have wronged them in this important and critical area of parenting.

Could my colleague comment on this? How will we ever send the message to the courts that it is not acceptable to try to view the mother or the father as a better parent? No matter what we call it, it is still custody and access. We can change the wording, but it is still the same. Unless there are proven cases of abuse or neglect, which are few and far between, in the vast majority of cases parents should have equal rights, responsibilities and obligations. The only way to do that is by enacting shared parenting.

● (1705)

Mr. Roy Bailey: Madam Speaker, to answer that question I must tell members about an incident. At one time I lived beside a family that used to constantly fight. It was terrible. Pretty soon they would come over and I would hear a little knock at the door. One would be on one end of the chesterfield and the other on the other end so they could get a bit of sleep.

The bill should recognize the equal rights of parents and equal responsibilities. There used to be a time in society that before people got married they had to spend so much time in counselling. Perhaps before people get divorced, there should be a requirement that they spend some time in counselling for the children's sake. They could be advised that if they went a certain route, this is what could happen to the children. They could be advised not to be adversarial because it may ruin the lives of their children. They could be advised that getting a divorce and having the lawyers walk in behind them was not the route to go.

The route to take is to ensure parents know through proper counselling that they are responsible for the lives of their children. They need to know what is best for the children to guarantee them some success in life so they are not socially damaged. However we do not do that. We generally pit one against the other and let the poor kids take the brunt of it. The bill does not solve that. It is just a continuation of what we have now.

[*Translation*]

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Madam Speaker, it seems to me that on several occasions today, I heard members, particularly the Alliance member who just spoke, talk about the fact that when couples divorce, both spouses should have equal rights.

Unless I misunderstood, and he can correct me if I am wrong, does he think that, right now, men and women have equal rights in a divorce? Right now, in Canada, do women and men have equal rights when they divorce?

[*English*]

Mr. Roy Bailey: Madam Speaker, my observation from working with people for the last 25 years plus is that there are not equal rights. The courts, rightly or wrongly, have sided one way. I believe that has been incorrect. I believe that a man who has abused his children has lost those rights. A man who has sexually abused his children is gone. In that case, it would make a differential. In the case where a woman has left her children alone, not cared for them or has abused them, then the custody should go the other way.

All things being equal, the man's rights and the woman's rights are the same. They were partners in the relationship. They were partners in bringing these children into the world. They should be partners after they go through the process of divorce. All divorces are not adversarial. I have seen lots of instances where the parents are good friends. They just do not want to live with each other. That is fine, but please do not harm the kids.

● (1710)

Mr. David Anderson (Cypress Hills—Grasslands, Canadian Alliance): Madam Speaker, I would like to ask my hon. colleague a couple of questions about why he feels the government has been unable to bring in good legislation.

The bill is lacking in so many areas. Yesterday we talked about another bill that was lacking in so many areas. The government seems unable to provide leadership. I used the illustration yesterday of watching an old horse die. No matter what it is fed, it gets thinner and thinner and stumbles and staggers around. We see it in so many areas.

We saw it in the gun registry yesterday and again today, with the report which says that we have thrown away $400 million of Canadian taxpayer money. It is gone and we cannot possibly get it back. We have seen it with the GST fraud. The minister seems unable and unwilling to take responsibility for what has happened. We have seen it in the inability of the government to take a solid position on Iraq. We have seen it in other areas such as agriculture with the APF. The minister now does not have programs in place when we need them. I could list a number of other areas as well.

Could my colleague comment on why we have this litany of failures to provide decent legislation for Canadians?

Mr. Roy Bailey: Madam Speaker, I would like to thank the hon. member for Cypress Hills—Grasslands. The Divorce Act must be changed to ensure that in the event of a marital breakdown, the act should allow both parents to have a meaningful relationship with their children.

That is not a difficult thing to understand. Most people would agree with that unless it is clearly demonstrated not to be in the best interests of the children. Again, we put the children first.

Shared parenting should not be interpreted to mean automatic joint custody. It means that both spouses continue to maintain a relationship—

The Acting Speaker (Ms. Bakopanos): Resuming debate, the hon. member for Windsor West.

Mr. Brian Masse (Windsor West, NDP): Madam Speaker, I welcome the opportunity to talk about this important bill. Bill C-22 will have important ramifications on the social fabric of Canadian life. It is a good thing that at least we are talking about it. We will go to committee next and that will open up some more discussion, more debate, and potentially bring some improvements. However, the jury is out on that right now and we will see what will happen.

I would like to address a couple of comments that were made by the government side this afternoon with regard to its role, its involvement, and its thoughts on Bill C-22 and what to do next.

The first deals with comments made with regard to prevention. The words that were chosen related to the first person to dare to take this way to talk about the actual prevention aspect of divorce, and front end was also used with regard to that. This is a bigger issue with regard to the family unit and it also touches the front end. However, the government has done a horrible job at keeping families together. It has done a horrible job of ensuring that people have the opportunities to succeed, not only in the family unit but also in the economy.

One of the examples the member mentioned, and I agree it is an improvement, is employment insurance. It enables women on maternity leave to stay at home longer and spend a longer period of time with their infant. As well, there are expansions to parental leave. I think these are improvements, but it goes without saying that the government has robbed workers and employers of these funds for years.

It has taken credit for balancing the budget and deficit cutting off the backs of those very people. It has been very proud in talking about that aspect and at the same time it is offering a crumb back to the people. It is important to note the importance of a strong family unit.

Another issue is day care. Why not universal day care? Absolutely. Where has the government been on day care? We know that most women right now cannot access day care that has a format and actual standards. There are lots of issues with day care.

I recently went through that issue. I have been very fortunate. There is someone who is providing care for my young daughter. We lucked out. There are settings out there that are very difficult to get into. Parents are scrambling around at the last moment and there is a lot of pressure on them, and women in particular, because they must balance the child and the workforce. That gets even more problematic. It is important to recognize that the government has not taken the lead with that.

With regard to the new family unit, there is student debt. I have spoken about this and want to highlight it a bit as well. We are talking about younger families getting involved with procreation and creating the opportunity to start a family. They are doing so over a longer period of time now, from the time they finish their education to the time they enter the workforce. Their undergraduate degrees take them to a certain point in time with a certain amount of debt. Then from that, a graduate degree is often required now.

People are finishing an undergraduate degree, which one almost needs for a minimum wage paying job right now. One needs an undergraduate degree for just about everything now. Then they have that debt that they have to pay back. They are already in their young twenties. From that they go on to a potential graduate degree and from that go into the workforce.

The opportunity for a young couple to start a family is delayed or challenged even further. That is an important thing to recognize because the debt that is incurred, the instability of the workforce, and getting a meaningful job that has benefits to support a family, is becoming increasingly harder in our country. It is becoming more difficult. That is setting people up for difficult problems.

By the government's own admission, it has identified economics as a major factor in the breakup of the family. A number of different colleagues across the way have identified that as an important issue. Therefore, when we are increasing the student debt on students and delaying their families, delaying the years they are able to create and plan out their full lives, we are setting them up to certain conditions which are very difficult.

● (1715)

There was also reference to reuniting families. Specifically, the member was talking about new immigrants. I agree with the member that it is a very important issue. I can tell members from my past experience working with new Canadians that the head tax is a welcome to Canada debt that they have to pay. When they add up their family members they are in debt. We have set them back. They have to find employment, training, understand the community they are living in, and they often have language barriers. All of these circumstances make it difficult for people to move and be able to create a strong family and future.

I think it is in the interests of Canadians to ensure that they thrive during these difficult times, that they prosper and are able to plan. We look at their contributions across the country and it is one of the major reasons why Canada has become such a great country. However, we are delaying and creating problems whereas we could be supporting the family unit a lot better.

Another regressive issue that we have is the GST and how it is applied on all the different things that relate to families. The GST is a regressive tax. I know the government wanted to get rid of the GST. We are still waiting. Nevertheless, regressive tax measures such as the GST are not good and not positive for family units.

I will touch on Bill C-22 and the legislation, as well as some of the other factors that can be improved and need to be addressed. An objective that was identified in the throne speech was modernizing the family justice system. The first objective was to minimize the potential negative impact of separation and divorce on children. Second, to provide parents with the tools they need to reach parenting arrangements that are in a child's best interests. Third, to ensure that the legal process is less adversarial and that only the most difficult cases go to court.

Those were the three pillars. I think there should have been a fourth pillar relating to family justice. Family justice is about poverty, education, social involvement, and ensuring that we are supportive as a government to the family unit.

The government has a responsibility with regard to affordable housing and low income wages. The government must address the fact that Canada's minimum wage is ranked quite low and needs to be improved.

The government is still debating health care. I know the Prime Minister is meeting with the premiers right now. However, he will not attend a meeting including first nations and this is problematic. The reality is that health care is another strong pillar. I know that families have difficulties with regard to affordable prescription drugs and that too is an important aspect when raising a family.

I will now move to the actual bill itself and the services for families. The minister stated:

> Services are needed to ease the conflict and stress that come with separation and divorce and help parents while they are making decisions about the care of their children. The Government of Canada will devote $63 million in new funding over five years to the provinces and territories for family justice services.

We have heard a lot about that before. I would like to see the promise fulfilled. However, there are other issues the government could be working on that would address that and one of them is taking care of the affordable housing issue in our country.

Right now we have the opportunity to create sustainable homes and environments that are positive for people that would have a long-lasting benefit to the family unit.

One of the things that campaign 2000 outlined was the creation of affordable homes. It advocated 20,000 new affordable home units each year for 10 years and the rehabilitation of 10,000 affordable units per year, requiring an investment of at least $1 billion per year over the next five years.

Ms. Deborah Grey: How does this affect divorce?

Mr. Brian Masse: An Alliance member is asking how that affects divorce? We are talking about creating a strong environment for family units. Members across the way addressed that as one of the major issues relating to breakups and divorce. I was addressing their comments as previously stated in the House.

Those are some of the things that could specifically happen in regard to creating a strong environment for family units. We know that the House has discussed the issue. However, it has not been acted upon and has not led to any action. This is one of the important factors that needs to be addressed.

Legislative changes are happening. I would like to point out that legislative changes are important. We cannot ignore the difficulty with legal aid and legislative changes. We know that women earn less and are less able to purchase effective legal services. Legal aid has been cut quite a bit in B.C. and Ontario is reinstating some of the legal aid cuts. However, legal aid has been a tool that has been reduced in this country.

● (1720)

We need to make sure that legal aid is available for people so that they are able to go through these processes, to make sure that they have strong opportunities to be able to put forth their cases for their actual situations.

Another issue with regard to legislative changes is that the terms of custody and access will be eliminated for the purposes of the act and the new model will be based upon a parental responsibilities framework. It is outlining more of the jurisdictional aspect over the framework. To some extent, I think that is actually good. It is jargon in the sense of the framework tool, but perhaps defining these things more will be very helpful and actually provide some framework and, more important, some obligated responsibilities.

However, like a lot of other issues, the courts cannot always legislate people to do things. We have to provide the proper environments and the proper tools for people to be effective, and that simply is not happening with the set-up we have right now.

In addition to changes to the Divorce Act, amendments will be made to the Family Orders and Agreements Enforcement Assistance Act and the Garnishment, Attachment and Pension Diversion Act. They are important in consolidating some of the things we have out there. I have had a number of constituents call me with concerns in regard to being able to access the supports that were given to them through a legal process. Parents not having the ability to get those resources directly affects the child. That is one thing that needs to be addressed, as well as, potentially, the backlogs in the system so that people can actually get the resources that have been derived for them.

I would like to touch briefly as well on the fact that the bill still seems to isolate divorce as being a one-family situation. This does concern me. It is important to start to move toward understanding that it takes the whole community to raise a child, that it is the community's responsibility, not just that of the parents. The parents obviously are very important in this, but bringing children into the world and rearing them requires the support of the community. Just putting the fault on two people, on the fact that they could not get along, is not sufficient in the debate. There has to be a healthy environment and there have to be the tools necessary for them. As well, we have to provide the necessary supports for them.

We know that right now, regardless of who has custody, women have a greater challenge with single parenting. This is an important thing to recognize in single parenting. We know right now that households led by women earn less. We know that. It is an additional challenge that they are going to have to face and society has to have the supports there. We know right now that there is not access to day care. It is very important for single mothers to be able to access affordable day care that is going to be a nurturing environment for their sons or daughters.

There is a fundamental question. Whatever the family structure, a child's adjustment is associated with the quality of parenting and not the structure of the family itself. This is a fundamental question to debate. Once again it goes back to the fact that obviously the parents, in a strong environment, are going to be a great asset, but when that situation does not happen we have to ensure that the proper supports are there.

I believe the government can do that by moving to more comprehensive strategies to eliminate child poverty. That is going to ensure that at the end of the day the children who have to go through the system are going to have the supports there. It will not be whether or not someone is going to pay up somewhere down the line or whether someone is going to show up for the child. There must be proper supports for them. That is going to be very important in the future.

In summary, I will conclude my remarks by saying that it has taken a long time for the government to address the situation of child poverty. Our issue with regard to Bill C-22 is going to be the struggle on how it is going to relate to being able to advance the beneficial elements for children. The struggle will be whether or not it is going to be part of a process to eliminate child poverty or part of a process that is going to further create that problem. I think that is a loss for the country.

● (1725)

Mr. Reed Elley (Nanaimo—Cowichan, Canadian Alliance): Madam Speaker, it is really interesting that we can have so many different interpretations of the bills that come before us. We already have heard from one of our hon. colleagues that this is an immigration bill. Now we have heard from our hon. colleague that somehow this has something to do with a left wing socialist agenda, and we heard it well from him.

He made an astonishing statement, too, much like the previous member who talked about the bill as an immigration bill. He said that the community's job is to raise kids. For the life of me, I do not understand how he can say that. I would really like him to elaborate on what he meant by that. Surely he did not mean that communities can raise children better than parents can. Surely he did not mean that day care can raise children better than parents can.

If we truly believe that it takes two people, a mother and a father, to do the best parenting jobs available, to raise children in this society, how could he make those statements? I really would like to know.

Mr. Brian Masse: Madam Speaker, I am certainly not surprised that the member from the Alliance could not understand what I said.

Miss Deborah Grey: Does that make you feel better now?

Mr. Brian Masse: Absolutely. It makes me feel better, Madam Speaker, because he quantified it as an astonishing statement.

Let me preface this. The reason I feel that way is that my parents divorced when I was at a very early age. A lot of positive things have come out of my life because my parents have dealt with it the way they have and because there have been some community supports.

I can tell the House that those challenging times in my life were when I went to school and there were only one or two children who had divorced parents. There was a stigma attached to me. That was one of the biggest difficulties I had to face in my life, because there were not that many other people out there who were in the same situation, but that has changed now. The stigma has changed because there are community supports out there and I think I am a better person for it.

As for what I referenced when I said that it takes a community to raise a child, I believe that. Parents obviously are incredibly important, the most important asset in a child's life, but it takes everybody working together to ensure that children are safe, have a healthy environment and have the opportunity for education and the opportunity to be included in the community in terms of recreation and all the learning experiences available. That takes a community and that is about taking care of our children.

For the most part, parents in our society today have to go to jobs. They need to have the opportunity to earn a wage to be able to build a family and to make sure they have a sustainable future. That has a cost. The cost is that they are away from their children more. When that happens other support has to be there, whether it is great day care or whether it is the opportunity to be included in the community around them. Regardless of that, those structures have to be in place. That comes from a healthy environment. This is not just left wing propaganda. It is about a community. A lot of people on the right wing believe in strong communities and that is what the issue is. The issue is about communities, but we must have the proper support, resources and planning for our communities. That takes vision and dedication of resources and the ability to see that process through.

● (1730)

[*Translation*]

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Madam Speaker, I would first like to congratulate my deskmate from the New Democratic Party. I always enjoy talking with him and listening to his speeches. He is a brand new member who has been here for only a few months and I must admit that we get along very well.

His statements are in line with what I said about the need for a true family policy, which is lacking here in Canada. We are trying to achieve this in Quebec; this could be done if we had the means, if we had the money, if we had the opportunity to pass legislation and the possibility of taking money from the EI fund.

My colleague talked about the community raising children. I totally agree with him. When you live in a small town or village, everyone knows one another or at least one another's children and can take certain responsibilities. When you know your next door neighbour has a drink and hits his wife, you can intervene more easily than if you lived anonymously in a large city.

That said, my colleague talked about two aspects: prevention and cure. As to prevention, if there were no divorce, we would not need the Divorce Act if we maybe had the means to help families. That is what our colleague said.

As to cure, when people divorce, it seems that both spouses are not on equal footing.

I would like our colleague to talk about these two elements, that is, the need to have a real policy to help families and, second, about what is missing for both spouses to be on an equal footing when they divorce.

[*English*]

Mr. Brian Masse: Madam Speaker, I thank the hon. member for the question. As well, she has been very generous in providing French lessons since I have been here. I am still on a slow learning curve. I have had a couple of formal lessons, but I think my colleague has provided the best lessons, during the House of Commons question period in particular.

With regard to her first question on prevention, I think it is important to note that because of the growth of divorce and the lack of the government involvement in focusing on a policy that is inclusive and beneficial to families, it has fostered situations that have become more difficult to contain and it has led to some of the problems we have.

We need a national strategy on how to work with families, whether it be through taxation, housing, employment or any of those things. There has to be a national strategy that would be driven by the House of Commons in partnership with the provinces. We have to recognize that each province is very different. For example, Quebec is different from Ontario in some of the needs that Ontario has. We have to be respectful of that.

There are traditions in the different areas, be they cultural or related to urbanization, rural areas or heritage. All those different things that started with the birth of Canada are still being played out today in very profound ways. We have to make sure that when we look at a national strategy we are very much focused toward provincial needs that are quite different. I know that Ontario is different from British Columbia and, once again, Quebec. All those things are there for good reasons and have built the country we have today, but we must be respectful of them because they will take us even farther.

With regard to curatives and the two spouses not being equal, that is a very important aspect. We know that women have been at a disadvantage or at least have had to fight and struggle to gain the same respect, the same opportunities and the same situations as men, not just individually but collectively. We have seen an actual movement toward some improvement in wages, but women are still not there. Men still earn more than women in many occupations and that is not right.

They also have very difficult problems to face after a marriage breakup. It gets very complicated because they often will have to deal with rearing the child in the home and all the issues that go with that, for example, getting up, getting the child ready, going to work, picking up the child after work and then doing all the other chores necessary at home. Males can be very involved. We have a lot of great fathers who have been very involved in their children's lives. However, they can be the greatest fathers, but if they are not actually on the premises or in the residence, it leads to a further challenge for the parents. It can work both ways.

We know there is certainly a disadvantage for women in our society right now. It certainly is not reflected in any of the statistics. I think we need to be very careful about that. We need to identify that as something to tackle in this proposed legislation when the witnesses come forward.

● (1735)

Miss Deborah Grey (Edmonton North, Canadian Alliance): Madam Speaker, I too am pleased to rise on this debate. I certainly want to express concern that after all these years and all the opportunities the government has had to get it right, it has missed so much of the fundamental importance of what the bill actually could have done for families in the country.

My friend who spoke just a few minutes ago talked about being a child of divorced parents. He seemed to be lecturing the Alliance on what it was like to come from a divorced home. I do not know whether he would find this as a surprise or not but even some of us in the Alliance come from divorced families.

I can tell just by looking at him that I have a few years on him but when my parents were divorced in Vancouver in the very early 1960s, there were precious few community programs. When he talked about being the child of divorced parents and how there were great community supports, that is terrific too, but in the early 1960s there were precious few community supports.

There are church groups, community groups, Alcoholics Anonymous and Al-Anon which are very important groups. It may be a surprise to him to know that even some of them do not get government funding, yet they do tremendous work. I know that in our family we really appreciated that.

The member talked about both parents working these days. The answer to that is, no wonder because taxes are so high. Many of us know families where it is essential for both parents to work because taxes are so high. It seems there is such a social stigma attached to both parents working that if they do want to try to get by on one income, it makes it very difficult for them because things are expensive and people want to have as many things as possible.

The most frustrating part about the bill is it does not include shared parenting. When the crew travelled around the country, and Madam Speaker, you know about that all too well, they heard any number of presentations from parents who were having their maintenance enforcement enacted but it was tied to access to their kids. I think shared parenting came up a great deal. They saw many men in lots of instances—generally the custodial parent is the woman; that is not always the case but I think in large measure it is—where if they did not do this, they would not have access to their kids and the pain that is attached to that is unbelievable.

We heard real life stories. It is so easy to talk in here about numbers and statistics and all that but we saw the names and faces of real people who came to the hearings across the country. I attended the one in Edmonton. I did not go all over the country on the hearings but I think there were many similarities.

Men often were not allowed to see their kids. When one spouse, the custodial parent, is able to use that as a tool, that seems certainly unhealthy at best and vindictive at worst. It uses the kids as pawns. Surely all of us would agree that is not the best way.

Members of Parliament spoke today saying that they have had access to their kids, that they have been very blessed by that and very grateful. I had some access with my father in the 1960s when my parents split up but my dad is an alcoholic. We have worked on that publicly together. My father Mansell is sober now. We have tried to work hard and make sure that we always talk about drinking and driving and how important it is for people to go after sobriety and to work with Alcoholics Anonymous.

I am really proud of my dad. I am grateful to God for my dad who has been sober for several years now. We are glad to "have him back" because there were too many years when we were growing up and when his grandkids were growing up that he just was not able to see much of it.

We can think about how important it is for kids and the non-custodial parent to spend time together. In our situation many times it was physically dangerous because if my dad was drinking, obviously we did not want to be out in the car with him. We were taught from a very young age that if my dad picked us up and took us to Stanley Park or wherever, although we enjoyed seeing him, we knew that we had 10¢ or 25¢ in our pocket to get on a bus to go home. We were trained to be wise enough that if we were in a dangerous situation, to get the heck out of it.

● (1740)

As I think back on my years as a child of a broken home, I am concerned and somewhat knowledgeable about how painful it is and how difficult it would have been for me not to see my dad even though we had all kinds of problems.

Divorce happens and it happens all too much in our generation. At the same time, I do not know how anyone on the government side could think that parenting ends or, unless of course there is serious alcoholism or abuse issues or whatever, that it is wise that someone cannot see their kids.

There is this glaring omission in these proposed reforms which the minister says are going to be absolutely terrific and will make everybody's family life happy even though it has been very difficult. I know kids are resilient but at the same time there is no provision for a shared parenting role. How is that going to solve the problem?

We are just going to keep the wrangle going and Madam Speaker, you may be unlucky enough to be put on another committee that will traipse all over God's half acre. You would say no way, José, and who could blame you? Surely enough has been done here that we could say we figured out what people had to say and we should reflect that in the legislation.

There are families that break down by divorce and there are parents who have dysfunctional relationships with their kids because the kids do not have opportunities to see their parents. We see dreadful situations all too often when kids or the non-custodial parent take a very difficult way out, some by suicide, some with mental illness, some who just give up on it and say forget it.

Surely we need to do better than that. That is one thing the government could certainly do to make it strong.

● (1745)

The Acting Speaker (Ms. Bakopanos): The hon. member will have another 12 minutes and 42 seconds when we resume debate on the bill.

[*Translation*]

It being 5:45 p.m., the House will now proceed to the consideration of private members' business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[*Translation*]

ANTIPOVERTY ACT

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ) moved that Bill C-228, Antipoverty Act be read the second time and referred to a committee.

He said: Madam Speaker, in the history of the Bloc Quebecois, the issue of poverty and social marginalization has always been a major one, as shown by the work done by the hon. member for Québec and our long time employment insurance critic, the hon. member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques. We have always been concerned about how, from a legislative point of view, we could be sure of being able to make a contribution to improving the situation of the least advantaged members of society.

I first introduced the bill we are discussing today back in 1995. If I remember correctly, the parliamentary secretary was not in the House at that time. The bill, a little like yourself, Madam Speaker, has aged very well and it remains extremely pertinent to this day.

In 2000, when the women's march was held in Quebec—that extremely well publicized popular event with its theme of "Bread and roses"—the Quebec human rights commission issued a public policy statement to the effect that poverty was still the most important problem of present day Quebec. I think that in 2003 that statement continues to hold just as true.

The National Council of Welfare, an advisory body which advises the Minister of Human Resource Development, has said that in 1999-2000, that is the latest year for which there are statistics available, 4,900,000 people in Canada were considered poor. There being no official poverty index in Canada, low income level is used. The yardstick set by Statistics Canada is that people are considered poor if they spend more than 20% of their income on vital necessities, that is clothing, housing and food. Concretely, this means that for the year 1999-2000, a person who spent 55% of his income on essential goods was considered poor.

My bill now before the House is very reasonable. It does not have nearly the same scope as the legislation that was introduced by the Government of Quebec in the National Assembly and passed last June. As members will remember, the Government of Quebec chose to invest $1.34 billion in the fight against poverty and social exclusion over the next three years. It is so important—and the member for Québec, who has always been supportive in this fight, will agree with me—that the bill was considered a rather unique piece of legislation, one of the most forward-looking in North America. Of course, that does not come as a surprise for those who know the Parti Quebecois. Its roots and its commitment to social democratic values have always been quite strong.

My bill therefore should be unanimously passed in this House since it is a reasonable piece of legislation that will not require additional resources from the Treasury Board or the government. Rather, it relies on a tool that already exists, namely the Canadian Human Rights Act. Not the charter. As we all know, the Canadian Charter of Rights and Freedoms can only be revisited through constitutional negotiations. Bloc members certainly do not want to go that route.

The Canadian Human Rights Act was passed in 1977. It provides guarantees to all those using services under federal jurisdictional, such as chartered banks as well as transportation and communications services, so that they can have redress if they are being discriminated against because of their sexual orientation, conviction for an offence for which a pardon has beengranted, and so on. There are 12 prohibited grounds of discrimination, but social condition is not one of them.

● (1750)

Social condition is important because eight provinces have added this prohibited ground of discrimination to their Human Rights Code.

Therefore, the purpose of my bill is to add this to the list of prohibited grounds of discrimination, as eight provinces have already done. It is extremely important because, if social condition had existed as a prohibited ground, some of our fellow citizens would have had recourse in many specific circumstances.

For example, you will recall the amendments to the Employment Insurance Act, when Lloyd Axworthy was the minister responsible for that legislation. A perfect epitome of the left side of the Liberal Party when he was an opposition member, he introduced one of the most reactionary, discriminatory and unacceptable bills, one that brought us light years away from the just society Pierre Elliott Trudeau had hoped for.

If social condition were already a prohibited ground of discrimination, one significant measure that we could take, for example, is to help a young person, a labour force entrant, who wants to qualify for employment insurance for the first time and who has to accumulate 910 hours of insurable employment. For all intents and purposes, it is almost impossible for a new entrant, a young person working for the first time, to be eligible for employment insurance.

Several legal experts and analysts have said that if the Canadian Human Rights Act had included social condition as a prohibited ground, as defined by the courts, including the Court of Appeal of Quebec, it would have provided an extremely useful recourse for these people.

Obviously, receiving employment insurance sets one very much apart. To say that a particular group can or cannot qualify for employment insurance is discriminatory.

Employment insurance would also help those who cannot open a bank account or receive services from financial institutions, especially chartered banks. In the 1960s, there were twenty chartered banks operating in the riding of Hochelaga—Maisonneuve; today there are only four.

We are familiar with the discrimination and lack of sensitivity. Banks want to focus on business clients, small to medium-sized business and even large business clients. Often, they are not attuned to the need for microlending.

It is inconceivable that in a society as rich as Canada and Quebec, people who want to access microfinancing should have a really hard time. It is certainly not the attitude of charter banks as we know them that will solve the problem.

What is suggested in my private member's bill is a mechanism similar to something that exists in France. The Canadian Human Rights Commission is not a partisan organization. Its role is to investigate and mediate, and it can call for a human rights tribunal as it deems appropriate.

The Canadian Human Rights Commission, with its chief and deputy chief commissioners and its other full time and part time commissioners, would be mandated by the House to examine all the bills introduced by the Crown, that is members of the cabinet, and advise on their impact on poverty.

Therein lies the paradox on poverty. When the Senate set up an inquiry in the 1970s, poverty was associated with aging. Nowadays, in the years 2000, 2001, and 2002, we have to recognize that many people on the labour market live in poverty.

The most incredible part is that the legislator, Parliament, can pass legislation that could have a terrible impact on disposable income.

● (1755)

Of course, the issue of employment insurance is a concrete example. The issue of charter banks and the openness that we showed toward foreign banks is another example. There is the whole review of the Immigration Act, where the government increasingly wants an immigration based on economic reasons, at the expense of one based on humanitarian grounds.

I hope that the Minister of Foreign Affairs will deal with this issue. He is associated with the left wing of the Liberal Party, the militant left wing, the "Trudeau" left wing, the just society left wing, but I sense that he is being increasingly assimilated by the system. Still, I know that when we make representations to him, he can sometimes show some sensitivity at the last moment.

Having said this, when the Canadian Human Rights Commission receives the mandate to do so, it will have to take a prospective look at each of these bills. Then, when the Minister of Justice tables a report, this House will have some benchmarks, some reference points.

In the mid-nineties, I was a member of this House. Think of how different the situation could have been if the Canadian Human Rights Commission had had the necessary expertise when we debated the Employment Insurance Act.

Of course, some people were pleased because it was said that the Canada assistance plan would be amended and there would be a little more leeway regarding employability measures. However, in hindsight, we realize that the employment insurance program was an act that already offered very broad coverage. There have been years where 80% of those who were part of the workforce could take advantage of that legislation.

Today, I was looking at the figures—I was actually discussing them with the member next to me, the hon. member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques—and there are only 3 out of 10 people in the workforce who qualify for employment insurance.

The notion of insurance, the protective role that the employment insurance program was meant to play has been completely eliminated, despite the fact that the Canadian government, in its budget revenues, in its own revenues, is helping itself to the employment insurance fund without investing one single penny in the program.

Canada is one of the few industrialized countries in which the government does not contribute to the funding, to the operations of the employment insurance fund, but sets, through regulations, the contributions that employers and employees have to make, again even though it does not contribute one single penny.

I have received some extremely important support for this bill and was pleased to get it. This morning I received a letter from the Canadian Conference of Bishops, and I have the support of the CSN, the Fédération des femmes and literacy advocates.

Once again, this is a reasonable bill. It will make it possible to take one more step, to mandate the Canadian Human Rights Commission, and one of its extremely important aspects is that it calls for a statutory debate of six hours on poverty issues.

Words will not be enough. This government is particularly cowardly and insensitive as far as poverty is concerned. When we did last have a debate on this issue in Parliament? Every time it can, the government sidesteps its responsibility.

We are certainly not in a position to compare the extraordinary record of the Parti Quebecois as far as poverty is concerned. I looked at its record and at all the measures that have been adopted in Quebec. It is pretty unbelievable: $1.37 billion for 6 million people. There have been some really concrete measures, such as $500 million put into social housing.

We are aware of the correlation that exists between low rental housing and the ability to cope with poverty. The record here is pretty impressive, with concrete measures and very specific objectives: 40,000 new units or renovations.

In this regard, there are certain communities where construction is not the answer. Hochelaga—Maisonneuve, for example, has virtually no vacant land, so this is a place for renovation of the existing housing stock.

● (1800)

There are plans for the construction or renovation of 40,000 housing units. Then there is the annual indexing of social assistance, abolition of the penalty for shared accommodation, and abolition of the housing test.

Perhaps the members for English Canada are less aware of this, but in Quebec we have had the collective for the elimination—

The Acting Speaker (Ms. Bakopanos): I am sorry to interrupt the member for Hochelaga—Maisonneuve, but he will have five minutes left at the expiry of the time provided for the debate.

[*English*]

Mr. Peter Adams: Madam Speaker, I rise on a point of order to seek unanimous consent to return to presenting reports from committees in order to present a report of the Standing Committee on Procedure and House Affairs with respect to the membership and associate membership of committees. I have been requested to do this today by members of the opposition.

Madam Speaker, I am in your hands because I know it is a two stage process. I have to table the report and then normally I would move concurrence in it. I would be glad to operate as you instruct.

The Acting Speaker (Ms. Bakopanos): It is more than a two step process. Does the House give its consent to revert to presenting reports from committee?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, I am pleased to have the opportunity to speak to Bill C-228 introduced by the hon. member for Hochelaga—Maisonneuve. The bill touches on important issues of concern to all Canadians and I welcome the chance to address them.

The bill, entitled the antipoverty act, is actually a proposed amendment to our Canadian Human Rights Act. As can be seen, these proposed changes are significant.

First, it would add social condition as a prohibited ground of discrimination. Second, it would explicitly make it a discriminatory practice for banks to refuse to provide service to individuals by reason only of their low income. Third, the hon. member's bill would require the Canadian Human Rights Commission to review every bill introduced in or presented to the House of Commons by a minister of the crown to determine whether it would likely result in a discriminatory practice. The commission's findings would be tabled in both houses.

Last, the bill would have the commission prepare an annual report on poverty in Canada in which it would establish the required annual expenditure to end poverty. This report would also be tabled before both houses and the bill would compel the House of Commons to debate its contents.

Before turning to the specifics of the bill and why I cannot support it, I would first like to take a moment to comment on its objective. Clearly, it is motivated by the desire to alleviate the serious problem of poverty in Canada. With this objective, the Government of Canada has already demonstrated its full agreement.

Poverty continues to prevent some individuals from realizing their full potential as equal members of our society with a right to equal opportunity and equal participation. Addressing the problem of poverty needs to be a priority for all levels of government, federal, provincial and municipal. Unfortunately, despite numerous governmental policies and programs implemented to address this concern, poverty persists.

Federal efforts have included such measures as employment insurance, increased tax credits and national labour and housing strategy. Provincial and municipal governments have also been active in developing and implementing policies and programs aimed at eradicating poverty.

Nevertheless, more remains to be done. As a result, the government has recently reaffirmed its commitment to strengthen the social safety net and to work to eradicate poverty through a number of innovative initiatives. To name one such initiative in particular, the national child benefit is helping children and families break out of that cycle of poverty.

The government promised in the Speech from the Throne to increase the national child benefit, one of the most effective programs we have seen to date for assisting poor families to get on their feet. In addition, specific measures tailored to the needs of low income families caring for children with severe disabilities are being developed. Strides are also being made with respect to improving the educational needs and outcomes of first nations children.

It is true that poverty and the lack of social support have kept some members of our Canadian community from maximizing their individual potential, which is not acceptable in a free and democratic society. Without a doubt, our work is aimed at eradicating the root causes of poverty by ameliorating disadvantage and improving opportunities at any early age. Experience has taught us that band-aid solutions will not work. Our energies and resources must be targeted at those measures that will be the most effective and successful in breaking down systemic barriers to participation and interrupting vicious cycles of poverty faced by some of our citizens.

It is because of the government's commitment to effective, responsive and respectful anti-poverty policies that I cannot support the bill of the hon. member. Poverty alleviation and improved protection from discrimination are fundamental matters that require a more thorough and considered response than that offered in this bill.

● (1805)

This piecemeal approach is reflected on three levels.

First, the inclusion of social condition as a prohibited ground of discrimination without further statutory definition or guidance could have undesired and even unforeseen consequences for the interpretation and administration of our Human Rights Act. For example, if no constraints are imposed, an undefined ground of social condition could conceivably be used to challenge our progressive system of taxation. Rather than protecting the disadvantaged, the CHRA could be used as an instrument of profit by the most advantaged in our society. This is an unacceptable risk.

This is why the Department of Justice is currently conducting a comprehensive review of the CHRA. We are considering structural and procedural improvements for examining the possibility of expanding the scope of protections to include new prohibited grounds of discrimination, one of which is social condition.

We are learning from the experiences of our provincial and territorial counterparts, such as Quebec and the Northwest Territories, that have included social condition and we are determining whether those experiences are appropriately transferrable to the federal arena. Protection from discrimination on the basis of social condition is an important and complex issue that merits dedicated analysis rather than hasty inclusion or a piecemeal approach.

Second, other portions of Bill C-228 are similarly ill-advised as an effective strategy for addressing poverty. Burdening the Canadian Human Rights Commission with the task of reviewing every piece of government legislation and calculating the cost of eradicating poverty on an annual basis would, to say the least, be a substantial extension of its current mandate.

The time, effort and resources that would be required to fulfill these duties would overshadow and overwhelm the central and vital work of that commission as an anti-discrimination agency which assists victims of discrimination with their claims for equality. Not only would these amendments have serious financial and administrative cost consequences for the commission, but the duties to advise Parliament on the costs of poverty and to assess all potential legislation would be decidedly outside the expertise and perhaps outside its statutory competence.

Third, there is also the question of how the bill restricts the operation of Parliament and the discretion of ministers. The government of the nation requires flexibility and autonomy in setting its own agenda to respond to the needs and demands of Canadians promptly and effectively.

This system has worked well. Canadians have let us know what poverty concerns they have and the government has responded in the House through legislation and administrative programs. The government has already moved far beyond with concrete action plans and systemic solutions to break the vicious poverty cycle.

There is no question that the government supports the effective alleviation of poverty. This is clearly demonstrated by our social programs and our social and economic support systems. A comprehensive review of the CHRA is already underway, as I mentioned, which is considering the issue of social condition in its full context. What cannot be supported, however, are cumbersome tasks for our human rights agencies, the inefficient and inappropriate use of administrative resources and the restriction of House operations.

For these reasons, the government cannot support Bill C-228.

● (1810)

Mr. Peter Adams: Madam Speaker, I rise on a point of order. I rise again to seek unanimous consent to present a report concerning the membership and associate membership for some committees.

The Acting Speaker (Ms. Bakopanos): Does the House give its consent to the tabling of the report?

Some hon. members: Agreed.

ROUTINE PROCEEDINGS

[*English*]

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Peter Adams (Peterborough, Lib.): Madam Speaker, I have the honour to present the 17th report of the Standing Committee on Procedure and House Affairs regarding the membership and associate membership of committees of the House, and I should like to move concurrence at this time.

The Acting Speaker (Ms. Bakopanos): Does the hon. member have the consent of the House to present the motion?

Some hon. members: Agreed.

(Motion agreed to)

PRIVATE MEMBERS' BUSINESS

[*English*]

ANTIPOVERTY ACT

The House resumed consideration of the motion that Bill C-228, Antipoverty Act, be read the second time and referred to a committee.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance): Madam Speaker, it is a pleasure to talk on this topic of poverty. The government adheres to a socialist, archaic method of dealing with the issue of poverty that has proven to be an abysmal failure. If we are truly going to deal with poverty, there are a number of constructive solutions that have worked internationally to elevate those people who are in the lower socio-economic groups while not harming anybody else.

Traditionally this and previous governments have adhered to a socialist economic platform, that is, they have adhered to the notion that we must raise taxes and redistribute those moneys from the haves to the have nots. At a certain level that is appealing, but in effect what it actually does is retard and harm the ability of an economy to provide jobs and indeed to provide the investment in our social programs that we require to help those who simply cannot help themselves, the mark of a humane society.

We see this in Atlantic Canada, for example, where fiscal federalism, handouts from so-called have to have not provinces, have not had the effect that we would like. In actuality, they have hamstrung and retarded the ability of the competent, dynamic people of the Atlantic provinces to improve their economic situation. That is a fundamental difference between the Liberal government and the Canadian Alliance in how we would deal with poverty.

Our country has indeed the highest personal income taxes of any G-7 nation. When we look at the OECD countries, we see that we fit in at about the middle. This is a significant hindrance, because as I mentioned before it actually impairs the ability of the private sector, which is, as the former finance minister said, the prime generator of jobs in Canada, from being able to provide those jobs. It creates a brain drain to areas of lower taxes, lower regulations and lower restrictions on the ability of the private sector to provide those jobs and expand.

In the end, what would we propose in order to alleviate poverty in Canada and provide the resources for the social programs we have come to enjoy? I would propose the following.

First, nobody in the country who is making less than $20,000 a year should be paying personal income taxes. One cannot live on $20,000 a year, so why is the government taxing people who make less than that? The most important thing that the government can do for those in the lower socio-economic groups is abolish all personal income taxes for those making less than $20,000 a year.

Second, we need to flatten and simplify the tax structure. In our country today it is so difficult to do our taxes that most people require an accountant. Therefore I would suggest that there be two tax structures: one between $20,001 and $60,000, and one for those who make above $60,000 a year, lowering the tax structure for both those areas.

Third, the elimination of capital gains taxes would add a significant impetus to investment and research and development in our country.

Fourth, we should elevate the amount that people can put away in RRSPs and also increase the foreign ownership content.

Fifth, we should allow people to work. We are going to see in the changing demographic that we have in our country a very large bubble of baby boomers who are going to retire. The pension structure we have right now is not going to be sufficient to provide for those people, and many of those people have not saved up enough or invested well enough to be able to provide for themselves. We have to enable those people to work. What we should do is eliminate the mandatory retirement age of 65 and enable people between the ages of 65 and 70 to have a graded ability to accept their CPP while being able to earn money. That would take the pressure off the CPP while enabling individuals to work and to make an input into our economy.

We know that in the future with our changing demographics fewer people will be working and therefore fewer people will be paying taxes into the social programs we require. This contraction of the workforce in one area and the expansion of the retirement age will put an unsustainable amount of pressure on our social programs. The way to alleviate that is to abolish that retirement age of 65, enable people to work beyond that, keep the money they earn, and actually also earn a percentage but not a complete amount of the CPP.

● (1815)

Furthermore, with regard to the OAS and GIS, we can ensure that people who make less than $60,000 a year will receive that but those who make above that amount will not. This is to ensure that OAS and GIS will be there for those individuals at their retirement age.

We have to invest in education. Professional faculties are becoming the purview of the rich. There is no way that I could afford to go to medical school now on the income I had, even with working every summer. It is not possible. The professional faculties such as medicine and dentistry are becoming the purview of the rich. Individuals can go to these faculties if their families have enough money, but if they do not, they cannot attend even though they might be qualified. Our education system must be available for those individuals who have the competence to be accepted into those faculties.

We could adopt what I call an income contingent loan replacement fund. It would enable people to receive government loans and pay back those loans based on the amount of money they earn when they retire. Back in 1994 the former leader of the Reform Party also proposed this idea.

People should have greater labour mobility in Canada. The provincial barriers are a significant hindrance to labour mobility.

We should also encourage research and development. Lowering taxes would enable the private sector to invest in research and development. In so doing, Canada would regain its rightful place as the engine of growth and innovation.

Governments have to become much more efficient. We in the Canadian Alliance have always said that we want a smaller, more efficient government. Some people think we just want to slash and burn but that is not true. We want a government that states its objectives clearly, that measures those objectives and is transparent about them.

Too often ministries do not have specific measurable objectives. They do not state their objectives clearly, they do not measure them and we do not know what the outcome is. There is no transparency in government spending. If we had that we would have a more efficient government. The taxpayers' money would be better spent and we would be better stewards of that responsibility.

The mark of a humane society is to enable individuals to work, to thrive and to be the best that they can be. On the other hand, thankfully in our country as a mark of a humane society, we have social programs to take care of those who cannot take care of themselves.

As the system is now, those in the private sector who are generators of our economy are being penalized and are being driven out of Canada. The poor are also being hurt because the prime generators of jobs have been squeezed out. The ability to generate jobs is being contracted which prevents people from getting jobs.

Because of the relatively high taxes, we are harming the ability to provide money for our social programs, for example, health care. Back in the early 1990s then Prime Minister Mulroney for one brief moment in time actually lowered taxes. His government found that because of the expansion of the economy, more tax money was going into the public coffers. There was more money for health care, education, and pensions. The bottom line was to take care of those who could not take care of themselves.

If we reversed that, those who adhere to the notion that raising taxes will somehow enable us to redistribute income to the have-nots would find that it actually impedes the have-nots from getting a job and getting the social programs they require. Social economics is voodoo economics. It has never worked. One only needs to look at what happened in northern Europe.

A job is the best social program anyone could ever have. We want to provide for those social programs. We want to enable people to work. We want to enable Canadians to be the best that they can be and provide for those who cannot provide for themselves.

● (1820)

Ms. Libby Davies (Vancouver East, NDP): Madam Speaker, I congratulate my hon. colleague from the Bloc, the member for Hochelaga—Maisonneuve, for introducing Bill C-228. It is a fine and excellent bill and something that is long overdue. It is an important piece of legislation and I am very glad we are debating it today.

We need an anti-poverty law. We need something to spell out clearly that targets need to be established to eliminate poverty. We need legislation reviewed through a poverty lens.

I strongly support the idea of adding social condition to the prohibited grounds of the Canadian Human Rights Act. In fact when I first came to Ottawa as an elected member, I too had a motion on social condition. If the member remembers, there was also a motion from the Senate that came forward but unfortunately it was defeated. I too had a motion to set targets to eliminate poverty.

I was surprised to hear the Parliamentary Secretary to the Minister of Justice say that the government has broken the vicious cycle of poverty. If that is the case, I wonder why we are here today debating this bill.

If the truth be known, the gap between the rich and the poor in our country has actually increased. The number of people who are struggling below the poverty line is increasing as evidenced by a recent report from the Caledon Institute.

Even today in the *Toronto Star* there is an article about 300,000 Canadians, and I believe they are in Ontario, who because they are living on minimum wage and are living way below the poverty line, are struggling to make ends meet. There has not been an increase in the minimum wage in Ontario since 1995. All of these are indications of how difficult it is for millions of Canadians who live below the poverty line.

There has been a lot of work done by a lot of groups to really bring this issue forward. Using Quebec as a model, there has been some excellent work done by a coalition of groups that convinced the national assembly of Quebec to pass a unanimous anti-poverty bill, Bill 112. It is a fine example of what can be done when elected representatives work closely with community representatives to tackle the issue. I wish we could adopt the same kind of thing here.

In the last couple of years we have seen an important court case, the Gosselin case, that went all the way to the Supreme Court of Canada. It challenged the Charter of Rights and Freedoms and put forward the notion that social and economic rights need to be recognized in our country. They are recognized in international law, for example in the international covenant on social, economic and cultural rights to which Canada is a signatory, but unfortunately we are in violation of that covenant. We have even been criticized by the United Nations for the status of aboriginal people in our country, or the state of homelessness.

The Gosselin case, although it was not approved by the Supreme Court, did raise a very important debate in the country and that is we need to be upholding social and economic rights. We need to be upholding these international covenants. I would say the government, far from breaking the vicious cycle of poverty, has contributed to the social and economic environment that is driving more and more people into despair.

I heard the government member speak about the child tax benefit. Let us be realistic about this. Even the child tax benefit is not available to the poorest of the poor, that is, people who live on income assistance. Before the demise of the Canada assistance plan, which was before the Canada health and social transfer, at least there were some principles and rules about social expenditures and social rights. That was abandoned long ago by the Liberal government.

One only has to look at my own province of British Columbia to see what is happening to poor people. There have been massive cuts in disability pensions and services to low income people.

● (1825)

Today I was reading an announcement about women's centres being cut. I had another motion in the House and I know that my colleague has had a bill on the whole question of the sex trade and prostitution as well. There is a correlation here because in my own community in east Vancouver, more and more women out of desperation are going to the streets and living off the avails of the sex trade. They are living so far below the poverty line that they are there out of economic desperation.

I raise this because it seems there is a very strong connection between a federal government that has abandoned this field and the need to have strong anti-poverty measures, setting targets, bringing in social condition as a prohibited grounds for discrimination, the child tax benefit, the lack of a national housing program, not having any rules for the provinces to abide by. All of this is now having an impact. In provinces like B.C., Ontario, Alberta and elsewhere, the available resources for poor people and the income structure have been so fragmented and cut back it is leaving more and more people out in the cold. More and more families and children are struggling to live in an environment where they have no support.

Supposedly we had a goal of eliminating child poverty by the year 2000. It was a unanimous resolution in the House put forward by the former leader of the NDP, Ed Broadbent. It was an honourable goal and resolution. Not only did we fail to meet the target of eliminating child poverty by the year 2000, but the situation has actually deteriorated. I would say it has deteriorated because we have not seen the kind of resources and attention that is needed from the federal government. As a result the provinces have cut back on welfare and have introduced things like workfare programs. As a result we see more and more discrimination against poor people.

For all of those reasons, this bill is very important. We never really debate in the House what is a national disgrace which is poverty in a country as wealthy as Canada. We can set targets to eliminate poverty. The Liberal government is very proud of what it did with the deficit. The finance minister set targets to eliminate the deficit. Why are we not able to do the same thing when it comes to our social deficit? Why are we not able to say that this is a political priority?

I encourage members of the House to consider the bill as a step in the right direction to establish an anti-poverty agenda which I think would have broad support. I congratulate the member and say to him that we in the NDP support the objectives and the measures that are contained in the bill. We are very disappointed that the government has not seen fit to support it. At least it was a place to start. At least it was a place to say that social condition is an important factor in preventing discrimination against poor people. Setting targets is a place to begin.

We will continue to support these kinds of measures. We will continue to advocate for them. We will continue to hold the government to account for its dismal failure and its record of abandoning low income and poor people in this country.

● (1830)

Mr. Norman Doyle (St. John's East, PC): Madam Speaker, I am very pleased to have a few words to say on the bill. As well, I want to congratulate the hon. member who initiated the bill. It is a very good bill and one which we can support.

Let me say at the outset that I would support very strongly adding the phrase "social condition" to the list of prohibited grounds for discrimination.

It is difficult to believe that or understand why the government is not supporting the bill. Given the facts that there are problems associated with poverty, that poverty is rampant in this country and that the government has contributed more to the problems of low income people in the country than it has created solutions, it is difficult to understand why the government would not be supporting the bill.

The hon. member says that the government has broken the cycle of poverty. My initial reaction would be to say, how dare he say that the government has broken the cycle of poverty given the fact that people are lining up at food banks in ever increasing numbers across the country. Either the member is living in a fool's paradise or he is engaging in wishful thinking. Either way, it is a dangerous attitude that he is displaying.

The bill would amend the Canadian Human Rights Act by adding "social condition" to the list of prohibited grounds of discrimination. It would make refusal by a financial institution to provide banking services to an individual by reason of the individual's low income a discriminatory practice. That sounds very reasonable to me and it is something that we could support.

The bill also would require the Canadian Human Rights Commission to review any bill introduced or presented in the House of Commons by a minister of the Crown to ascertain whether any of the provisions are likely to result in a discriminatory practice prohibited under the act.

It would also require the Canadian Human Rights Commission to submit an annual report to the Minister of Justice on poverty in Canada and on the amounts that should be expended annually to end poverty. This can only be a very good thing that we review every single year the amounts of money that are expended on trying to end poverty in the country.

The thrust of the bill is one of equality. It seeks to achieve equality for those less fortunate through the addition of the phrase "social condition" in section 2 of the Canadian Human Rights Act. Specifically, the aim of the bill is to stop the discriminatory practice of financial institutions which refuse to offer banking services to individuals with low incomes.

It is hard to believe that this could actually be occurring in this day and age. This is 21st century banking. The poor and the low income again are being done a very grave injustice, and this time by our banking institutions, our financial institutions.

Clause 3 amends section 10 of the act by adding proposed subsection 10.1(1), which reads:

> It is a discriminatory practice for a financial institution offering a banking service to refuse to provide the banking service to an individual by reason only of the individual's low income.

Statistics have shown there is an ever increasing gap between the rich and the poor, and the idea that someone would face discrimination based on wealth is abhorrent. The larger issue surrounding the bill has to do with poverty and questions about how government can work collectively to alleviate that kind of disparity.

● (1835)

Accountability is also central to the bill. Clause 4 amends section 61 by adding a stipulation in proposed section 61.01 that the commission be required to review any bills introduced to ascertain whether or not any of the provisions would be likely to result in a discriminatory practice. That would be a step in the right direction as well. It is something that we could support.

The review in terms of discrimination is very important. I would suggest that all bills which come here be examined in that vein. As the primary legislators in the country, it behooves us all to take seriously bills which affect Canadian individuals. The toughest of scrutiny must always be exercised when examining bills that affect people. The far-reaching impact of government cannot be underestimated. The amendment also makes mandatory the requirement that the minister issue a report on the findings of the commission and that a copy of the report be tabled "before each House of Parliament on any of the first two days in which the House is sitting after the Minister receives the report".

With all of the inherent problems that this administration has had in terms of accountability, this is an amendment that possibly could be put in all legislation coming from the government side. We need only look at the Liberal legacy, with billions lost in HRDC, dramatic cuts to health care, an underfunded military and hundreds of millions of dollars wasted on a long gun registry that does not save lives. It is always necessary to be vigilant when government is introducing bills.

The bill also calls on the commission to prepare a yearly report detailing the status of poverty in Canada. The report would be submitted to the minister along with an estimated amount of money that should be expended annually to end poverty.

As the NDP member who spoke before me indicated, the House made a unanimous decision many years ago to end poverty. Back in 1990, I think it was said that child poverty would be ended by the year 2000. We see what has happened in these intervening years, when child poverty has increased and is on the rise and housing programs have been downgraded.

I was a part of a committee that went across the country, all the way from Newfoundland to British Columbia, hearing briefs on child poverty. Some of these briefs that were presented to us left one absolutely amazed at how people can get along on such a very small income or with such a small amount of money. It is no wonder that we have people using food banks across the country in ever increasing numbers. The hon. members opposite have the nerve to say that they have broken the cycle of poverty while on a daily basis children are going to school hungry.

It would indeed be a good idea to see a report given to the House each year on the estimated amount of money that should be expended annually to end poverty in the country.

I have no problem with the majority of this legislation. In fact, I believe we should be doing more.

● (1840)

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Madam Speaker, I would like to thank all of my colleagues who took part in the debate. I was rather surprised by the parliamentary secretary's statement, and I would like to remind him of a few things.

There is expertise and caselaw to be found in the various jurisdictions with regard to social condition. The parliamentary secretary implied that if we were to add social condition as a prohibited ground of discrimination under the Canadian Human Rights Act, it would force the government to grant a certain level of income. It would also prevent the government from having a targeted policy for a number of Canadians. I do not think this view stands up to scrutiny.

In 1977, I was still an child, or rather I was in my early teens. Jacques-Yvan Morin was a member of the National Assembly. He convinced the National Assembly. At that time, the debate was not centred on including social condition, but rather social origin as a prohibited ground of discrimination in the Quebec charter. Some were saying that social origin was too closely linked to the past whereas social condition concerned the present status of individuals.

There are no precedents and no court judgments relating to social condition or a similar ground. I said earlier that eight provinces had provisions comparable to social condition and to discrimination based on income or similar grounds. A court never said to a government, "You will have to provide a certain level of income because it relates to social condition".

A few weeks ago, I was reading the Gosselin case, where, on the basis of section 45 of the Quebec charter, the Supreme Court reiterated that the government has the right to have targeted policies and that this cannot be measured by the failure to or willingness not to discriminate. It is not a matter of income, it is a matter of legislative environment.

I want those who are listening to us to know just how cowardly the government is, just how irresponsible it is and just how much laxness there is, considering that Quebec has had this since 1977.

In 2000, the then Minister of Justice, who is currently the Minister of Health, had asked the former judge of the Supreme Court, Mr. Laforest, to chair a task force. He submitted a report in 2000, with 165 recommendations, including the inclusion of social condition. We know very well what social condition means.

My bill is hardly all-inclusive. My colleague, the member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, has introduced five bills on employment insurance. Other members of the Bloc Quebecois have also proposed measures. I do not claim that this bill will be the end of all debate or that it is all-inclusive. It is a path, a road to follow, but it is quite important and it will provide specific tools.

As for the need to review all bills with a poverty lens, that is happening in France. France is a comparable country.

I believe my time is running out. Madam Speaker, I know that there does exist a real spirit of cooperation in the House. I have been very tenacious with this bill: I have introduced it three times now. There is agreement among all parliamentarians that poverty is a concern and that this is an issue that cuts across all lines, rural and urban, men and women, seniors and youth. Poverty affects all of society and all parliamentarians must act, without regard to partisan politics, and you know how hard it is for me to be partisan.

With these concerns in mind and in a context where we want to review the rules of the House to give members of Parliament more say, perhaps you could ask if the House would give its consent to declare the bill votable, and follow the appropriate process and be referred to the Standing Committee on Human Resources Development and the Status of Persons with Disabilities.

● (1845)

The Acting Speaker (Ms. Bakopanos): Is there unanimous consent to make this bill votable?

Some hon. members: Agreed.

An hon. member: No.

The Acting Speaker (Ms. Bakopanos): The period provided for consideration of private members' business has now expired.

[*English*]

As the motion has not been designated a votable item, the order is dropped from the Order Paper.

ADJOURNMENT PROCEEDINGS

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

[*English*]

ABORIGINAL AFFAIRS

Mr. Andy Burton (Skeena, Canadian Alliance): Madam Speaker, back in December I asked the Minister of Indian Affairs and Northern Development a question relating to a specific Indian band regarding education funding and non-payment of bills.

I am not on a witch hunt, but this is a serious problem and it is not just localized. It is a problem right across the country. The crux of the matter is that Indian bands are allocated federal funds earmarked for education costs. School districts in my riding and other ridings are contracted to deliver education to these children. Education is provided by the bands. Some pay and some do not and this is what is creating the problem.

The federal minister has refused to make the Indian bands pay their debts. School districts as a consequence, some in my riding and some in other ridings, are owed millions as a result and have no recourse.

When the last master tuition agreement expired in 1992, school boards and bands were encouraged to enter into local education agreements under which bands would purchase services for their status, on-reserve students, using the federal grant provided for tuition.

At first the existence of such an agreement was a prerequisite to the band's receipt of federal funds. Later the federal government commenced direct funding under which a band could elect to receive tuition directly whether or not an LEA was in affect. Boards were expected to invoice such bands. Some paid and some did not. The receivables in some school districts grew and this of course was the crux of my question.

Boards were advised by the ministry to work on relationships and that eventually payment would come. They were informed that, "A recent judgment by the B.C. Supreme Court necessitates that DIAND take steps to ensure this funding is consistently directed to the purpose for which it was appropriated".

In a letter from the provincial minister to my school board regarding INAC funding, it states that, "INAC expects its school districts will invoice bands and that it is working with these first nations to resolve any unpaid tuition accounts and to ensure that payment to school districts continues". The letter goes on to say, "School districts are encouraged to bill the bands as soon as possible. The ministry is continuing to work with INAC regarding the funding of first nations students".

On March 1, 2002, Indian and Northern Affairs Canada wrote to all first nations in the B.C. region that for fiscal year 2003 a signed local education agreement outlining terms and schedules for tuition payment must be in place before the DIAND would be able to place provincial school tuition funding in first nations funding agreements.

Reference was made to this and I repeat, "A recent judgment by the B.C. Supreme Court necessitates that DIAND take steps to ensure this funding is consistently directed to the purpose for which it was appropriated". I feel that is the job of the minister to ensure that.

A letter from Kevin Langlands, B.C. special adviser to the minister, stated that, "Concerning tuition arrears, outstanding, up to and including March 31, 2002, I anticipate that this issue will be resolved by July 31, 2002".

The problem is far from resolved. Senior levels of government have a clear duty to make financially whole the school boards who have been providing educational services to these aboriginal students. School boards must not be left to borrow funds, incur interest costs, and spend scarce education dollars on legal fees chasing questionable legal remedies for non-payment and late payment of tuition fees.

If the federal government has made unconditional grants to bands and paid out money that it should have paid to the province and thus to the school boards, that is not the fault of the school board or of the students.

I wish to ask the minister, is the minister washing his hands of this type of debt?

● (1850)

Mr. Charles Hubbard (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Madam Speaker, it is important tonight to point out to the hon. member and to all members of the House that education is a very important part of the relationship that we have with first nations peoples.

In fact, over the last 20 year or more years we have worked with first nations groups to make sure that schools are available often on reserve but, above all, if schools are not available on reserves for the particular grades or groups, that arrangements are made between the first nations and the public school system of the province concerned through a local education agreement. With that, we are able to have good relationships between our Indian bands and the people in the public school systems.

I am a little bit concerned here. The hon. member has brought this twice to the House, last fall and again in January, and with it he seems to use a tone which says that the minister should force somebody to do something.

I would say that is very important, in terms of my own relationships with first nations peoples, that if there is a problem back in his riding, the hon. member should probably speak to the chief and council to see if some arrangements can be made to meet the obligations on both sides.

With regard to the problem in Prince Rupert, we must recognized that there is a difficulty in terms of the understanding of the gentlemen's agreement that was reached when that school was constructed in 1997. In terms of the band and council, they do not necessarily agree with the amount of money that was assessed to the band on the basis of those pupils attending that school.

I know we want to foster and promote good relationships and make sure that good arrangements are made, but the hon. member has already said that progress has been made in Prince Rupert with the district school board. With that I am hoping the hon. member will see progress being made in the weeks ahead and will be able to come back to the House and say to the minister that a successful arrangement was made in terms of the amount which was in dispute, hopefully, with both parties agreeing to an amount, and that an arrangement was being made to make those obligations to the district school board.

We are hoping for an arrangement. I hope the hon. member will give time to both groups and that the arrangement will be satisfactory to both parties.

Mr. Andy Burton: Madam Speaker, I appreciate the response but what I am trying to point out to the minister is that this goes far beyond any one situation. I think that is really the problem.

The initial situation is being resolved. I have spoken to the chief and the school board and we hope it will be resolved. My point is that I think there are some accountability issues here on the minister's part. He needs to be aware of these things. It is a problem across Canada. It is not localized. It is a huge issue.

Under the provincial school act, the school districts must provide the service. They must educate first nations people whether they are paid for it or not. Does the minister not agree that by abdicating his responsibility to ensure that funds transferred to a band be used for the express purpose for which they were transferred? I think that is the crux of the matter. What this is doing is putting a further burden on the taxpayers.

● (1855)

Mr. Charles Hubbard: Madam Speaker, we would like to admit that we in the department are aware of the problems in terms of moneys being paid to local and provincial school systems.

I want to say to the House tonight that we have never had an Indian band yet that did not meet its financial obligations. I know we do have certain situations where there are problem in terms of management and control. However we do have before the House Bill C-7, which talks about governance. It talks about assisting and working with first nations peoples to see that they meet their obligations.

I can assure the hon. member that certainly in the long run our Indian bands have not only met their obligations, but in terms of the province of British Columbia, interest is being added to those bills. In most cases, when satisfactory arrangements are completed, the obligations to our first nations peoples are met with the various people with whom they do business.

I hope all this will improve and we will see better education and more first nations people being well educated in their own schools and in the schools of our nation.

The Acting Speaker (Ms. Bakopanos): The motion to adjourn the House is now deemed to have been adopted.

[*Translation*]

Accordingly, this House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 6:56 p.m.)

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