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OFFICIAL REPORT
(HANSARD)

Tuesday, April 23, 2002

—

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, April 23, 2002

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

• (1000)

[English]

INTERPARLIAMENTARY DELEGATIONS

Mrs. Carolyn Parrish (Mississauga Centre, Lib.): Mr. Speaker, pursuant to Standing Order 34 I have the honour to present, in both official languages, the 13th report of the Canadian NATO Parliamentary Association, which represented Canada at the meeting of the subcommittee on future security and defence capabilities of the NATO parliamentary assembly held in Slovenia and Slovakia from March 5 to March 8, 2002.

* * *

• (1005)

COMMITTEES OF THE HOUSE

INDUSTRY, SCIENCE AND TECHNOLOGY

Mr. Walt Lastewka (St. Catharines, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the eighth report of the Standing Committee on Industry, Science and Technology entitled "A Plan to Modernize Canada's Competition Regime". The report makes 29 recommendations which, if implemented, would ensure that Canada's business sector is productive, innovative and competitive in the new global economy.

I wish to thank the witnesses, members and committee staff for their contributions. A government response is requested pursuant to Standing Order 109.

PROCEDURE AND HOUSE AFFAIRS

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I move:

That the membership of the Standing Committee on Procedure and House Affairs be modified as follows:

Dale Johnston for Richard Harris

John Reynolds for Randy White

and that the following members be added to the list of associate members of the Standing Committee on Procedure and House Affairs:

Richard Harris and Randy White

(Motion agreed to)

PETITIONS

FIREFIGHTERS

Mr. David Pratt (Nepean—Carleton, Lib.): Mr. Speaker, under Standing Order 36 I have the honour to present to the House a petition signed by over 820 Canadians calling on the federal government to support my private member's Bill C-419 or to introduce other similar legislation.

Bill C-419 would give greater protection to our firefighters by amending five sections of the criminal code and by creating two new criminal offences. As first line defenders and public safety officers our firefighters deserve the greatest level of protection we can afford them under our laws.

JUSTICE

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, Dana Fair was beaten to death by three men in Lloydminster. This was witnessed by several people in the city.

The undersigned petition that no bail be given to any accused murderers caught in the act of committing their crimes and only maximum sentences be given to those convicted under those circumstances. This is one in a series of petitions I have been presenting. I encourage the government to act on these petitions.

* * *

QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[English]

SUPPLY

ALLOTTED DAY—PROTECTION OF CHILDREN

Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance) moved:

Supply

That the government immediately introduce legislation to protect children from sexual predators including measures that raise the legal age of consent to at least sixteen, and measures that prohibit the creation or use of sexually explicit materials exploiting children or materials that appear to depict or describe children engaged in sexual activity.

He said: Mr. Speaker, it is an honour to rise today to speak to this most pressing of issues, the protection of Canadian children from sexual exploitation by adult predators.

Although I am honoured to be speaking to the motion, I am truly sad that it has to be so. It is no secret that Canada's low age of general sexual consent at 14, coupled with the government's failure to adequately protect children from sexual predators, has resulted in Canada potentially becoming a preferred destination for sexual predators to prey on innocent Canadian children.

The damage to children due to the proliferation of child pornography and the exploitation of young girls and boys through sexual abuse and prostitution has been incalculable. The need to protect innocent and vulnerable children from pimps and other sexual predators is a matter of highest priority.

The government now has a opportunity to send a direct and clear message to Canadians that it will no longer stand for the abuse of innocent children by sexual predators by voting in favour of our motion today.

Before I proceed with my comments, I want to make a couple of things abundantly clear. First, that the motion is not making criminals out of teens or those close in age who decide to engage in some kind of sexual activity. It is also not about lowering the age of consent in any of the cases where it is now 18. The current law governing the age of consent does not criminalize behaviour between teens who are close in age and we concur with this aspect of the current legislation.

We in the official opposition are calling on the government to raise the age of consent, which is set out in section 150.1 of the criminal code, from 14 to at least 16. There are many good arguments that it should actually be raised to the age of 18 across the board.

In addition, we are asking that the government strengthen the existing child pornography legislation by sending a clear message to Canadians that there is zero tolerance for sexual exploitation of children in our country. We are asking the government to place the protection of children above the rights of those who would exploit them through the creation of sexually explicit materials depicting children or materials that appear to depict or describe children engaged in sexual activity.

We on this side of the House echo the comments of the attorney general of Alberta who recently said:

Some argue that we must be careful not to restrict freedom of expression. I say that if there is any place that cries out for society to say no it is the area of child pornography.

We do not accept the concept that people should be free to defile children—either physically or in writing.

We do not accept the concept that there can be “artistic merit” in the victimization of children.

And we do not accept the concept that the intention of exciting or titillating a passion for that which is illegal, immoral, and in all fashion and form reprehensible to a civil society, is acceptable in any form. Even if it is based on the rather far fetched

notion that the creators of such offensive material will not share it with others and will keep it only for themselves.

We agree with the attorney general.

Before I continue I want to take this opportunity to thank the member for Pickering—Ajax—Uxbridge for his excellent work and recent initiative in addressing the protection of children from sexual exploitation.

I also want to make special mention of the work of my hon. colleague, the member for Calgary Northeast, who unfortunately cannot be here today to speak to the motion. He has worked long and hard on trying to raise the age of sexual consent and should be commended for doing so.

One of the things I want to do this morning is to emphasize the size of the problem because most people do not realize the size of the problem we are addressing in the motion today. I want to attempt to give people some idea of the magnitude of this terrible scourge on our children. If people have not seen the pictures or the broken lives it is impossible to comprehend the awfulness of this repugnant blight on society.

Let me try to illustrate it with some facts. Approximately 7,000 people were registered as members of the Candyman e-group, including 4,000 living outside the United States. I would presume that some of those 4,000 would be in Canada. This is the fact that caused the launch of Operation Candyman.

• (1010)

On Monday, March 18 of this year, 89 people were arrested in 26 states, including 27 who were charged with molesting children, after a nationwide sweep called Operation Candyman.

This helps to show that the use of the Internet to sell and trade child pornography has grown sharply in recent years.

In 2001 the FBI's crimes against children unit opened 1,541 cases against people suspected of using the Internet to commit crimes involving child pornography or abuse, compared to 113 cases in 1996. In 1995 the FBI had only 20 employees devoted to cases involving Internet crimes against children, compared to about 150 agents now. U.S. law enforcement officials and experts on pedophilia generally agree that there is a link between child pornography and sexual abuse of children.

On the Canadian scene, the child pornography unit of the Toronto police department reports that out of every 17 people arrested for possession of child pornography, 8 of them are guilty of sexual abuse of children. They say that 8 out of 17 arrested with child pornography were child molesters and child abusers. That was right here in Canada.

U.S. Attorney General Ashcroft said “Operation Candyman demonstrates our commitment to protecting our nation's children from sexual predators”. Just what is it that demonstrates our government's commitment to protecting children?

Supply

Stephen Whitelaw, a former Glasgow university lecturer and chief executive of Buchanan International, a Scottish security software company, developed a program to trace, log and map the dark side of the worldwide web. They were able to produce a unique profile of the web in all of its inglorious forms. They were able to register in forensic detail about 40 broad categories of undesirable activity, some of which were fraud, anarchism, virus creation, violence promotion and pornography.

Mr. Whitelaw found that more than 20,000 new hosts for pornographic sites were being created daily. The average site contained just 43 images but some sites had more than 100,000 images.

I want to give a few statistics that come from the child pornography unit of the Toronto police. Two thousand cases of child abuse are reported annually in Toronto and of those under 14 years of age, 70% were sexually assaulted. One case of child porn being investigated has yielded 400,000 pornographic images of children. Those 400,000 images have to be catalogued one by one and then presented to the defence one by one. Just cataloguing these images freezes the entire department for five to six months. Four hundred other known individuals need investigation and 160 are known to need to be arrested but it cannot be done because of the backlog of this one case. They have confiscated 750,000 child porn pictures since January 1 of this year. That is one unit in our country.

In August 2001, the *National Post* reported an RCMP investigation called Project Snowball. Two thousand Canadians who subscribed to explicit child pornographic websites were under investigation by the RCMP.

Police sources said that Project Snowball had identified 406 suspects in British Columbia, 232 in Alberta, 52 in Saskatchewan, 82 in Manitoba, 946 in Ontario, 436 in Quebec, 61 in Nova Scotia, 35 in New Brunswick, 8 in Newfoundland, 6 in Prince Edward Island, 20 in Northwest Territories and 4 in Yukon.

RCMP Sergeant Paul Marsh said "The protection of our youth in Canada is one of the RCMP's top priorities. It is a serious problem in that our youth is the most vulnerable to people with criminal intent".

●(1015)

I now want to spend some time talking about the damage sexual abuse causes to children. I want to share with the House some information that I received as a result of a request from Kathy Broady. Kathy is the clinical director of AbuseConsultants.com. She said:

Severe abuse leads to severe responses. Society can never ever underestimate the price children continue to pay for the rest of their lives after being victims of crimes like pedophilia, child pornography and prostitution.

What I am presenting is not a list of symptoms. This is a list that describes the daily existence of these children and adults. These are the facts of what their lives are like after being so severely abused. Put yourself in their shoes and imagine your life with a small handful of these complications everyday for a week...If only it was that easy for victims of severe sexual abuse. These issues are constant—daily, yearly, seemingly eternal—struggles for them.

Severe childhood sexual abuse literally steals a lifetime of productivity, happiness, fulfillment, and peace from its victims.

Children that have been sexually abused and sold into the sex slave industry experience the following negative impacts.

The list by category is long so I will only read the categories. From five to twelve items are listed under each category in the document. If members wish to view the document they can find it on the AbuseConsultants.com website. The categories are: fear, mistrust, ongoing violence and abuse, poor coping skills, self-destruction, suicide, addictions, mental health problems, no self-esteem, less education, destroyed careers, poor medical and therapeutic assistance, damaged relationships, sexual problems, lack of parenting skills, increased medical complications, detachment, poor self-care, mental torment, sleep complications and disorders, anger issues, and losses.

Under losses, she lists health, family, education, career, self-worth, years of time, personal integrity, financial independence, peace of mind, intellectual capability, spiritual security, emotional growth, the maximization of their potential, and the fulfillment of their dreams.

If we took the time to examine those problems we would understand the extreme damage this activity with our children brings about in their later life.

Let me read a part of a personal victim's statement that describes her ordeal in her own words. The statement reads:

I am doing this because of the importance of putting a face to all the victims of pornography. It is easy to forget that there are real children and adults behind the statistics and generic words that are used to describe the victims whose lives have been shattered by pornography.

I know this because when I was 4 years old until I was fifteen I was taken to people's houses as a child prostitute. Inside those homes I was shown newspaper type magazines filled with haunting pictures of children like me that looked drugged, dazed and lifeless. I still remember their faces today and wonder whatever became of them.

Pictures were also taken of me. I clearly remember standing cold and naked, exposed to all while someone would tell me how to pose. It was harder than the physical and sexual abuse because there wasn't any fighting or struggling to keep me distracted. I would try to go numb or disappear but no matter how hard I tried I couldn't. The pain that I felt and the shame was too strong for me to go numb. After it was over and I would go home I was always worried and scared where those pictures would wind up, and who would see me. I still have those same concerns at age thirty. Those pictures could be anywhere.

Today, I can't take a picture of my own children without feeling like I am doing something wrong. I cringe at the sight of someone approaching me at a gathering with a camera. If someone looks at me the wrong way or simply asks me to move my arm I instantly feel all the terrible feelings that I had back when I was a child. Nightmares and flashbacks still occupy my mind now 15 years later. I can feel as though it all happened again after having a night filled with nightmares. No matter how hard I try to get those experiences behind me they can come and take over my mind and make trying to enjoy anything in the present impossible.

There are a lot of things that go along with the picture-taking and posing. There is drug use so that a child is more cooperative and sexual abuse that can leave a child with emotional scars that may never heal. I have tried to look for more survivors of this abuse, and, to tell you the truth, they are hard to find.

Supply

• (1020)

It isn't that they don't exist. It is just that some have died, or are not mentally able to speak about their trauma, or sadly have turned to prostitution or drugs to hide from the pain. Just because they aren't able to talk about it doesn't mean that it doesn't exist. The problem is that it is such a horrible abuse that it destroys a person's life so strongly that it makes it almost impossible to talk about. The hardest part of having those experiences is having the knowledge that there are thousands of boys and girls who are now being robbed of the innocence and will walk around with the effects of their abuse for the rest of their lives.

That is a dramatic description from the life of one person. Let me read a brief excerpt from a mother and grandmother of children who were sexually abused. This is what she says:

What I can say without fear or favour is that our whole family has been systematically and wilfully torn apart and destroyed by these obscene perpetrator networks. In particular, by exposing my children and grandchildren to unspeakable abuses from early infancy, these criminal networks systematically and wilfully interfered with the normal and healthy development of their immature brains. In effect, as innocent infant-children they received a life sentence, without trial, without representation, and without parole.

Recent research has shown that this kind of abuse that we have been talking about actually impacts the development of a young child's brain. It is actually observable in physical form. These are the four abnormalities, as one researcher describes them, that are likely to be present in that person's brain: first, changes to the part of the brain that control emotions, usually affecting the left hemisphere of the brain and associated with more self-destructive behaviour and more aggression; second, deficient development of the left side of the brain, which may contribute to depression or impaired memory; third, impaired pathway integrating the two hemispheres, resulting in dramatic shifts in mood and personality, especially with boys who have suffered neglect and sexually abused girls; fourth, increased blood flow to the part of the brain that involves emotion, attention and the regulation of the limbic system, disrupting emotional balance.

In closing, I would like to urge the members of the House to set aside partisan politics and do what is right. The government now has the opportunity to send a direct and clear message to Canadians that it will no longer stand for the potential abuse of innocent 14 year old children by perverted 40 year olds who would take advantage of their innocence.

I would urge all hon. members of the House to be honest and ask themselves what kind of protection they want for their own children. Are we truly content with a law that allows our own 14 year olds to run away and have sex with a person of any age without being able to stop them?

As I mentioned at the outset, the motion is not about making criminals of those teens who are close in age who decide to engage in sexual activity. This is not the intent of the motion. The intent is to protect innocent children from exploitation by adult predators. I ask the hon. members across the way to listen to their own former Minister of Justice who, on October 3 of last year, told the justice committee:

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

That indeed is one of the intentions of the motion.

Finally, I ask all hon. members to listen to the public outcry begging for the gaping holes in the current child pornography

legislation to be filled. Let us send a clear message to all Canadian families that the House will no longer stand for the sexual exploitation of our most precious resource, our children. I would urge all hon. members to vote in favour of the motion today.

• (1025)

Mr. Brian Fitzpatrick (Prince Albert, Canadian Alliance): Mr. Speaker, I want to make some comments about age and then turn to a question. For young offenders the age is 18 years. In most provinces one has to be 16 to drive a vehicle. To gain employment and not violate labour laws, one has to be 16. Parents are required under the criminal code to provide the necessities to children under the age of 16. The right to vote is given at 18. In a marital breakdown, the non-custodial parent is required to provide support to the child and it extends well beyond the age of 14.

I am curious. I would like to address this question to the hon. member. What would motivate a federal government to reduce the age of sexual consent to 14 and deprive parents of the ability to protect their children from sexual exploitation in view of all these other requirements that the government has seen fit, in its wisdom, to impose, such as minimum ages and so on? They are much higher than this one. Why would a government see the necessity to lower the age for sexual consent to what I think is the extraordinarily low age of 14?

• (1030)

Mr. Larry Spencer: Mr. Speaker, there are a lot of people who have their own agendas. We are aware of some organizations that wish to lower the age of consent to as low as eight. How can we explain something like that?

We can explain it by saying that people are somewhat selfish. They have their own motives and their own answers. Why parliament would lower it to the age of 14 is beyond me. Why we would not want to raise it to 16 or 18 is beyond me. In this day of seeing the damage from this new wave of pornography that is so readily available and so often involves our own children, I would hope that we would take the responsible course and raise the age.

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I listened with interest to the hon. member's speech. I have a question. I would like him to clarify a little more, because I am left confused about what his party's position is on this motion in relation to the age of consent. We know that the age of consent for many things has been 14 since about 1890, but for exploitative relationships, cases where there is prostitution or child pornography or an adult is in a situation of trust or authority with a child, and it seems to me that covers most of the kinds of things we would be concerned about, the age is in fact 18.

My question is this: Is he saying that if two 15 year olds have consensual sex that is going to be a criminal offence? That is what I would like him to clarify. Is that what he wants? Does he want to make those people criminals? Is that what he is after here?

Mr. Larry Spencer: Mr. Speaker, obviously the answer is no. If he had listened carefully, he would have heard me say that several times in my speech. The answer is absolutely no. We are after a change in the laws that would prevent adult exploitation of children.

ROUTINE PROCEEDINGS

[English]

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I rise on a point of order. I would like to seek consent of the House to correct the motion I made earlier.

Notwithstanding the motion that I made earlier regarding membership in the Standing Committee on Procedure and House Affairs, the part concerning Dale Johnston should read:

Dale Johnston for Cheryl Gallant.

The part concerning associate membership of the committee should read:

...the following members be added to the list of associate members of the Standing Committee on Procedure and House Affairs:

Cheryl Gallant and Randy White.

The Deputy Speaker: Does the hon. member for Peterborough have the consent of the House to correct the motion?

Some hon. members: Agreed.

The Deputy Speaker: The House has heard the terms of the motion. Does the House agree?

Some hon. members: Agreed.

(Amendment agreed to)

GOVERNMENT ORDERS

[English]

SUPPLY

ALLOTTED DAY—PROTECTION OF CHILDREN

The House resumed consideration of the motion.

Mr. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I will be splitting my time with the Secretary of State for Children and Youth.

I am pleased to participate in this important debate. I welcome the opportunity to have this discussion to confirm the government's commitment to taking the necessary measures to safeguard our children. The government remains committed to strengthening the criminal law's protection of children from sexual exploitation and all forms of victimization.

Canadians agree that child pornography is one of the most horrible forms of child sexual exploitation. Parliament has ensured that Canada's laws against child pornography are among the toughest in

Supply

the world. Our law is very clear in prohibiting the creation of child pornography. The criminal code prohibits the making, printing, publishing or possessing for the purpose of publication any child pornography. Our laws strike at the heart of the trade in child pornography. The criminal code prohibits the importing, distributing, selling or possessing for the purpose of distribution any child pornography.

Let us be clear: our criminal code prohibits the possession of child pornography. The supreme court upheld criminalizing possession. One of the reasons parliament criminalized is that we must reduce the market for child pornography and consequently reduce the abuse of children that child pornography often entails.

Our law defines child pornography quite broadly. It is defined as a photographic, film, video or other visual representation that shows a person who is or is depicted as being under the age of 18 years and is engaged in or is depicted as engaged in explicit sexual activity. It does not matter whether or not it was made by electronic or mechanical means. Child pornography can be a photograph, a movie or a computer file. Our law ensures that it is all illegal.

Our law is not restricted to defining child pornography as depicting explicit sexual activity, as is proposed in the motion before us today. The law prohibits any visual representation, the dominant characteristic of which is the depiction for a sexual purpose of a sexual organ or the anal region of a person under the age of 18 years. In addition, the criminal code states that child pornography includes any written or visual representation that advocates or counsels sexual activity with a person under the age of 18 years. That would be an offence under the criminal code.

Our laws against child pornography are among the toughest in the world. The government is committed to being vigilant, both domestically and internationally. The nature of the computer networks and the child pornography rings through which this illicit material is traded crosses borders and requires international co-operation.

The G-8, for example, has consistently acknowledged the economic and social benefits arising from new technologies, but has also recognized that it must combat the use of such technologies for criminal purposes. Canada, along with its G-8 partners, has been active in countering the sexual exploitation of children on the Internet. Perhaps the most far-reaching international legislative initiative in this regard is the Council of Europe's cybercrime convention, which Canada signed in November 2001. The convention has now been signed by 33 countries, including all the members of the G-8 except Russia.

The cybercrime convention, which targets a broad range of computer related crime, addresses child pornography specifically in connection with computer systems and contains provisions to criminalize various aspects of the electronic production, possession and distribution of child pornography. The convention harmonizes laws to help shut down the international production and exchange of child pornography. We have not yet ratified the convention, but we can be proud that our existing law is already consistent with the child pornography provisions in the Council of Europe's cybercrime convention.

Supply

•(1035)

Our laws against child pornography are tough and have been upheld by the highest court in the land. The offence of possessing child pornography was challenged last year as being contrary to the freedom of expression and security of a person guaranteed by the charter.

On January 26 last year the Supreme Court of Canada upheld the constitutionality of the prohibition of the possession of child pornography. However the court decided that the guarantees protected by our constitution required the recognition of two exceptions where the prohibition's intrusion into free expression and privacy was most pronounced and its benefits most attenuated.

The first exception of excluded material consists of written materials or visual representations made and possessed by the accused for personal use. This exception refers to so-called works of imagination. We must keep in mind two things. First, there are no children involved in the production of these works. Second, although such works of the imagination can be possessed, they cannot be distributed, given away or traded in any manner.

The second exception consists of any visual recording made by the accused or in which the accused is shown provided that: the sexual activity is not unlawful; all parties consent to the making of the representation; and the representation is made exclusively for the person who made it or the person shown in it.

We must understand what this means as well. A person cannot have lawful sexual activity with children, so a person cannot create and possess images depicting such behaviour. The supreme court further stipulated that with respect to the narrow range of lawful sexual activity between 14 and 17 years of age, the individuals involved must consent to the visual recording and the resulting representations are excluded for their use. Although the individuals involved can possess the representations, they cannot give them away, trade them or distribute them.

The highest court in the land found a balance that was consistent with our charter of rights and freedoms. The supreme court upheld the law that parliament enacted. It is possible to amend the law but any changes have to be very carefully crafted to ensure that we prevent harm to children and also retain the constitutional protections that ensure we are free and democratic society.

The government has proposed amendments in Bill C-15A that succeed on both these fronts. Protecting children is a priority in Canada. We continue to fine tune our law to counter the new ways criminals exploit communications technologies to facilitate pedophile activities.

Bill C-15A will amend the criminal code to prohibit transmitting, making available, exporting and accessing child pornography. It will also prohibit possessing child pornography for the purpose of transmission, making available or exportation. These provisions will be particularly helpful in combating child pornography on computer systems, whether it is transmitted by e-mail or accessed through the Internet.

The passage of Bill C-15A should not be delayed any further. A commitment was made to speed the passage of these provisions

when Bill C-15 was split. It is now time to honour that commitment. Bill C-15A will provide new ways to strangle the trade in child pornography. It will make our law better so that parliament can fulfill its commitment to protect children.

Clearly this government is dedicated to protecting children. We will take and make every effort to find the ways and means to deal with those who would take electronic technologies and attempt to advance them in a way that is inconsistent with our belief in the way our children should be protected.

•(1040)

Mr. Brian Fitzpatrick (Prince Albert, Canadian Alliance): Mr. Speaker, the government's policy of protecting children with alleged tough legislation against sexual exploitation has a big hole in it. That is the defence of our artistic merit under the so-called charter of rights freedom of expression ambit.

There is no absolute right in this world. Rights always have to be balanced. When somebody exercises a right that imperils or seriously endangers the rights or the security of someone else, especially children, the law has to step in to protect those people. The government has failed to do that.

It has two clear ways of dealing with this matter and managing it. I will put both of these to the hon. member and I would like his response to them.

The first is to clearly define the limits of the defence of artistic merit and put some real meaning behind this thing rather than leaving it open-ended and leaving it to a judge, probably a Liberal-leaning judge, to interpret what is meant by this defence. Our children need something better than that and that is why we are here. We are here to make laws for this country and we seem to be reneging on our responsibility by not dealing with that matter.

The other option is to do what the fathers of the charter of rights intended; that the House would have an override when the public was crying for some action.

My interpretation of the Sharpe decision is that from coast to coast, and I will not use all the other coasts to which my friends across the way always like to refer, there is real anger at that decision. People feel that children are being left vulnerable and that the government is unwilling to act.

However Pierre Trudeau and the 10 premiers who created the charter of rights fully understood that the House, under some extraordinary circumstances, would override a Liberal-minded court that made decisions which flew in the face of what the public expected.

Why will the government not take emergency action to define clearly what is meant by artistic merit and remove it from the interpretation of Liberal-type judges or exercise the notwithstanding clause in the name of protecting our children against sexual exploitation?

•(1045)

Mr. Paul Harold Macklin: Mr. Speaker, the hon. member raises questions that obviously make us reflect on where we are in our society and how we try to cope with the problems that society generates through its advances.

Supply

When we look at the issues of artistic merit, we also have to look at the areas of trying to balance the freedoms that are set out within our charter of rights and freedoms with the interests of society. One of the interests of society of course is to figure out ways to protect our children. It is very important that we continue to work with and develop ways and means of protecting our children over the course of time as the situation changes.

There is no question that the government believes that we are making advances in the area of child pornography and that we are diminishing its ability to flourish within this country. Through the transnational nature of the entities that are created, we are concerned that if we do not get Bill C-15A passed with the section dealing with Internet luring and the international transport and export of pornography we will fall behind.

We have been a leader and we wish to continue to be a leader in fighting pornography. I wish to encourage members of the opposition to make certain that they support Bill C-15A so that we can minimize any future transactions that may occur in the international scene of the Internet. We must take those steps now.

Hon. Ethel Blondin-Andrew (Secretary of State (Children and Youth), Lib.): Mr. Speaker, I am very pleased to join my colleagues in this debate today. We all share a concern for the protection of children and youth. I must reflect not only from a domestic perspective but also from an international one. Canada is not alone. Many countries are seized with the issue of commercial child sexual exploitation, pornography is an aspect of that.

I have had discussions with colleagues both internationally as well as domestically. We know that by making changes in legislation to protect the rights of children and youth as individuals, each and every aspect of proposed legislative amendments has to be carefully vetted. Due consideration must be given to how this will impact on existing legislation and the rights of individuals and how it is vetted against the constitutional rights of individuals. We have an obligation to do that as legislators. It is not an option. It is something that honours the rights of individuals.

We as a government have worked tirelessly to protect children from sexual exploitation. We recognize that children are vulnerable members of society and we have acted to ensure our children are strongly protected against sexual predators. This is normal and is something that all members of the House share in in terms of expressing how we feel about our children in Canada and around the world.

To protect children from sexual exploitation, parliament passed criminal code amendments on October 18, 2001, which included major provisions to better protect children from criminals who sought to sexually exploit them by using the Internet.

This legislation creates a new offence of luring which targets criminals who use the Internet to lure and exploit children for sexual purposes. This legislation makes it an offence to transmit, make available or export or intentionally access child pornography on the Internet.

The legislation allows judges to order the forfeiture of any instrument or equipment used in the commission of a child pornography offence. It enhances the ability of judges to keep

sexual offenders away from children by making prohibition orders, long term offender designations and peace bonds available for luring and child pornography offences.

The legislation amends the child sex tourism law enacted in 1997 to simplify the process for prosecuting Canadians who commit sexual offences against children in other countries.

Since 1993 the government has introduced many changes to ensure children are protected from those who seek to sexually exploit them. Our actions include amendments to the criminal code to deal more effectively with high risk offenders, and we have had a longstanding debate on this. As members know, there is a national sex offender registry which will serve the betterment of all children in our country.

The government passed legislation to improve public safety through changes in the parole and correction system, including measures for easier detention of sex offenders in penitentiaries until the end of their sentences and measures to strengthen rehabilitation and treatment programs for sex offenders.

We have amended the criminal code to toughen laws on child prostitution and child sex tourism. The criminal code has been amended to ensure that peace bonds are effective in keeping abusers away from women and children. Legislation has been passed to make criminal records of pardoned sex offenders available for background checks. A national information system on child sex offenders has been established which will enable employers and organizations to determine if a job applicant has a criminal record for sexual offences before allowing the applicant to work with children.

The RCMP is on track with its improvements to the Canadian Police Information Centre, or CPIC, and will have by November 2002 a distinct national sex offender category in CPIC to help police protect the public against sex offenders. This builds on the government's September 2001 announcement of a \$2 million project to create the special sex offender category on CPIC.

● (1050)

I will speak about two international summits or congresses we have had which illustrate that Canada is not alone. They illustrate that this is a global problem for the various countries trying to provide protection for children.

In 1996 we had the first world congress in Stockholm. Canada joined with other nations, the United Nations, regional organizations and non-governmental organizations worldwide to commit to a global partnership against the commercial sexual exploitation of children. We gathered to mobilize the international community to arrive at a common platform and launch a concerted and co-ordinated commitment to address the commercial sexual exploitation of children.

Our commitment was clear and strong: Commercial sexual exploitation of children is wrong. It is an offence and will not be tolerated. Commercial sexual exploitation of children knows no borders or boundaries. So too our commitment is without borders or boundaries.

Supply

Since the first world congress many efforts have been made around the world in terms of improved legislation, law enforcement, prevention programs, recovery and reintegration programs, research, exchange of information and anti-trafficking measures. The insidious thing about the sexual exploitation of children, commercial and otherwise, is that once we resolve the problems of child prostitution and child abuse and deal with issues on the Internet we have the emergence of another issue: the trafficking of children and women. It is insidious that the power of this negative force is so pervasive and permeating that it eludes governments around the world.

We must band together with other countries to work for our children and young people. However the growing involvement of organized crime, increased trafficking across borders and within countries, and the proliferation of child pornography via the Internet have created new challenges to the eradication of commercial sexual exploitation of children and youth.

Technology is growing at such a fast pace that governments around the world are scrambling to catch up with the issue. Technology is being used not for the betterment of humanity but against the most vulnerable in our society: our children and youth.

Since Stockholm the Government of Canada has been working hard with non-governmental organizations, its provincial and territorial counterparts and other countries to stem and combat the sexual abuse of children at home and abroad. We are proud to have played an active role internationally in the negotiation of a number of new instruments to address the commercial sexual exploitation of children.

In the last five years negotiations have been concluded on: ILO Convention No. 182 on the worst forms of child labour; the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; the Convention Against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and the Convention on Cybercrime by the Council of Europe.

These instruments elaborate on our fundamental rights as set out in the United Nations Convention on the Rights of the Child. We encourage all states to consider signing and ratifying or acceding to these important new instruments as soon as possible.

As members well know, a few weeks from now we will have the United Nations Special Session on Children. I sincerely hope states will take the opportunity to move forward the international agenda for the protection of children especially when it comes to the United Nations Convention on the Rights of the Child. This is so important.

We had a second meeting in Yokohama last December. After all the discussions and resolutions the document that came out was in the right place. Canada was a strong leader at the meeting. Canadians believe in protecting the rights of children. We must lead by example. We have therefore taken a certain number of measures as I have indicated.

It will cost money. Children are a priority of our National Strategy on Community Safety and Crime Prevention which has been allocated \$145 million over four years in addition to its current funding of \$32 million per year. We have also expended moneys

through CIDA with our partners around the world to do likewise for children abroad who have less than we do.

This is a complicated issue. There are a number of issues which should be dealt with individually and not by an omnibus bill in which everything is rolled together and each amendment is do or die. We must look at each component because we are dealing with the rights of individuals. We are dealing with the constitution and the charter whether we like it or not. The notwithstanding clause is not our own little instrument to whip out whenever we wish. We must be careful about that. We must be circumspect when dealing with the rights of children and all citizens.

● (1055)

Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance): Mr. Speaker, I appreciate the concern of the hon. secretary of state for children and youth. It is a big issue.

I remind all members that our motion is not a statement of law. It is not an omnibus bill. It suggests there are a number of other issues the government needs to look at besides those addressed in Bill C-15A. As the hon. secretary of state mentioned, the law already says one cannot exploit a person under the age of 18 for sexual purposes. Now the government is writing a law in Bill C-15A that says one cannot lure a person under the age of 18 for the purpose of sex.

I have two questions for the hon. minister. First, does she believe a 40 year old man living in the United States could communicate with a 14 year old girl in Canada, come to Canada, invite the 14 year old girl to his hotel room, have sex and not be exploitative or have lured?

Second, does the minister believe pornographic material such as that in the case of John Robin Sharpe would be kept private and used only by the creator? Does the minister believe that nonsense?

Hon. Ethel Blondin-Andrew: Mr. Speaker, I have many personal beliefs. Unfortunately when trying to apply universal protection to the rights of all individuals, especially children and youth across the country, there is a very small area for my own beliefs. I believe we must provide protection for young people. However my opinion about Mr. Sharpe and whether in an isolated incident something should or should not happen is all academic to me.

We must be unceasing in our attempts to protect children. I know my hon. colleague feels the same way. We must continue what we have been doing, especially with respect to the United Nations Convention on the Rights of the Child. Canada cannot stand alone in this. There must be uniformity across the country and across the world for the protection of children. When we undertake something federally we do not do it on our own. Enforcement is generally carried out at the provincial level.

My hon. colleague wants me to speak to the age of consent. There are many issues I could raise with regard to that but I will avoid it. However if there are incidents of abuse of children they must be examined carefully. As hon. members will notice, everyone is concerned about the rights of the child and protecting children. It is not about other things. We cannot make good legislation or provide good amendments for existing legislation by using isolated incidents. That is not the way to make proper and universally applied laws to protect children.

• (1100)

Mr. Brian Fitzpatrick (Prince Albert, Canadian Alliance): Mr. Speaker, my question does not get into international conventions, the Internet, global accords and so on. It deals with real circumstances and situations.

A lot of the problems with the law in Canada cannot be cured by making more laws and making them thicker and higher. A lot of the problems have to do with making our laws more effective. We must see the defects in legislation and fix them so the problems are resolved.

The government says it wants to protect young people from sexual exploitation. We came up with a specific amendment that would go back to what we had before 1990, something which worked for decades and did not create any problems.

The circumstance I will deal with is a real one. It is not isolated to myself. As a former lawyer I had a case where I was asked for advice. A couple in their mid-thirties had a 14 year old child who was living with a man who was 40 years of age. The couple asked me what they could legally do. I looked at the criminal code. I am not a criminal law expert. Parents have a duty to provide the necessities for their children but the age of consent was 14.

Can the minister tell me whether the duty to provide for the necessities of a child extends to 14 and 15 year olds? If it does, what will the government do so parents can exercise that right?

Hon. Ethel Blondin-Andrew: Mr. Speaker, I have spoken to many young people. I have had contact with a lot of youth workers who believe every step we take in terms of legislation protecting them as well as children younger than them must be carefully examined. That is why the Government of Canada is undertaking consultation.

As I indicated, one's own visceral beliefs must sometimes be set aside to do the right thing for young people. One of the concerns young people have is that they too would be criminalized in the process. They want to know they would have not only protection from predators but from a system that could unduly confine or prosecute them. They do not want to be doubly victimized by both the predator and those proposing to protect them. We must give them that.

No age of consent has ever been non-controversial. Whether it is for political purposes or for providing services it has always been difficult. That is why the Government of Canada is undertaking consultations across the country.

• (1105)

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, on behalf of the NDP I would like to begin by saying how

Supply

unsatisfactory this is. We are trying to deal with an issue as difficult as the issue the Alliance motion has put before us in the context of a one day debate on a motion which we either have to vote up or down. This is a difficult situation for the House to be put in, for parties to be put in and for individual members to be put in.

Perhaps it is unavoidable in some ways but it seems to me it was avoidable at one point. We had an opportunity to look at these issues in greater depth than we are now able to at least today, but we passed it up. Again it is partly because of the politics that attends this kind of issue.

People want to do a good job writing laws that deal with the issue of child pornography. Very often they are prevented from doing so by being in the position of either passing bad laws or bad motions because there is a willingness on the part of others in our political universe to charge them with not caring enough about child pornography if they do not hurry and pass the motion or the legislation.

In terms of amendments that came back to us from the Senate on Bill C-15A and in terms of this motion, we are now dealing with a situation that would have been preventable in part if we had been able to take the time to do Bill C-15A properly, or that part of Bill C-15 which was carved out of the original Bill C-15. However, because it dealt with child pornography and a number of other issues, and I am as guilty as anyone else in this, we said, no, let us just pass it and get it through.

Eventually the government buckled to the pressure. Instead of having that bill go through committee and having that part dealing with child pornography being considered properly, there was this sense that anyone responsible for any delay on that was somehow an accomplice of child pornography and therefore the bill had to be rushed through. In some sense now we are dealing with the consequences of not being able to look at that bill as thoroughly as we should have. Today we are debating an opposition day motion and we are basically in a similar position.

We are being asked to vote for something which, depending on one's point of view, one could not quarrel with the principle that the government immediately introduce legislation to protect children from sexual predators. Who could be against that? Yet the motion goes on to include thus, thus and thus. It is not well worded in some respects and does not really reflect some of the concerns people genuinely have, in that if we are to implement some of the measures that are included in the "including" part of the motion, there are things that need to be taken into account that are not.

If we were to go back far enough we could fault the government for not bringing in a piece of legislation having to do with child pornography alone. Then we could just deal with that. Instead original Bill C-15 before it was split into Bill C-15A and Bill C-15B, had child pornography and various other amendments to the criminal code having to do with police officers, et cetera. There were a whole bunch of things. Some were quite simple and one could just be for them and pass them. Others, as we have come to know more probably than we would like to through various court decisions, were complicated, such as this child pornography issue.

Supply

•(1110)

If the government had introduced that part of Bill C-15 which dealt with child pornography alone and allowed the committee to do a proper job, and if opposition parties had not taken the view that it had to be rushed through, there might have been a better job done. Then we would not be in the position we are in today.

We are of two minds, frankly. One is whether to vote for the general intent of the motion, which is to say that the government should introduce legislation to protect children from sexual predators. But we realize that the House really is not of one mind as to what that legislation might look like. It is a political dilemma in some respects because it goes beyond the principle in the motion to talk about, for instance, raising the legal age of consent to at least 16 years.

I know that members of the Alliance have said it is not their intention in any way to criminalize sexual relations between teenagers. I am glad to hear that, but the motion does not say that. In fact some would argue that the age of consent is 14 years in one respect but 18 years in another respect. What is it that is intended by the legal age of consent being raised to 16 years? What is the intent with respect to the 18 year old threshold that we also find in the law?

Having said that, I myself as the NDP justice critic asked the then minister of justice, now the Minister of Health, when she was before the committee I believe on Bill C-15 whether or not the government was intending to act with respect to the legal age of consent. I do not want to speak for other governments but I believe provincial ministers of justice have raised this with the federal ministry of justice. There is a feeling that something needs to be done about the age of consent. I am not unsupportive of that as the NDP justice critic. However it is a matter of some detail as to how one goes about doing that in the criminal code and the motion does not reflect that.

With respect to the child pornography aspect of the bill, many people are concerned. The member for Palliser stated it well on our behalf yesterday when he read letters from his constituents. People are concerned about the so-called Sharpe decision and the fact that artistic merit was used as a defence against charges of possessing what I believe were stories, which by anyone's judgment except perhaps Mr. Sharpe's and a few others, are offensive. If one takes a certain point of view with respect to child pornography stories, they may well actually contribute to sexual crimes by virtue of their existence and the relationship between their existence and the effect of their existence on the person who has them in their possession.

What we need to debate in the House is the appropriateness of the artistic merit defence when it comes to child pornography. I would bet there would be divisions between individuals within parties on this issue as it is not a question of one party versus another necessarily. There is nothing written in the evidence so to speak which says that child pornography should have this particular defence available to it, even in the very limited form that the supreme court has made it available.

•(1115)

For instance, we do not permit artistic merit to be a defence when it comes to hate. We have carved that out and said that artistic merit does not cut it as a defence when it comes to hate literature. We

should look seriously at whether or not we should have a similar, but obviously not identical, carve out, when it comes to child pornography. Just what that would look like would be a matter of some deliberation.

As I have said in the past, the artistic merit defence is something that should be referred to the Standing Committee on Justice and Human Rights. The member for Palliser said that yesterday on our behalf in the debate on the amendments to Bill C-15A. We need to look at these decisions. We need to hear from people who are making very strong arguments that this is not a defence that should be available.

Of course, we need to hear from people who say that eliminating this defence would in some way or another endanger freedom of expression in other areas of expression. I would hope that even those who are strongly supportive of the artistic merit defence are not doing it on the basis of their attachment to or out of any defence of child pornography. They are doing it presumably because they are concerned about the effect that rejecting such a defence might have in other areas. It seems to me that is the moot point of the issue before us.

I say once again how much I regret that as a House we are not able to deal with this in a satisfactory manner in terms of process. We get rushed when we should not be rushed. Parliament has been rushed a number of times in my experience. A couple of times, certainly in retrospect, people have judged that we have passed bad law or law that would not stand up in the courts, et cetera. Although this is not a piece of legislation, we should consider whether or not we are doing the same thing again today.

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, I want to ask the hon. member to comment on something that concerns me a great deal about the motion.

I agree with him that on an issue as complex as this we must sit down and think clearly so that we do not do the wrong things for the right reasons. We must clearly understand the issues of sexual exploitation of children, which all of us in the House are opposed to, completely and totally. I have spent a great deal of my time as secretary of state for the status of women working with the Minister of Justice dealing with the issues of commercial sexual exploitation of children and youth. It is an abomination and we must work very hard on that issue.

However, the term legal age of consent and raising it to 16 concerns me. It is not about sexual exploitation but about the sexuality of young people below the age of 16 and their ability and right to consent to engage in sexual activity at the age of 15 or sometimes at the age of 14.

I recall clearly that sexual activity in young people was beginning at the age of 13 when I was practicing medicine. I remember that it was a very difficult time for physicians who were trying to help those patients to make the right decisions with regard to issues of sexually transmitted diseases and pregnancy. How do we help these young people? How do we discuss birth control and the prevention of sexually transmitted diseases? How do we talk about the issue of safe sex with these young people?

Supply

First and foremost there must be a recognition that young people under the age of 16 do have a sexuality that they need to express and engage in consensually with each other. That is what concerns me about this age limit that we are placing here. Second, what happens to physicians and other health care providers who are helping these young people through these difficult times? They discuss sex in a logical and clear way in terms of the pros and the cons and talk about protection, what the risks are, and what the up sides are of this issue. What might this prohibit when we talk about appear to describe children engaged in sexual activity?

Does that mean that a physician counselling a young person below the age of 16 would be considered to be describing or appearing to describe children engaged in sexual activity? Would it mean that two young people at the age of 15 who mutually consent to have sex would suddenly be indulging in an illegal activity? Is that an appropriate thing? Would it mean that when health care workers give these young people either condoms or other forms of birth control they would be doing something illegal?

There are huge ramifications to this consent issue that concern me. I wonder if the hon. member could comment on this because for me, the problem of appearing to depict means that a young girl of 15 cannot write anything in her diary about her relationship with a young boy of 15 with whom she had sexual activity. How she writes that would be apparent to depict the engagement in sexual activity. Those are the concerns I have.

I understand the intent of the motion and I do not have a problem with the intent. For many of us who are parents and physicians, we are all concerned about exploitation of children and youth and the engagement of sexual activity without consent. For me this age of consent is a major concern.

• (1120)

Mr. Bill Blaikie: Mr. Speaker, the hon. member has asked a lot of questions and I will not pretend to be able to answer them all. However, the fact that so many questions can be asked about what this means points to some of the difficulties that I expressed about the motion. I do not know exactly what it would mean or what the motion would mean. I know what Alliance members have said about what it means but that is not what the motion says.

It is legitimate to be concerned as to whether or not this would have the effect of criminalizing sexual activity between people who are under the age of 16. It does not for instance register the caveat, as I think exists in the law now, if there is not a big age difference between people involved and that sort of thing.

I heard the member say that is taken for granted within the motion. Is it? Perhaps the motion should have said that to begin with.

Having said all that, what the member raises in terms of physicians instructing young people with respect to birth control or sexuality et cetera is the sort of thing that could be done without depicting or describing children engaged in sexual activity. There is probably a way around that, but clearly the member raises some important concerns.

What it reflects, and I do not say this about the member's question but just generally, is that as a society none of us are certain about what level of responsibility we want to assign to young people at

various ages. There are mixed messages coming from the House in a number of ways.

On the one hand we have people arguing that children as young as 11 should be held responsible by criminal law for break and entering, property thefts or other crimes. There is a certain amount of cognitive dissonance here. On the one hand we want to drive down the age of responsibility when it comes to a bunch of things that are regarded as criminal and on the other hand we want to drive up the age of responsibility when it comes to sexual matters.

That may be a good thing depending on how we do it and what it includes. There is a kind of confusion in our collective mind about responsibility and when it kicks in and whether it kicks in at different ages with respect to different kinds of activity.

Outrage is appropriate to some degree when it comes to some of the terrible things that go on, but humility is also in order in the sense that this is not an easy question and there is clearly a lot of confusion with respect to the whole notion of responsibility and how it should be described and how it should be enforced.

• (1125)

Mr. Reed Elley (Nanaimo—Cowichan, Canadian Alliance): Mr. Speaker, I am the father of eight children. I have a 33 year old daughter who 20 years ago was 13. I have an 11 year old daughter who will be 13 in a couple of years. I have a 15 year old daughter who was 13 a couple of years ago. I do not know whether hon. members who just spoke have children of that age in their homes, but I do.

I have seen over the course of 20 years our society force young people to grow up too quickly. The media, fashion magazines and television have an incredible effect upon our young people. I have seen them forced to grow up physically. The natural changes that go on in their bodies seem to happen at an earlier age. Then everything else around them forces them to grow up in that way.

I have to say as a father that I have not seen an accompanying environment in our society that helps them to grow up emotionally so they can cope with some of the horrible stuff that may come their way because of a drift that I call moral laxity. It has allowed this kind of filth to go on in our society and is bombarding our children at every turn.

I cannot for the life of me see why anybody, any member of the House, would be against us having the kind of debate that we are having today. It may result at some point in the government bringing legislation that would enable our judiciary, social workers, court officials, and police departments to have some kind of legal recourse to stop the sexual predators who are preying upon our young people at an earlier and earlier age.

Why would members vote against something like this when we know this is going on in our society? If we do not do something about it, it makes my job as a father, as a parent of teenage children, more difficult and I believe I speak for many parents in this country.

Supply

Mr. Bill Blaikie: Mr. Speaker, if the member had listened to me I said we were of two minds about the motion. We do support the main thrust of the motion that the government immediately introduce legislation to protect children. However, the member would have to admit it is not absolutely clear what that legislation should look like.

With respect to his other comment, he talked about our children being bombarded. They are. This is one of the things that struck me over the years and I am glad he raised this. Most children are not bombarded with child pornography. They would be a minority, I presume. However, all children are bombarded, our whole society is bombarded, with the exploitation of sexuality that we find in advertising, for instance.

Advertising is becoming more unacceptable. The exploitation of sex, implications of adultery and all kinds of things are woven into various advertisements. This is done not by sick little minds that are writing dirty stories somewhere in remote parts of the country. This bombarding of our young people with advertisements and other things that exploit sexuality is being done by the so-called paragons of our society, by the corporate elite who pay people hundreds of thousands of dollars a year to come up with new ways to exploit sexuality.

I never hear anything about all the acceptable legal ways in which sexuality is exploited. I am not pointing my finger at the hon. member here. I am saying that it is kind of odd. I can remember preaching about this 25 years ago, one of my first summer charges, saying we are so concerned about pornography yet we are not concerned about all the latent pornographic images and the way in which sexuality is exploited. There is subliminal pornography and encouragement to elicit sexual activity built into the way we sell cars, clothes and everything, yet this is all called free enterprise. This is the ultimate human activity.

How many times have I heard the word marketing in the House as if it was some kind of mantra, as if anyone who is not into marketing is some kind of dum dum. I will tell the House that marketing is all about the exploitation of sexuality when it comes to many products. When the day comes that we have that kind of debate in here and we go after the corporations for the way in which they are constantly, every day, in every house, on every TV set exploiting sexuality, then we will have a real debate on our hands.

• (1130)

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, this morning's debate is very important and addresses a very serious matter.

I believe that the Canadian Alliance member who introduced the motion before us has not taken the right approach when it comes to the debate he wants to initiate. If it is true that his objective is to protect young people, he has gone about it the wrong way by wording the motion as he has.

No one can be opposed to the creation of a committee or to the possibility of improving Canadian legislation in order to increase the protection of our children. I would be among the supporters of such a thing, but this is not what we have before us at this time.

If that is what he had in mind, he has gone about it in the wrong way. We could address the entire issue of television violence and the possibility of providing our children with more information in the schools. We could also look at the possibility of holding sensible and balanced discussions on sexuality and young people.

We could also address poverty, the question of extortion in the schools, and the drug issue. Something very close to sexual exploitation can occur when a young person needs money for drugs or something else. We have to look at what is going on in our schools to realize that we can do something about it.

However, this is not how the hon. member has gone about it. Let us not be taken in. In reading today's motion, we can see that it addresses two specific points which come up periodically with the Alliance and before that with the Reform Party.

The first part deals with the age of consent, that is raising the legal age of consent from 14 years to 16. A private member's bill was introduced by the Reform Party during the 36th parliament, and we heard all the speeches then. It did not get through. I will come back to this in more detail later on.

The second part of the motion is in response to the Sharpe judgment. Incidentally, yesterday I listened to speeches in the debate on Bill C-15 that made the hair on my arms stand on end. Whether one agrees or not with the court's ruling is one thing. However, dragging the name of a judge through the mud, as they did, a judge who rendered a decision in the Supreme Court of British Columbia based on the statutes that exist in Canada, that is quite another story.

Justice Shaw rendered a decision. One might argue that it was not the best decision, but then the law must be changed. His decision was based on the law as it currently exists, based on the Canadian Charter of Rights and Freedoms, obviously, but also based on the criminal code.

There is good reason that we do not yet know if this judgment will be appealed or not. That is because there has been no decision yet. It might be wise to give the authorities, the crown attorneys and the government, a chance to decide whether or not they will appeal, but this has yet to happen. However, I challenge the Canadian Alliance to find where the judge made an error in law in this ruling.

Before dragging the judiciary through the mud, as the Alliance did yesterday, which discredits to some extent the position it is taking, I would like them to do some thinking.

I myself have been doing some thinking on the motion we are debating today. Certainly, if I wanted to play petty politics, like the Alliance is doing, I would applaud the motion and say, "Yes, this is terrible. All of these guys who are taking advantage of our young people and abusing them, and so on, they should be thrown in jail, regardless of the legislation and the age". However, that would not be responsible. We are here to act responsibly.

Let us compare the past and the present situation. Is there room for improvement? The age of consent of 14 has been around for quite some time. If we look at the criminal code, and even before the criminal code was adopted in 1892, we see that for women—because women accept a great deal—the age of consent has been set at 14 since 1890.

Supply

•(1135)

With the introduction of the criminal code, in 1892, this was included, again to protect women. But even then some distinctions had to be made. There were exceptions, because in those days, people were getting married at a very young age, even under 14. All this to say that if we look at the evolution of the legislation, we realize that, since 1892, there was never a full ban on sexual relationships with young girls over the age of 14.

Earlier, a Canadian Alliance member said "I speak as a father". It just so happens that I too am a father. I have a 12 year old daughter and a nine year old son. They are much more mature than I was when I was their age. Do we have to go backwards? I do not think so. I believe that someone who is not handicapped, who does not have psychological problems, can give consent by age 14. This is not ideal and I do not wish this to anyone, but I think that, in its current wording, and considering the whole related jurisprudence, the criminal code provides good protection. A balance is struck and this is what we must seek.

To engage in petty politics as they want to is one thing, but they should be a little more logical in the process. The political party that is bringing forward this motion to raise the age of consent from 14 to 16 is the same party that is largely responsible for the amendments to the Young Offenders Act to lower the age of criminal responsibility from 16 for 14 for serious offences.

Based on the logic of the Canadian Alliance, a 14 year old who commits a criminal act is fully responsible for his actions and should be tried as an adult. Under the recent legislative changes made, provinces such as Manitoba, Alberta or British Columbia will be allowed to try 14 year olds as adults when they commit certain acts. I can assure the House right now that, in Quebec, we will use a ministerial decree to exclude 14 and 15 year olds from these provisions. This will not be the case in the provinces that are represented by the Canadian Alliance, where right wingers are very influent. They will treat 14 year olds like adults when it comes to criminal offences, but these same young persons would not be old enough to give their consent to sexual relations.

Once again, I urge them to be logical. There is an obvious contradiction here. Just now, I heard them say 10 years old. They even want to lower the age at which the Young Offenders Act would apply to ten. I certainly hope that someone, somewhere, will finally draw the line.

It was largely because of them that the legislation was amended. Fourteen and fifteen year olds will be treated like adult criminals, but the age of consent must be raised to sixteen. This makes absolutely no sense. Even in the criminal code, consent per se is not easily established. There are rules, specific criteria for arguing such consent. It is very complex. Even the supreme court has ruled on this more than once; the criteria are very clear.

•(1140)

Since I am an MP from Quebec, I look at what is being done in Quebec. Under the Quebec civil code, a 14 year old is deemed to be of full age for all acts pertaining to his employment or to the practice of his profession. He is also considered to be old enough to enter into contracts alone to meet his ordinary and usual needs. Under the

Quebec civil code, a young person is recognized as having the power of discernment of an adult.

That having been said, at some point, it becomes necessary to amend the legislative provisions if it is felt that they do not reflect what society is prepared to tolerate. In Quebec, as far as the civil code is concerned, 14 year olds may act as adults. They can also be emancipated and take responsibility for some of their actions, although they are not adults. We need to be clear about this. As they mature, they are able to make certain distinctions. Fourteen seems to be a good age as far as the provisions of the criminal code go.

So much for the first part. I have taken the time to speak to this at length because it troubles me. This is not the first time the Canadian Alliance has acted in this way. I would like to see this party be logical in its approach to young people. I too want to protect them, but I also do not want to see their rights endangered.

The second part of the opposition motion consists, as I have said, in opposing the finding in the Sharpe case. As we know, the Sharpe case got to the Supreme Court of Canada, and then was brought back before the courts and retried. Justice Shaw of the British Columbia Supreme Court also brought down a verdict.

The second part opposes all of this. Even in connection with the Supreme Court of Canada's judgment in Sharpe, this set some guidelines and directed the debate properly in a free and democratic society such as ours. I therefore cannot understand the tenacity of the Canadian Alliance on this matter, unless it is for political gain and visibility.

As far as the Sharpe decision is concerned, I shall read a brief excerpt from it:

Accordingly, s. 163.1(4) should be upheld on the basis that the definition of "child pornography" in s. 163.1 should be read as though it contained an exception for: (1) any written material or visual representation created by the accused alone, and held by the accused alone exclusively for his or her own personal use.

Thus, this entire aspect was excluded in a way. Once again, this problem is not going to be solved by lowering the age from 16 to 14. People who have problems are going to continue to have them even if the age of consent in the criminal code is raised to 16 years.

The second part of the judgment reads as follows:

(2) any visual recording, created by or depicting the accused, provided it does not depict unlawful sexual activity and is held by the accused exclusively for private use

This is understandable. The man in question may be unbalanced. I am not familiar with his specific situation. As far as the legal and criminal aspect is concerned, however, as well as application of the criminal code or the charter of rights and freedoms, at some point guidelines have to be set, as I have said. And we are within them.

If we do what the Canadian Alliance wants us to do—I do not know if they have thought about it—which is to go against the ruling made by the Supreme Court of Canada, to try to do in the legislative branch what the courts did not do in the judiciary branch, because they applied the Canadian Charter of Rights and Freedoms, this means that it would even be prepared to promote the use of the notwithstanding clause.

Supply

● (1145)

Did the Canadian Alliance say that it was prepared to use the notwithstanding clause to sort of validate the approach that it is proposing in its motion this morning?

I clearly remember that the Canadian Alliance was opposed to using the notwithstanding clause in the fight against organized crime, even though organized crime is a scourge that may be even more serious. I am not saying that pornography is not important. That is not the point. But in terms of the impact, of the monitoring problems, organized crime remains an even broader issue.

I think the Canadian Alliance is failing, both as regards raising the age of consent from 14 to 16 and blocking the decision in Sharpe. Therefore, going ahead with this motion would not make any sense.

If we look at the decision made by Justice Shaw, we realize that even the evidence adduced by the crown was insufficient to demonstrate beyond any reasonable doubt that the writings were advocating or encouraging sexual activity with a person under the age of 18.

Also, let us not forget that the individual was found guilty regarding the pictures, the use of films, etc. There is a whole part to which the criminal code could be applied, and properly so, when the evidence was adduced.

As for the other part, B.C. Supreme Court Justice Shaw even said that he did not have proof beyond any reasonable doubt that this individual, through his book, was advocating or encouraging sexual activity with a person under the age of 18.

Again, the Canadian Alliance is going about this the wrong way if it really wants to solve this problem, because the motion that it is moving would do nothing to solve this aspect, given that the judge had no proof. This is why I am saying that the Alliance had no reason to drag the judge's name through the mud because of this decision, because it was well founded when it comes to the issue of proof. This motion will do nothing to solve the problem.

I shall end my remarks here. Obviously, when it comes to the principle, the Bloc Quebecois will always fight to protect young people more. There is no problem when it comes to this.

We have introduced a number of private bills specifically to protect young people, whether it be from violence on television, drugs, or taxing. We have always been ready to intervene, and especially to improve legislation to protect youth. When the issue is clear, we support it. When it is vague, as is the case with the motion before the House, when it is not clear and says just about anything, that is a different story.

Yesterday, during question period, following a question from a member of the Canadian Alliance, I saw that the Liberals are interpreting it quite differently, very broadly. This proves that we do not even understand the motion in the same way. Based on the speeches made this morning, it is clear where the Canadian Alliance is heading with this, without spelling it out in the motion.

For all of these reasons, we do not support the motion, and I personally will be voting against it.

● (1150)

[English]

Mr. Brian Fitzpatrick (Prince Albert, Canadian Alliance): Mr. Speaker, I find it interesting that the Bloc member would be shocked that a party would want to use the notwithstanding clause. I think in his home province of Quebec, the provincial government, with Bill 101, did in fact exercise the notwithstanding clause to deprive minorities of language right freedoms. It seems an unusual criticism coming from a Bloc member.

I want to make something perfectly clear. We do not intend to criminalize the victim in this situation, which is the child. The Bloc member surely cannot be saying that if an adult exploited an 11 year old or a 12 year old that we would charge the 11 year old or the 12 year old and bring that child to court. That is absolute nonsense. That is not the intent of this motion. The intent is to criminalize the actions of adults.

The member says we are trying to politicize the matter. In most United States jurisdictions the age of consent is 16 years. In England or Great Britain it is 16 years. In Ireland the age is 17 years. In Australia the age is 16 years. What we are proposing is pretty much in synch with what I consider as the civilized world.

The member says we want to complicate things. He indicated during his speech, and I am sure he does not want to be identified with the group or people who are asking for this, that some were even advocating lowering the age of consent to 10 years. The question I have is very specific. Who in the world in this country, who is responsible and reasonable, would advocate lowering the age of consent to 10 years? I would be curious to know who that is.

[Translation]

Mr. Michel Bellehumeur: Mr. Speaker, I think that the member hears what he wants to hear. What I said concerns the Young Offenders Act. Furthermore, I noticed that he did not argue this, because his arguments on the distinction lack credibility.

What I said with respect to ten year olds is that the Canadian Alliance members want to lower to ten the age at which the Young Offenders Act applies. They have always been up front about this; they have stated their views repeatedly. Of course, the age of consent is different. What they are saying today is that they want instead to raise it from 14 to 16.

What the Canadian Alliance member does not understand is that they are not being logical from a legislative point of view. They themselves say that a 14 year old can be treated like an adult when it comes to criminal offences. That is what they want; that is what they sought. They are very cosy with the Canadian right and pushed until the Liberal government caved in and lowered the age of criminal responsibility to 14.

Today, these same members want to raise the age of consent from 14 to 16. It is clear to anyone listening that they lack credibility.

Supply

•(1155)

[*English*]

Mr. Dan McTeague (Pickering—Ajax—Uxbridge, Lib.): Mr. Speaker, I am pleased to ask a question of the hon. member. I know he has spent a considerable amount of time as a lawyer and is in the practice of ensuring that young people are protected by the law to the maximum amount. However I ran from my office to ask him a couple of questions about his interpretation of the Shaw decision with respect to Sharpe, in particular about his belief that the Shaw decision did not run afoul of the direction of the Supreme Court of Canada and that there was in fact no error in law.

Could he square for the House of Commons the comments made by Shaw, which I believe went beyond the interpretation of the Supreme Court of Canada, that materials in question detailing abduction, rape and sexual torture of young boys as adult males “may well be designed to titillate or excite the reader if the reader is so inclined and arguably glorify the acts described therein”.

Would the hon. member not conclude, as I did, that such material ran afoul of the SCC explanation that the prohibition against material which viewed objectively sends the message that sex with children can and should be pursued ought to be prohibited?

Shaw also pointed this out in his decision with respect to artistic merit in throwing out the community standards. The use of metaphors, allegories, themes, incredibly the victim's fortitude in enduring sexual abuse by pedophiles, was found by Justice Shaw to be a theme, a plot sufficient to establish the requisite artistic merit for justice. Based on this, would the hon. member not agree that, because of what happened with respect to Sharpe's writing to possess the requisite artistic merit to constitute a defence of the charge, that once again this would appear to be yet another example of an error as Justice Shaw ignored the objective standard imported by the supreme court into the artistic merit defence?

There are two clear questions that I think raise the eyebrows of many of us who have spent a bit of time looking at the Shaw decision and his apparent taking of liberties of the direction of the Supreme Court of Canada. Would the member not then feel that his earlier comments in reference to the motion of the Alliance Party were somewhat premature and perhaps did not show a sufficient amount of due regard to the actual decision of Justice Shaw?

[*Translation*]

Mr. Michel Bellehumeur: Mr. Speaker, it is not all that clear that Justice Shaw failed to follow the direction provided by the Supreme Court of Canada in the Sharpe decision, because questions are still being asked. No authority has decided to appeal from this decision, so it cannot be all that clear.

In considering an issue such as this, my first thought is that we must look for similarities with other approaches to the criminal code. The strongest analogy that I can see is with hate propaganda. I am not the first one to mention this. Others have looked at the issue of pornography in relation to hate propaganda. Just as hate propaganda must incite, promote or advocate something, so too must child pornography.

Looking at the Shaw decision by the Supreme Court of British Columbia, one realizes that even if that court had not accepted the

concept of artistic merit, the accused would have been acquitted anyway. According to the judge who heard the evidence, who examined the documents, who examined the entire matter in a mature manner, knowing full well that this was a highly visible case, the prosecution was not able to prove beyond a reasonable doubt that these works advocated or counselled sexual activity with a person under the age of 18 years. There was no incitement.

Our society abides by the rule of law. We are told this with such frequency in this House that the hon. member must realize it, as must all other members as well. The offence of which a person is accused must be looked at closely. If one wishes to be defended properly, and if one wishes to have a decision based on law, the charges must be looked at. The judge then decides whether the crown has proven its case beyond all reasonable doubt. This is the basis of criminal law in Canada. The crown must prove its case beyond all reasonable doubt.

Is this too much to prove in this case? That is another debate. However, for as long as these rules of law, which have been in place since time immemorial, have not been changed, they have to be applied. This is how criminal law works. The charges must be proven beyond all reasonable doubt.

The judge heard the evidence, saw the pictures, viewed the videotapes, and reached the conclusion that, as far as incitement is concerned, there was none present. That is why Justice Shaw reached the conclusion he did.

This may not be satisfactory to us, but that is not the judge's fault. He merely applied the rules of law. When all is said and done, when these are properly applied, when the evidence has been properly provided, it is my opinion that counsels for both the crown and the defence are satisfied with the way things have been done, particularly with the guidelines provided by the highest court in the land, the Supreme Court of Canada.

•(1200)

[*English*]

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I am so pleased to have the opportunity to speak on this very important motion, this very important issue with which parliamentarians and Canadians have been seized for a number of years and which has been brought sharply into focus, pardon the pun, by the Sharpe decision which has come down from the British Columbia court. This decision, I think, has caused many Canadians to question loopholes and some of the lax criminal justice response we have when dealing with the issue of child pornography.

I will be splitting my time with the hon. member for St. John's East. As a very fine member of the Progressive Conservative caucus, he is one who for many years has been advocating a stronger position from government in relation to this serious issue of pornography and its distribution.

The motion is a motion which I take to read as taking these steps “including but not limited to”; I see the motion as a gateway to a more activist and more interventionist approach on the part of government when dealing with this issue. Our Progressive Conservative Party wholeheartedly supports any legislation which will help to address and to eventually eradicate child pornography.

Supply

The myriad of problems surrounding this issue, including the hamstrung ability of the police to investigate in many instances, as well as the increased use of technology and the proliferation of this type of disgusting material becoming ever more readily available through the Internet, poses serious challenges for the law enforcement community. Investigation on the part of the government into all aspects of what we should do is very timely and extremely important. In fact, it is so important that I can think of no issue that the Department of Justice could be more actively engaged in at this time.

There are positives and negatives that we must look at when considering this issue of age of consent. We look forward to the government clearly putting on the record its position and what active role it might play in assessing the complications of this controversial issue. In fact, I believe we are going to hear divergent opinions on this issue. One of the perverse elements of the way in which the motion currently is worded is that it actually could have a negative impact on some criminal code sections by lowering the current age of 18 to 16. This is what we have to keep in mind. It is not simply a matter of a paintbrush sweeping across the code and stamping the age of 16 as being the appropriate one. There is a danger here.

With respect to this issue, Bill C-15, passed in 1989, addressed the question of age of consent, replacing the prior unsuitable legislation. That bill prohibited adults from engaging in virtually any kind of sexual contact with boys or girls under the age of 14. That bill also made it illegal for adults in positions of trust or authority to have sexual contact with minors between, and here are the key words, the ages of 14 to 18. Therefore, by simply stamping 16 in its place there is a danger that a very naive, unworldly youth of the age of 17 might fall outside the parameters. We have heard the sad tales of people in positions of trust, those involved in the church, those in the school system, foster parents and sadly even parents, who take advantage of youth who are under the age of 18, not 16. We want to be careful not to narrow further the ability of the prosecution to proceed with charges when positions of trust are involved.

I note with interest that in 1981 the current Prime Minister, then the justice minister, proposed Bill C-53, which would have retained a broader version of the prohibition against sexual activity with a young person between those ages of 14 and 18. That bill was not adopted.

Raising the age of consent to 16 would have to be accompanied by an exemption permitting sexual contact with someone between the ages of 14 and 16 if there are only a few years difference between the actual partners. We are into an area of morality and we are into an area of practicality, one in which we would have to proceed with some caution.

• (1205)

The overall effect of the Sharpe decision by Mr. Justice Shaw has many in society recoiling with dismay that a learned judge would in fact open the door to potential pedophiles and those who take advantage of youth, who denigrate images and engage in writings that have a very corrosive effect on societal norms.

Mr. Speaker, as you would be aware, Mr. Justice Shaw in handing down the Sharpe decision in my view broadened the interpretation of the current exemption or defence of artistic merit. Not only did he

acquit Mr. Sharpe on some of the charges dealing with the material and whether he was in fact advocating or counselling illegal sexual activity, there was language in the obiter, that is, language in part of his decision, which in my view can be interpreted as, or one could glean that, it is expanding the artistic merit definition. I will quote from page 40 of the decision:

Any objectively established artistic value, however small, suffices to support the defence.

Justice Sharpe went on to state that the "community standards" considered in determining obscenity do not apply, and further, the creator need only point to objective fact to support the defence and then the crown must disprove it.

There are real problems with that. When one looks at the definition of a story, if you will, that would fall into the category of having some artistic merit, it appears that the base level is that the story have a beginning, a plot and a conclusion. The material, however offensive and disgusting, is somehow to be gleaned as having artistic merit if it meets this very base level. I would suggest that we are mandated, obligated, to respond with legislation to close this legislative loophole.

The Progressive Conservative Party has been supportive in the past of the law enforcement community, victims' groups and child advocates who are constantly tasked and constantly struggling with the lack of resources available to them to undertake this monumental task. As I have said before, what could be a more fundamental issue? We know that the lasting impact on victims of sexual abuse is sometimes a life sentence. Very often the mental anguish, the detrimental effect on the development of young people, is everlasting. It is certainly incumbent upon parliament to take every available opportunity to make for a safer and kinder society.

We have heard from victims as recently as today at the justice committee. There was a very telling comment that I think warrants repeating. It dealt with the need for victims to have more support, a stronger voice, an ability to be heard in a substantive way by the triers of fact, by the individuals who ultimately will decide whether a person will be incarcerated and, after the fact, whether the person will be released. It talks directly to the issue of respect for and dignity of victims, whereas victims very often are unwittingly and irreversibly brought into a cold and foreign forum in which they have no control and of which they have no prior knowledge.

It is clear that there has to be an equitable approach taken by the government. This is why we need a victims' ombudsman's office.

We have a budget specifically set aside for the commissioner of corrections to deal with the concerns, some legitimate, of federal inmates. There is a federal budget allocated to ensure that inmates, some of whom are serving time for absolutely heinous crimes and have victimized numerous citizens, have an office where they can go if their steaks are burned, if they are not getting access to the Movie Channel or they do not have the ability to log on.

Yet victims very often are completely ignored. They have no outlet, no central office in the country, where they can go to find out about important things like parole hearings or information pertaining to response to treatment.

In conclusion, we very much support the motion before us, but I would like to seek unanimous consent, if I may, to move an amendment to the motion. I move:

That, after the words "that the government immediately introduce legislation to", the substitution be made of the words "eliminate the legal loophole of artistic merit and other measures to enhance the protection of children from pedophiles and child pornographers in light of recent court decisions".

I anxiously await the positive response to my amendment from members present.

• (1210)

The Acting Speaker (Mr. Bélair): I will take the amendment under consideration and come back to the House.

Mr. Dan McTeague (Pickering—Ajax—Uxbridge, Lib.): Mr. Speaker, I want to thank the hon. member for today's motion. I think that the motion itself speaks very eloquently to an opportunity to bring all sides of the House together, to avoid the contentious issue of having the effect of dropping section 153, consent and age of trust, down to 16 years of age, which I am sure was not the intent of those who drafted the motion. It is nevertheless a very glaring problem with the motion.

As the hon. member knows, as do you, Mr. Speaker, this issue is not new to me. In fact, we had an opportunity to raise the profile of this issue rather significantly last week, with a number of experts as well as our debate on Bill C-15A. I will not bore the House with the details, but I do have a question for the hon. member.

In terms of the motion being debated here today and given issues and options letters we have sent to various attorneys general across Canada, does the member indeed believe that there may have been an error in law committed by Justice Shaw, upon reflection of the supreme court decision of last January, which might provide grounds for an appeal? If I am not mistaken, we still have two or three days to try to encourage the attorney general in the province of British Columbia to enact that as a means of demonstrating that at least on the court side the fundamental flaws in the Shaw decision with respect to Sharpe are being recognized.

• (1215)

Mr. Peter MacKay: Mr. Speaker, I am pleased to respond to the question and in particular to the member for Pickering—Ajax—Uxbridge who has been a leader on the government side with regard to this issue. I hesitate to say this, but I wish we had more like him on the government side. I would rather have more like him on the opposition side so we could be in government and perhaps bring to fruition some of his good work.

There is no question in my mind that there is grounds for appeal within the decision written by Mr. Justice Shaw in the Sharpe case. The member made a very important point in his comments when he said the clock is running. The appeal period is about to expire within a number of days. That is why I called upon the Minister of Justice last week to make a strong intervention, to make a strong representation to the attorney general of British Columbia on behalf of Canadians nationwide to proceed with an appeal. I also called for the Minister of Justice and Attorney General of Canada to join as an intervener in that appeal process.

I feel that this is certainly what should take place, along with pursuing all other available avenues to close the loophole and to do

Supply

more to protect children. More can be done with respect to disclosure. More laws can be passed to narrow the proliferation of pornography everywhere. This two pronged approach, I would suggest, is the way to go. The appeal should proceed, but more important and perhaps more timely would be the passage of legislation in this place that would specifically address this broadened, expanded view of artistic merit as it pertains to child pornography. There is no artistic merit in child pornography. We have very strong laws against the proliferation of hate, of racism and of any sort of material in those areas. There is no reason whatsoever why we cannot pass stronger laws to ban outright any sort of pornographic material, written or otherwise.

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, I would like to ask the mover of the amendment about what exactly he means by a loophole. Second, how would the motion as presently drafted prevent the government from taking any legal action in order to address any so-called loopholes?

Mr. Peter MacKay: Mr. Speaker, I do not think I heard the member correctly when he mentioned organ donations. I do not believe I made any reference to that.

With respect to how the government should respond, it is very clear that it has within its means the ability to draft legislation. It has a legion of Department of Justice lawyers who could certainly draft legislation that would simply eliminate within the criminal code the defence of artistic merit, which is found within section 163.1(6), as the member knows. The government has an incredible ability to address this issue.

With respect to the disclosure elements, today the police must to provide thousands and thousands of documents in some cases where a lot of information is garnered. The member is right when he suggests that a sample copy could be acceptable evidence. The government should not only be obligated but should be mandated by virtue of some of these decisions that have come down that have left children at risk.

The Acting Speaker (Mr. Bélair): If I could get the attention of the hon. member for Pictou—Antigonish—Guysborough, I would ask if he has consent from the mover of the main motion to table his amendment? Under rule 85 this consent is absolutely required.

Mr. Peter MacKay: Mr. Speaker, I have not received any confirmation of that. I came directly to the House. The mover of the original motion is here, so perhaps he could advise.

• (1220)

The Acting Speaker (Mr. Bélair): Does the hon. member for Regina—Lumsden—Interlake Centre give consent to the tabling of the amendment?

Mr. Larry Spencer: Mr. Speaker, at this point there is no consent.

Mr. Norman Doyle (St. John's East, PC): Mr. Speaker, I want to say a few words on the child pornography issue as it relates to the recent Sharpe case in British Columbia. This case, as we are all very much aware, found its way to the Supreme Court of Canada which made a ruling giving courts guidelines on how to deal with these matters.

The supreme court ordered that the Sharpe case be retried and it is the decision arising from the retrial that is causing the kind of debate that we are having today in the House of Commons.

Supply

The rules on photographic child pornography are relatively clear. In the retrial, Mr. Sharpe was found guilty of possession of child pornography with regard to photographs that were subsequently found in his possession. However he was found not guilty with regard to certain written pornographic materials in his possession, and it is in that area on which I want to address and focus my remarks.

Mr. Sharpe successfully defended himself with regard to his written material by using two defences: first, the material did not openly advocate committing illegal acts with children; and second, the materials had artistic merit.

It is difficult to imagine that the federal government, upon hearing the result of that case, would not be rushing into the House of Commons with a bill in hand to protect our children from people who prey upon children. Instead, it appears, and I hope I am wrong, that government members have to be dragged kicking and screaming and forced to deal with the issue.

If the debate today does nothing more than to draw attention to that fact and to somehow bring attention on the government for not acting, then it will be a very successful debate.

In the court ruling, the judge pointed out that subsection 163.1(1) (b) of the Criminal Code of Canada states that child pornography means:

(b) any written material or visual representation that advocates or counsels sexual activity with a person under the age of eighteen years—

The judge points out that the supreme court's earlier decision on the Sharpe case provides guidance on the meaning of "advocates or counsels". In order to be guilty of an offence under that provision, the supreme court stated that the advocacy must be up front and active. It cannot be subtle or hinted at. It must be seen as actively inducing illegal behaviour with children.

The trial judge found the written material in Sharpe's possession to be morally repugnant but that it fell short of openly advocating such activities. Therefore he was found not guilty under section 163.

I want to point out that everywhere I go there seems to be a desire across the country to have this law tightened up so there are no grey areas. There can be no grey areas where children are concerned.

The other defence used successfully by Sharpe was the artistic merit defence. The trial judge pointed out that this was covered in the Criminal Code of Canada under subsection 163(6) which states:

Where the accused is charged with an offence under subsection (2), (3), or (4), the court shall find the accused not guilty if the representation or written material that is alleged to constitute child pornography has artistic merit or an educational, scientific or medical purpose. v

It seems to be very complicated and that is why the peddlers of pornography can easily get around the kinds of laws that we have today.

• (1225)

Unlike the obscenity provisions of the criminal code, there is no imposition of community standards in determining what is pornographic. In its guidelines, the supreme court stated that if allegedly pornographic materials have even minimal artistic merit, then the owner of the material must be found not guilty. The onus

would be on the crown to prove beyond a reasonable doubt that the materials have no artistic merit, which is very difficult to do. In other words, if a written article is 90% pornographic and 10% art, the writer must be found not guilty of possession of child pornography by virtue of the material's artistic merit however limited the artistic merit might be.

What kind of a law is that? We have to ask who would draft the laws and legislation that would leave a loophole big enough to drive an 18-wheeler through, where a written article can be 90% pornographic and 10% art and the writer will be found not guilty because the 10% has artistic merit.

We in parliament very often blame the judges for coming to the various decisions they come to but more of the blame should be placed right here on us. The people who draft and pass these laws are to blame. The judges can only interpret what is given to them by the lawmakers and we happen to be the lawmakers. We have a great responsibility in this regard to close these legal loopholes. Therefore the law needs to be changed.

There must be a prohibition against child pornography which catches more than those materials that actively promote illegal acts with children. Materials that depict degrading acts with children that can suddenly introduce and induce such behaviour have to be banned as well as materials that create an atmosphere that might lead to illegal behaviour.

The law needs to more accurately reflect community standards with regard to this behaviour. Figuratively speaking, we should not need to be caught with a smoking gun in order to be found guilty. Having possession of the gun itself should be enough to warrant conviction.

When will parliament start thinking more about the protection of our children and less about the civil libertarians out there who are preaching artistic merit and how important that is? The importance of our children should be the focus of our attention continually here in the House, not how important artistic merit is. We all realize that artistic merit is important but the protection of our children must come first in our society. When it comes to artistic merit, the law must be change.

If we are to err here, we should err on the side of child protection not artistic merit. However parliament seems to have forgotten that we are not talking about consenting adults where one person's art is another person's pornography. We are talking about little children, people not of the age of consent who deserve the maximum protection that parliament can write into the laws of the land. In matters of child pornography, community standards should carry more weight than artistic merit or artistic licence, and our laws should be amended to reflect that.

I therefore call upon the government to make changes to the laws covering child pornography, changes that reflect community standards and put the welfare of little children in our society first. The government must act and it must act quickly. The lives of children and their well-being are at stake here.

Supply

● (1230)

I am not a lawyer so I do not know nor can I recommend how the law should be changed or framed to plug the legal loopholes. However I do know that the only requirement we need in the House to plug that loophole is the political will and desire to do it, the desire to see the most vulnerable in our society protected.

Mr. Rick Casson (Lethbridge, Canadian Alliance): Mr. Speaker, I thank the member for his participation in our opposition day motion.

We are dealing with the exploitation of our children, the use and manipulation of our children by predators and pedophiles. Some issues that are intended to cloud the issue are being brought into the debate. We have to continually go back to the fact that we are trying to put forth a debate that in the end will result in further laws and further protection of our children.

I want the member to comment on one fact we heard last week at a meeting with some crime fighters which was set up by the member opposite. They indicated that the international police services consider Canada's child protection laws to be a joke. We have heard from the government side today that we have great laws and that the government is doing wonderful things to protect our children. It has been stated in meetings on the international stage that what Canada has on the books as far as protecting children is a joke.

Would the member comment on those issues?

Mr. Norman Doyle: Mr. Speaker, it is hard not to agree with the hon. member that some of the laws we have here governing child pornography, especially the kind of laws that deal with written material and artistic merit, are indeed a joke. I have heard many people in the legal profession and many police officers say the same thing. What the hon. member said has some merit indeed.

I go back to a comment I made earlier today. What kind of laws do we have here? We have to ask ourselves who is drafting the laws in this country of ours. I wish I were a lawyer. I wish I could argue the case from a narrow legal point of view, but I cannot do that.

The hon. member is correct. Some of our laws which are supposed to be designed to protect our children are just not getting past the courts.

Every now and then we blame the courts for falling short, but the blame belongs squarely on the House of Commons. We are the people who pass laws. The people who frame these laws, the lawyers, the civil servants, the deputy ministers must be asleep when we consider some of the loopholes in the law today. There are loopholes big enough to drive a truck through. There are loopholes that favour the predators, the people who prey on children and wish to spread that kind of filth around the country.

We have to be more vigilant. We have to have a greater commitment to the weak in our society. Who could be weaker and more vulnerable in our society than children? We have to concentrate on that.

Hopefully the framers of these laws and the government itself will come rushing to the House fairly soon with a law plugging the loopholes in the existing legislation.

● (1235)

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, I will be splitting my time with the member for Lethbridge.

Mr. Speaker, I am pleased to rise today in support of our opposition motion. The motion addresses one of the gravest concerns Canadians face today, the sexual exploitation and abuse of children.

One of the points I wish to make is that the motion itself is not a legal document. Some people are overly concerned that the motion has to be interpreted the same way someone would interpret a statute. That is not the intent of a motion at all.

The purpose of a motion is to provide policy direction to the executive, asking them, the cabinet members, the Minister of Justice, the Prime Minister, to take action and introduce appropriate legislation. This is a political document. It is not a legal document.

I noted the suggested amendment that was brought forward. I looked at that amendment and I do not see anything inconsistent with what is already stated in the motion. The motion does not deny the amendment brought forward by the member for Pictou—Antigonish—Guysborough.

It says that the government immediately introduce legislation to protect children from sexual predators including, and then it talks about two specific issues. One is to raise the legal age of consent and the other is to prohibit the creation and use of sexually explicit material. I am just summarizing. That is not exclusive. It establishes a minimum. The suggestions that are put into the motion that was made previously are already contemplated or within the purview of the contemplation of the government if it wishes to proceed in that direction.

Certainly I agree with many of the comments made by the member who introduced that amendment.

Our motion, if adopted and passed into law, would extend badly needed protections to our children who are at risk of exploitation by child pornographers and pedophiles. We must not be afraid to show leadership in providing the policies and the legislation that our children need.

It is a sad fact that Canada is becoming a safe haven for child pornographers and pedophiles from all over the world. In listening to the police the other night, I believe it was April 16, the police said that back in 1993 Canada's legislation was praised as one of the most progressive pieces of legislation in dealing with this issue. Yet subsequent court decisions have whittled away the effectiveness of that legislation.

In Toronto alone there are at least 400 reported cases involving child pornography that need to be investigated. The police simply do not have the resources to do it. A lack of resources and a lack of appropriate legal tools will prevent the bulk of these cases from being investigated.

Supply

In one case where the investigation is under way, there are 400,000 pictures involving the depictions of the abuse of thousands of children. It has literally bogged down the Toronto police. The police need our help. Resources are a significant issue. On the other hand, we here should also be providing them with the appropriate legal tools. We are here today to implore the government to take those steps.

As my colleagues have stated, some of the legal changes we are supporting include raising the age of sexual consent from 14 years to at least 16 years. We are saying at least. We are establishing a floor. We are not establishing a ceiling.

• (1240)

The other day the Parliamentary Secretary to the Minister of Justice was up to some mischief in question period suggesting that this motion in some way advocated the lowering of that age. The Liberals are casting around looking for a technical reason not to do what every Canadian believes they ought to do. They are looking for technical excuses. When we interpret these types of motions as purely legal documents, we can find millions of excuses not to do what we are supposed to do.

I implore the Minister of Justice and his parliamentary secretary to stop looking for legal technicalities. We can hire lawyers to find legal technicalities. We need parliamentarians to stand up and voice clearly the policy direction. The policy direction here is clear. At least the floor should be 16 years. We do not support lowering the age of consent where that consent is already established at 18 years.

Why did the parliamentary secretary come into the House yesterday to play that kind of mischief? Why does he spend his resources and his time in trying to pass off that kind of mischievous argument? Given the gravity of the issue we are dealing with, why would he even suggest that, when he knows that the policy direction given here if the motion is passed by the House is seen as an inclusive and expansive, not a restrictive motion?

Some of the points the member from Pictou—Antigonish—Guysborough made are good ones. We do not need to turn the motion into a legal document. We need to stand and say that this motion already encompasses that and let the government have the moral fortitude to do what is right.

Even the former Minister of Justice in response to a question I asked her in the justice committee on October 3, 2001 said “I think we will see that a consensus is emerging that with certain safeguards we should probably be moving on the age of consent from 14 to 16”.

Elected officials from all political stripes recognize the importance of implementing these legal tools so that our law enforcement officials can better protect our children. This provision plays a significant role in defining the scope of available offences to try to stop child pornographers.

Finally, I want to comment on the case of John Robin Sharpe. Public outrage over this case indicates that writings depicting violent sexual exploitation of children run far beyond what Canadians are prepared to accept. Canadians clearly believe that the law should never permit such material to be distributed or circulated or even created. This material is used, as the police say, to groom children, to

break down inhibitions so that those children can be used as sexual objects.

I implore members of the House to support the motion, to stop thinking like lawyers and to start thinking about the future of this country and about doing the right thing.

Mr. Rick Casson (Lethbridge, Canadian Alliance): Mr. Speaker, I am pleased to be given the chance to speak to this motion today. However discussion of things such as child pornography and the age of sexual consent brings no joy to me at all. What I personally bring to the House today is a deep, serious concern about the peril of our children, the peril they are in from sexual predators who would destroy their innocence and in essence their very lives, and the alarming lack of support that the government provides our crime fighters and our courts to deal with sexual exploitation of children.

As far as my constituents are concerned, there is no other issue that gets as much attention as our country's lack of comprehensive child pornography laws and our embarrassingly low age of sexual consent. Petition after petition, letter after letter, the message is clear: things need to change and they need to change now.

Two things are very clear to the vast majority of Canadians. Adults having sex with children, whatever the medium it is documented by or on, has no artistic merit. Fourteen year olds do not have the confidence nor emotional maturity to consent to having sex with people possibly twice or three times their age. Those two things are so self-evident that many are flabbergasted by the lax laws our country has on these issues. If we as a nation of compassionate, intelligent people cannot protect the most vulnerable members of our society, then what are we doing? We need to protect our children or we have indeed failed in the creation and maintenance of a just and safe society.

The message the government sends to Canadians about our children is they have no rights as people, they are property to be used and abused as any adult sees fit and it hopes they make it through life, but as a government, it does not bother ensuring their safety. That is wrong and that needs to be changed.

This is not about the morality of the right or the liberalism of the left. This is vital and intrinsic to a functioning healthy society and crosses over every party line. Children cannot be allowed to be sexually abused and used and be expected to grow up into balanced and well-adjusted adults. It is foolish and irresponsible to assume otherwise and do nothing.

A couple of years ago the member from Pickering—Ajax—Uxbridge brought together some crime fighters on Parliament Hill. He did the same thing a week ago. However, two years ago when we got together, Detective Matthews from the OPP pornography unit brought an issue to my attention that needed addressing in the criminal code. I brought forward a private member's bill to amend the criminal code to allow for the forfeiture of equipment used in the production and distribution of child pornography. I am proud to say that it is in Bill C-15A and is part of the bill that will hopefully be law soon.

When the member brought these same people back together last week, I was able to attend. What we heard and saw was truly distressing. We heard from the woefully understaffed police agencies on child pornography, from police officers to lawyers to intelligence officers, and the message was loud and clear: Canada provides very little protection for its most helpless citizens.

The Toronto sex crimes police unit showed the round table about 40 seconds the 400,000 images it seized from one arrest in the city. Some of the children were as young as six months old. They were real children. They were being raped, tied up and tortured. It was the most revolting 40 seconds of my life and it is something I never want to have to see again. However it would have been selfish not to have witnessed, to know exactly what was going on and to try to help. It is my duty as an adult, as a father, as a grandfather and as an elected representative to help change things for the better and to ensure that this filth is not permitted to be produced, traded or possessed within our borders.

The John Robin Sharpe case will forever be linked to child pornography. I suppose that is understandable. What we cannot allow is for him to be lauded as a freedom fighter. He is for organizations, such as NAMBLA, that aggressively advocate sex with children claiming to truly understand that children are sexual creatures. Sharpe's writings are not the documents we should be waving around as examples of freedom of thought and expression.

Last month Sharpe was found guilty of possessing boxes of child pornography. However he was found not guilty for the stories he had written and obtained from other pedophiles. Justice Duncan Shaw's reasoning was that however vile they were they had artistic merit.

• (1245)

The guidelines for granting this exception are foggy at best and the laws concerning this area must be specifically and carefully rewritten so as to allow for things like Shakespeare's *Romeo and Juliet* to be studied in schools but to allow the banning of the diatribes filled with the rape and torture of children and luring stories read to children by pedophiles to normalize sex. One thing pointed out to us by these crime fighters was that these writings and pictures were used to brainwash children so they would eventually think it was a normal action. To say that there is any artistic merit in this type of filth is simply unjustified. In a tactic to recruit and groom, as was mentioned earlier, there is one lever that we must take away from child pornographers and pedophiles.

Since Sharpe's textual child pornography had an introduction, a body and a conclusion, while being somewhat grammatically correct, it was considered to have artistic merit. We have to make amendments to ensure that this does not happen again. One

Supply

psychiatrist who testified at the trial said it was one of the most violent things he had ever read. Yet someone says there is artistic merit.

People promoting hatred through writings are not permitted to use artistic merit as a defence but child pornographers are. If writings and comics that depict children being stalked, kidnapped, tortured, raped, sodomized, murdered and cannibalized are not hate literature, then what is? If a 14 year old is permitted to consent to being videotaped while having sex with a 40 year old man, how can we as a nation say with a straight face that we care about our youth?

There have been a number of meetings on the Hill with people who fight this vile stuff everyday. They have told us that there needs to be a national task force specifically dedicated to fighting child pornography and the spread of this stuff. They do not have the resources. As was pointed out earlier, there is one case in Toronto that has a whole unit tied up. They have to catalogue every one of the 400,000 images seized in this one case and present them in court. This ties up their entire force. Another 400 cases have been reported but they cannot get to them.

In the cases of drug seizures, a sample is good enough as proof in court. They do not have to bring in the two tonnes of marijuana or whatever. A sample is sufficient. I think simple changes in the law such as that would take a tool away from these people when they came to court to fight these things.

If we want to get into the debate about the technicalities of some laws existing and some not, let us forget about this. This is about parliamentarians, parents and grandparents doing something to protect our children. If we cannot put aside some of these party specific issues and come together as a parliament to do something, then something is drastically wrong.

I want to read some quotes by witnesses that the committee heard a week ago today.

Detective Sergeant Gary Ellis in Toronto stated "Police exist to protect the weak from the strong and right now we cannot do that properly". I thought that was a little misleading but after thinking about it for awhile, I decided he was right. We have the weak when we speak of our children and they are the most vulnerable people in our society. There is an aspect of that quote and I understand what he was getting at.

Detective Bob Matthews spoke about studies and all of this posturing with no concrete action. He stated "We've educated ourselves stupid on this issue". I agree with him. We have talked and talked and this issue is still in front of us. Let us bloody well do something to change it.

Supply

The Toronto chief of police stated “If we can't protect our children, then we should, as a society, fly the white flag or surrender because all is lost”. I agree with that entirely. If we as parliamentarians cannot do what is right for our children, then we have no business being part of this parliament.

A corporal in Interpol stated “It's an explosion. And these are horrible images. There are kids that have been abused to produce those”. In one instance children were as young as six months old. One person who saw some stuff provided by Interpol said that a baby who still had the umbilical cord attached was being sexually abused. When we think about the degree of heinousness this takes to perpetuate, then we have to do everything in our power to provide protection.

• (1250)

Detective Matthews stated “Canadians produce as much or more child pornography, per capita, as any other developed country”. Our lawmakers are saying this to us and it is up to us to do something to help them.

• (1255)

Mr. Reed Elley (Nanaimo—Cowichan, Canadian Alliance): Mr. Speaker, I would like to make a comment and then ask my hon. colleague a question. From time to time today in the debate, some of our hon. members across the floor have I think deliberately tried to cloud the main issue of which we are speaking by inserting extraneous materials into the debate.

The hon. member of while I am speaking there are crosses burning in St. George fame said that she had concerns about the ramifications of passing legislation pertaining to the subject because it might prohibit doctors from graphically sharing with children the kinds of things that must take place as they develop sexually, precautions they should take in terms of sexual intercourse and that sort of thing. She also made the observation that if we went down this road, perhaps it would even mitigate against a teenager writing about her sexual fantasies in a diary or talking about her sexual encounters with her boyfriend.

These kinds of things are being raised in the House which deliberately obscure the very serious problem we have in this country when it comes to the exploitation of our children by sexual predators.

Let us cut to the chase. What does my hon. colleague see as the real issue here and what is his reaction to some of these comments?

Mr. Rick Casson: Mr. Speaker, I do not think it can be any better addressed than it was in an editorial by Stephen Harper, the leader of the Canadian Alliance, along with the member for Provencher and the member for Regina—Lumsden—Lake Centre who brought the motion forward.

They stated:

The purpose of the Canadian Alliance motion is not to criminalize sexual activities between young people close in age or those that are legally married. Rather, the intention is to provide protection to children and young people in situations where they find it difficult to protect themselves. The current age of consent leaves children and teenagers open to becoming targets of pornographers, Internet sex scams, pedophiles and sexual abuse.

When we did the research a couple of years ago on the first private member's bill that I brought forward, which eventually ended up as an amendment to the criminal code, we talked to an awful lot of people across Canada who had been involved in the issue of fighting for the protection of our children. All these issues came forward at that time and we were able to discuss them. However we must keep bringing it back to the fact that we have to do something to protect the people who cannot protect themselves and the young people who are becoming targets.

The Internet has become an absolute haven for these predators, these pedophiles, who use the information, pictures and writings to keep bombarding children until the children think that is the normal way to act. That is why the possession of it, the distribution of it and anything that depicts children in any kind of a situation that would lead to their exploitation is something that we have to work hard to expose and eliminate.

That is what this motion is about today. All this other technical, fuzzy things around the edge should be dealt away, and let us talk about this.

Mr. Tom Wappel (Scarborough Southwest, Lib.): Mr. Speaker, I will be sharing my time with the hon. member for Pickering—Ajax—Uxbridge. Unfortunately I only have 10 minutes so I will not be able to deal with all the aspects I would like to.

For the benefit of my constituents and others who may be listening I will begin by quoting the motion that has been moved. It states:

That the government immediately introduce legislation to protect children from sexual predators including measures that raise the legal age of consent to at least sixteen, and measures that prohibit the creation or use of sexually explicit materials exploiting children or materials that appear to depict or describe children engaged in sexual activity.

This is a motion. It is not an amendment to a specific clause of a bill. It is simply an expression of what the mover hopes is the view of parliament. I have absolutely no difficulty whatsoever in supporting the motion. However I qualify my support by rejecting as categorically idiotic any suggestion that the government is dragging its feet, has not protected or is not protecting children, or that anyone on this side of the House is not interested in protecting and looking after children. That is simply not the case. It is a matter of the approach we take to do that.

There are few people currently sitting in the House of Commons who sat on the Horner justice committee in 1993 when it considered the child pornography legislation that is currently in the criminal code. I am one of the few members of parliament who sat on the committee in my capacity as official opposition critic for the solicitor general.

For those who were not here and do not remember the history, the legislation was brought forward by the Progressive Conservative government of Brian Mulroney. It was not the first time he had tried to bring in legislation to protect children and had been attacked by numerous forces saying it was too draconian.

Supply

If members think the current legislation is not draconian enough they should put themselves in the context of 1993 when people criticized the Conservative government for making it too strict. There was a great deal of opposition even to the inclusion of written material. The proposal was that the legislation should deal strictly with photographic visual evidence and that written material was not a harm to children and should therefore not be prohibited.

I fought against that. We were in support of including written material. Memory has a way of fading and making one seem smarter than one was, but it is fair to say that if I went back to look at the transcripts I would see I had a problem with putting two things into the legislation: advocating or counselling; and the defence of artistic merit. I will get to both those things in a moment.

In any event, members on this side of the House and I hope on the other side will talk about some of the things the government has done since 1993 to continue to protect children. In the meantime the Sharpe decisions of both the Supreme Court of Canada and the Supreme Court of British Columbia have come down. That means we must revisit the issue and decide what we need to do to plug loopholes.

Let us make no mistake. Loopholes have been imposed by the Supreme Court of Canada which were not contemplated by the legislators who passed the legislation in 1993. I say that as a bald fact because I am one of them.

I support raising the legal age for consensual sexual activity between adults. I want to make that clear. I am talking about consensual sexual activity between adults. The motion says at least 16. I am prepared to consider 18 as the age because it is a matter of empowerment and lack of equal bargaining power. Someone who is not an adult does not have the same mental capacity to make rational decisions as an adult. The adult may therefore be able to take advantage of the child.

• (1300)

We can always come up with examples. Someone may have just had his 18th birthday and had sex with his girlfriend who is two days shy of her 18th birthday. We are not trying to come up with the ridiculous. We are trying to protect children. We must therefore come up with broad strokes that are reasonable to protect those who cannot protect themselves: the children of our country.

I have no difficulty in at least considering the pros and cons of increasing the age of consent not just to 16 as the motion calls for but to 18. We cannot drink in the province of Ontario until we are 19. We cannot vote until we are 18. Why should we be able to have sex at the age of 17 with someone who is 47? It makes no sense to me so I am prepared to consider that. That is one of the things the motion calls for: to consider ideas.

A real problem has arisen with respect to subsection 163.1(1)(b). Subsection 163.1(1)(a) deals with visual depictions of pornography. I am not talking about that. All these horrendous examples we have heard of visual depictions are against the law. Some judges in the country are not giving the kinds of sentences I would give if I were a judge, but that is a different issue. The maximum penalties are there. If we give someone a conditional sentence for the possession or making of child pornography we ought to have our heads examined.

However that is not what we are talking about. We are talking about any written or visual representation of children engaged in sex that advocates or counsels sexual activity. Then there are the defences: First, material does not constitute child pornography if it has artistic merit or an educational, scientific or medical purpose. I will not talk about educational, scientific or medical purposes. However I will talk about artistic merit because that is what Mr. Justice Shaw talked about in the British Columbia case when he handed down the second Sharpe decision.

We must be technical because we are passing laws that would restrict freedom in the broadest sense of the word. We must therefore look at things from a legal point of view.

I will quote Mr. Justice Shaw on the issue of advocating or counselling. He was referring to two things Sharpe had allegedly written. I say allegedly because I do not believe he necessarily wrote them. Pedophiles are notorious for trading things. One of the simplest ways of getting around something like this is for people to take someone else's filth, say they wrote it and claim it has artistic merit.

In any event, this is what Justice Shaw said:

[33] While *Boyabuse* and *Stand By America*, 1953 arguably glorify the acts described therein, in my opinion they do not go so far as to actively promote their commission. The descriptions may well be designed to titillate or excite the reader (if the reader is so inclined) but these descriptions do not actively advocate or counsel the reader to engage in the acts described.

[34] Nor, in my view, do *Boyabuse* and *Stand By America*, 1953 send "the message" that sex with children can and should be pursued. If that were the case, then literature describing murder, robbery, theft, rape, drug use and other crimes in such a way as to make them appear enjoyable would likewise be said to advocate or counsel the commission of those crimes. In my opinion, such literature is not what the "advocates or counsels" requirement is intended to capture.

In my opinion the judge is wrong. He has his opinion. I have mine. How do we deal with the difference of opinion? In my opinion, to use his words, we should change the clause. It should be changed along the lines of what the police officers told us last Tuesday. To the section I have quoted they would add "or a prominent characteristic of which is the description of sexual activity between a person under the age of 18 and an adult, the primary purpose of which is for the sexual gratification of an adult or which poses a risk of harm to a child".

My 10 minutes is up. That is unfortunate because I wanted to address artistic merit. I hope someone will ask me a question.

• (1305)

Mr. Brian Fitzpatrick (Prince Albert, Canadian Alliance): Mr. Speaker, if a tree falls in the forest and no one is there to hear it, how do we know it happens?

I have a problem with Mr. Justice Shaw's reasoning on artistic merit. If I understand the decision correctly it was not intended for distribution. That was one aspect of his decision. If I look at the Mona Lisa or read Mark Twain there is a consumer or critic at the other end who makes the judgment. I have a lot of problems with the judge's reasoning in the decision.

Supply

The way the section of the criminal code is worded it seems if one can find anything of artistic merit it becomes an absolute right and defence. However I remind the House of what Oliver Wendell Holmes said about freedom of expression. He said if one stands in a crowded theatre and yells fire there is no such thing as absolute right to free expression. If the legislation is worded as an absolute right it is incumbent on parliament to fix the problem.

If there is a conflict between the protection of children and artistic merit we should weigh in favour of the child and not the artistic merit argument. Could my hon. colleague comment on the balancing act that must take place in this area? I would hate to see children lose out to the argument of artistic merit every time.

● (1310)

Mr. Tom Wappel: Mr. Speaker, I do not disagree with anything the hon. member said. I agree that the rights of children must supersede other rights. Children have no way of protecting themselves. It is up to us to protect them.

Here is what the section says as far as defences are concerned.

Where the accused is charged with an offence under subsection (2), (3) or (4), the court shall find the accused not guilty if the representation or written material that is alleged to constitute child pornography has artistic merit—

The problem is that the chief justice of Canada in her decision in *R. v. Sharpe* said:

I conclude that “artistic merit” should be interpreted as including any expression that may reasonably be viewed as art. Any objectively established artistic value, however small, suffices to support the defence.

That is plain nonsense. It is a loophole we never intended when we passed the section. It lowers the bar so low an ant could jump over it. We must fix it in the House of Commons, and the sooner the better.

Mr. Sarkis Assadourian (Brampton Centre, Lib.): Mr. Speaker, this is an important issue. There is heated debate on both sides of the House.

I remind the hon. member that on April 16 we had a meeting on this important issue. It was attended by 38 members of parliament from all parties except the Bloc Quebecois. It was agreed that the issue was to be headed by my hon. colleague from Pickering—Ajax—Uxbridge. The Alliance Party did agree to follow the procedure. It would not make this a political issue.

What happened between April 16 and now? The Alliance Party has decided to bring back the issue and bypass the agreement it had with all the members of parliament. Could my hon. colleague answer that question?

Mr. Tom Wappel: Mr. Speaker, that is why I looked so carefully at the wording of the motion. I would not have drafted the motion using the same words. I might have used other words and have thought my wording was better. However I do not view the motion's wording as partisan. I do not see an attack in the motion on any government notwithstanding the speeches taking place now. We are voting on a motion, not on the speeches of individual members. I do not see anything in the motion that makes this a partisan issue.

We must look at the issue in broad strokes. We need to protect our children. We cannot get into parsing the issue. We must look after those who cannot look after themselves.

Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance): Mr. Speaker, in his opening comments the hon. member for Scarborough Southwest said there seems to be an idea among opposition members that the government is dragging its feet on making changes to the legislation.

That is a reality. The Liberals have been in government for over nine years in which time the Internet has become a household appliance. This has exacerbated the problem. We are no longer talking about pictures in books. We are talking about things on the world wide web.

The government should have made changes years ago when the Internet became a reality in homes from coast to coast, but it has not done that. When we talk about dragging feet we are saying the government could have done that. It come have used the notwithstanding clause on the Sharpe decision. It was not done. When we say the government is dragging its feet it is grounded in reality.

Mr. Tom Wappel: Mr. Speaker, we passed legislation on October 18, 2001 creating a new offence of luring, which targets criminals. We make it an offence to transmit, make available, export, or intentionally access child pornography on the Internet. What is the hon. member talking about?

We allow judges to order the deletion of child pornography posted on computer systems in Canada. We allow judges to order the forfeiture of any instrument or equipment used in the commission of child pornography offences. The trouble is the judges are not doing it.

A child pornographer was working for the Department of National Defence. What happened? The judge let him have his computer so he would have something to do. What kind of a judge is that?

● (1315)

Mr. Dan McTeague (Pickering—Ajax—Uxbridge, Lib.): Mr. Speaker, I am pleased to speak to the motion today.

I feel a little like an expectant father in the sense that much of this debate today, which is certainly long overdue, hopefully will ultimately create an environment whereby members do not fall on a partisan basis on what is being proposed.

The motion itself deals with the more interesting question of consent which is reflected in the actual decision itself. However most Canadians understand this issue from the perspective of the decision by Shaw in Sharpe number two, the most recent one last month, in which the decision was made based on the judge not finding an advocacy or counselling of child pornography or molestation. The second one, which received wider media attention, was on the more limited subject of artistic merit as a defence.

The motion which comes from the Canadian Alliance does not deal contextually with the concerns that have been expressed readily. We have had some debate over Bill C-15. The member for Scarborough Southwest has made some pretty good comments with respect to Internet service providers and the requirements we are making. The government should be lauded for moving in the right direction.

Supply

On April 16, a week ago this evening, as is reported in some of the papers today, a meeting did take place. I note that some of the facts and figures that came out of a meeting with experts on the subject of child pornography have found their way into the speeches of hon. colleagues. It is interesting that those speeches were taken to heart because subsequently there was a commitment made by most of those members to deal with the issues as they were raised and there were some 11, and options.

The first option deals with the age of consent being raised from 14 to 16 while maintaining the close in age exemption. The suggestion was that there be an amendment to section 151 to substitute 16 for 14 but with the qualifier to retain the age of 18 as a consent for trust relationships.

A number of other issues were raised, such as eliminate the defence of artistic merit; determine that child pornography, written or otherwise, is a form of hate crime; and require that written child pornography be found to advocate in sin and counsel sexual activity. There would be appropriate changes for that.

Another issue was that private recordings of lawful sexual activity privately held for personal use would be subjected to a constraint. There would be an option to restrict such exceptions to recordings between persons under 18 not engaged in explicit sexual activity, clearly indicating both knowledge and consent that the activity is being recorded, not kept in a manner where it is capable of distribution to others, and possession is for the exclusive personal use or the person's possession.

There was concern about expressive material in issue number five, which was a clarification or writing of the Supreme Court of Canada.

Concern was raised on another issue and an option that was given about the necessity for police to provide copies of every image seized. It is a little like a drug bust, where one would have to haul in the entire containership as opposed to bringing in a sample. This makes the jobs or resources for police unnecessary and depletes the resources in combating child pornography.

There were other sections that dealt with DNA and other sections that dealt with the issue of a primary designated offence. We were also talking about minimum mandatory penalties for those who commit these kinds of activities.

There was the idea of a national child protection strategy and the concern about, as we saw in the Bernardo case, the re-victimization of certain individuals as a result of permitting the defence an opportunity to see the tapes and having to go through legal gymnastics in order to get the tapes destroyed.

There was also a concern about the retention of information by Internet service providers which I alluded to in my debate last week.

• (1320)

It is pretty hard to argue against a motion in which, as poorly worded as it may or may not be, the intent is correct, that there must be action by this parliament. I said so in a letter to the Prime Minister 45 minutes after the final decision of Justice Shaw.

I was involved with the contemplation of the use of the notwithstanding clause back in 1999-2000 at the first round. I have

made a number of interventions on this in a number of different forums. There is a way for parliament to work out the entire issue of child protection in an environment where we can ensure that the maximum degree of protection is afforded our children and yes, not be afraid of using the criminal code to do that.

Before we get to the notwithstanding clause and before we put awkwardly worded questions into law, we must first understand the importance of the issue that the public expects us to address. Very clearly, the artistic merit defence as qualified by the Supreme Court of Canada, as qualified by saying artistic merit however small, should never be used as a sop to ignore the real purposeful risk that exists to children as a result of written information.

Why is that critical? It is critical for one simple reason. The people who look at, purvey and create these images do it so they can suppress the cognitive distortions or use as a distortion but suppress what would otherwise be an affront to most people. It normalizes the degradation, the torture, the raping of children. It allows them an opportunity to fulfill the belief that what they are doing can be vindicated and can be acceptable.

Of course, normal people in society cannot deal with this because the question of the community harm standard was removed. We also know on this issue that short of the community not having a role to play, we were also told that any simple, tiny, minute form of artistic merit would be enough to outdistance and outclass the importance of protecting children.

It is clear to me, and I say so respectfully to the judges, that the Supreme Court of Canada got it wrong. Justice Shaw went even further in a couple of areas alluded to by me and the justice critic for the Bloc Quebecois, as to how there were a number of errors committed in law.

Ultimately, an action plan could contemplate the direction to the B.C. supreme court to at least review and appeal the issue as we did in the case of Marshall and in the case of Askov. We said that the supreme court made a decision and the lower courts got it wrong so we are going to refer it back to the supreme court to give a decision. We could look at that as an option. However, for this parliament not to delve into it and deliberately set itself upon the notion of having to tackle this issue head on, in my view is an abdication of our responsibility regardless of what party or what corner of a province or part of the country we come from.

It is for this reason I have often felt it was important. It was good enough for the premier of Manitoba 24 hours after the decision to ask the federal government to consider protecting the interests of children and not perverts. It was good enough for the province of Alberta and for other others to make the comments. It was good enough for 85% of Canadians to say on the question of written information, they do not believe that the question of expression and the freedom to express it should be boundless.

Supply

There is a line that has been crossed here not just on who calls the shots in terms of the laws of this country, but also a determination of the rights of individuals. If we are so willing to give the benefit of the doubt in the most minute form to people to express themselves while completely ignoring the life, liberty and security of the person which are also guaranteed in the charter, then who will speak for the children?

I cannot be more forceful on that point. I do not think there is any relevance in this parliament going forward with other ideas, debates and issues if in the first instance we cannot protect the next generation.

What is some 750,000 images of 10,000 different children, some as young as six months of age in my community in Toronto? That is significant. There are things we cannot correct because they deal with social mores but we can at least take the time to consider options here and now that restore not only the integrity and the confidence the public has in this place and the other place, but also the confidence in the next generation.

• (1325)

It would be helpful if opposition members who proposed the motion would at the very least consider the annoying part that has caused some difficulty over the question of consent. If they could qualify that, as we did in issue number one which was referred to a little earlier, it would be extremely helpful. I think we would find that a lot more members would support the resolution.

Mr. Tom Wappel (Scarborough Southwest, Lib.): Mr. Speaker, I want to remind the House that very shortly after Sharpe decision number two, the hon. member for Pickering—Ajax—Uxbridge was instrumental in pulling together a group of police officers on Parliament Hill. In fact it occurred last Tuesday. They were from all across the country, from as far away as Vancouver and as close by as Toronto. They brought a lot of information to us.

I want to pay particular tribute to the hon. member for his initiative in pulling that meeting together so very quickly. His initiative was rewarded by seeing a great number of members of parliament from different parties attend the session that he organized. I want to give the hon. member that praise.

Does the member have any particular amendments or suggestions which he did not have an opportunity to give us in his short 10 minute speech which he would like to give in response to my question?

Mr. Dan McTeague: Mr. Speaker, I had a suggested amendment which I think was covered by the hon. member for Pictou—Antigonish—Guysborough. This would come in the form of a friendly amendment, subject to those who have presented the motion. It reads that the government immediately introduce legislation to eliminate the legal loophole of artistic merit and other measures to enhance the protection of children from pedophiles and child pornographers in light of recent court decisions.

Miss Deborah Grey (Edmonton North, Canadian Alliance): Mr. Speaker, while we are talking about partisan issues, I appreciate the member who said that the actual wording of the motion was very non-partisan and then stood up and said way to go on the meeting. That is just great, but let us not blow horns here. Let us blow

whistles on the people who are perpetrating these acts. These are criminal acts.

It is one thing to get into this whole idea of the definition of artistic merit. Forgive me for not being into modern art, but there is no way anyone will ever convince me that this kind of stuff would ever qualify as having artistic merit. I think all of us share that frustration.

The question here is regarding the friendly amendment. This is a motion that should speak on behalf of all of us in terms of intent and what it is we are trying to accomplish. It is non-partisan. People are equally frustrated on both sides of the House.

These are the kinds of things we can put into that friendly amendment. If we in the House of Commons propose the intent of a motion, there are well-paid people around here who can draft those things legally, technically and properly to make sure it is charter proof. Let us do that.

What we need is the intent to say let us get at this and without blowing horns be able to blow the whistle. Could the member comment on that? Let us give the intent to the drafters. Surely there is a way they could come up with something to get us through this.

Mr. Dan McTeague: Mr. Speaker, the hon. member has certainly exhibited a very personal commitment. It speaks to the significance of this issue.

It does not create a dilemma for most members of parliament. I do not think there is a single one of us here who would agree with the decision that was rendered in terms of what we have seen as a result of what is now a loophole in law. We also recognize and respect the fact that a motion as written is not etched in stone. It is not in itself a legal parlance subject tomorrow morning to the Supreme Court of Canada's decision, albeit that is somewhat ironic since it would appear that it got it wrong the last time.

A team of members of parliament dedicated themselves at the first initiative to look at this very objectively to find 15 different areas in which we should attack the issue of child pornography. In light of the missteps by the courts and perhaps originally by the poor drafting of the legislation, the last thing we should do is divide ourselves on wording that may or may not serve the ultimate effect of increasing the age of those who consent while at the same time potentially decreasing the age of those in positions of trust. I can only think of people like Mr. Kennedy, a young hockey player who was in that situation.

I do not think for many people in trust or authority, given the controversies that are there, we can allow ourselves to provide flimsy language on a motion. There is an opportunity here and I will propose another one shortly with Mr. Speaker's indulgence.

• (1330)

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, I will be sharing my time with my colleague, the member for Port Moody—Coquitlam—Port Coquitlam.

I am proud to support the motion of my hon. colleague from Regina—Lumsden—Lake Centre. I congratulate him for all the work he has done on this urgent and important issue before us. I also congratulate the hon. member for Saskatoon—Rosetown—Biggar for the efforts she has put into the motion and her long term work on this project.

The motion deserves the support of all members and all parties in this place. I am pleading today with members opposite to put petty partisan considerations aside in the interests of our nation's children.

The motion is not about what happens or has happened in the back seat of daddy's Chevrolet. It is not about paradise by the dashboard light. This is not, going a long way back, about *Wake up little Susie*. This is about what is happening right now on the streets of our cities, large and small, and on the Internet. It is about what could be happening right now somewhere in Canada or being planned right now somewhere else in Canada.

Let me make it very clear to members opposite who have at times been told to oppose anything that comes from any other party in the House no matter how much our country will benefit from its adoption. Let me explain and plead with them for their support. This is about protecting our children. This is about protecting innocent children who should be running around the playgrounds and the playing fields of the country and not being dragged into back alleys or forced to walk the grimy streets favoured and prowled by sexual predators. I am pleading with those opposite, indeed with all members of the House, to stand shoulder to shoulder with us on this issue.

I would say, especially to the member for Pickering—Ajax—Uxbridge and his colleagues who have publicly supported initiatives like this previously, that we welcome their support on the motion. I talked to him this morning and he proposed an amendment that is not quite the one we want yet but I would suggest to him that after question period today we could meet in the lobby behind the seats. We will work with members of that side of the House if there is an amendment that could please everyone because the job here is to work to protect children not to play party politics.

I ask those member to help us send the message that states clearly to those who exploit our children that there is no dark corner, no dirty back alley, no dingy room anywhere in the country where they can hide. We want them to know there is no place in Canada where they will be able to conceal their behaviour. No person in the country will tolerate their presence in our society.

The motion is all about and only about children and protecting them from the dregs of society, keeping them safe from the small but dangerous plague we call sexual predation.

This is a non-partisan issue and a motion that carries the support of politicians in all parties. The attorneys general of the provinces are on record as supporting efforts to combat sexual exploitation of children and the House should be making every effort possible to lead the battle.

We know the police are hindered in their efforts to protect children as young as and younger than 14 who are being coerced into sex with adults. I stress adults here, not two teenagers experimenting but adults who are exploiting. Members might want to remember that we

Supply

are not talking about experimentation, we are talking about exploitation.

As for the Internet, police estimates are that one in four children have received pornography sent to him or her by an adult. The Internet has become the net that some predators use to entrap children. Police everywhere have said that the Internet is being used to exploit children and people are calling for rules to regulate Internet use.

What we need are laws not rules. We need laws that will protect the children and punish the predators. The first law we need is one that says that a child 16 and under is a child not a sexual play toy for sick and evil adults.

The motion before us is about protecting our children. While many people think the age of sexual consent should be set at 18, the motion calls for it to be at least 16. Support for the motion from all parties and all members will send a clear and unmistakable message to the dregs of society. It will tell them that they are criminals and will be treated as criminals if they exploit children in our country.

I wonder if Canadians or parents fully understand that it is possible for a 50 year old to convince a 14 year old to move into a conjugal relationship and there is nothing at all a parent can legally do to put an end to such an exploitive relationship.

● (1335)

How old is the law that says a 14 year old cannot agree to sex? It is at least a century old. It goes back to when children were treated by society as something their families owned as well as loved.

This is 2002 and it is time we updated the old law. We need to tell the world that Canada regards all the years of childhood as precious, all 16 of those years. Right now, under this century old law, predators have the upper hand. It is not right, not just and cannot be justified.

As one advocate said, "It is illegal to pay for sex with a child but legal if there is no money involved". Advocacy groups say that they are also willing to support a peer exemption where the age difference is very small. That seems to be all the compromise that is needed.

We have other laws to protect those under and over the proposed age of consent for sexual assault. The motion deserves the support of any hon. member who does not believe that 13 and 14 year olds are mature enough to consent to sex with partners who are years, perhaps decades, older. It deserves the support of any hon. member who believes that no childhood should be ruined by sick and dirty old predators.

I remind all members in all parties that parents across the nation are watching to see what happens as a result of this very well-intentioned motion. If they believe all politicians are corrupt, as we read in the papers yesterday, the motion is a good place to start to persuade them otherwise. Let us work together and vote together to protect our children.

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Again I say to members opposite that we will work with them over the next few hours before this comes to a vote. If there is a friendly amendment we can move that will help them along and save children, that is the most important thing. I commit, as Leader of the Opposition, to make that happen this afternoon so children and parents, tonight when they go to bed, will know that Canada is a better place to live in.

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, I rise today to speak to what has been described by almost all members as a very difficult and troubling subject, the sexual exploitation of Canada's kids.

As the youngest member of the House at 25 years of age, I am proud to be supporting today's Canadian Alliance motion which reads:

That the government immediately introduce legislation to protect children from sexual predators including measures that raise the legal age of consent to at least sixteen, and measures that prohibit the creation or use of sexually explicit materials exploiting children or materials that appear to depict or describe children engaged in sexual activity.

One of the worst things we do in this society is destroy the innocence of the young before their time. We do it through television, through language, through movies and through our social and moral complacency. Now, sadly, we are doing it through our laws by not using every and all known measures possible to prevent the exploitation of kids.

In 1987 the Progressive Conservative government of the day reduced Canada's age of consent for sexual activity from 18 to 14 years of age. The stated reason for the change was that government did not want to criminalize teens who were sexually active with other teens, not that many if any such charges were ever laid. However, since no restriction on the second person's age was mentioned, the law gave legal permission for fully grown adults to engage in sexual activities with 14, 15, 16 and 17 year olds.

Both the provincial attorneys general in Canada and the Canadian Police Association are in favour of raising the age of consent to at least 16 years of age in accordance with the Canadian Alliance motion. In November 1999, after a decade of seeing the terrible results of having lowered the age of sexual consent, a federal justice department paper recommended raising the age of consent from 14 years old back up to 18 years old.

The report states:

There will always be some people who seek out vulnerable children to satisfy their own dangerous impulses, frustrations or need to dominate, in spite of the law and the disapproval of the vast majority of Canadian society.

Immature, inexperienced youngsters are unlikely to have adequate knowledge of the implications and consequences of sexual activity. The relatively low age [of consent] may allow pimps, for instance, to seduce young girls without fear of prosecution, with the intention of luring them into prostitution.

Unfortunately, like so many of the countless reports, papers, recommendations and issue discussion papers that are financed by taxpayers and brought to the government for consideration and attention, this paper was also dismissed.

However a new urgency in dealing with the subject of the exploitation of children was created when on March 26 of this year John Robin Sharpe was found guilty of possessing about 400 photographs of boys engaging in sexually explicit activity but was

acquitted on the charges of making and distributing child pornography in the form of his own written work. Mr. Justice Duncan Shaw said that the written works describing sadomasochistic violence and sex with men and young kids is "morally repugnant" but still has "some artistic merit".

What this means in application is that these writings are now legal and can be published. John Robin Sharpe and others of his perverted sort can now posture as artists and write and publish their most demented thoughts and desires about any sexual act with kids.

In order to successfully prosecute, the police and prosecutors now have to prove that the child pornography in question lacks John Robin Sharpe artistic merit. In other words, the best efforts of our law enforcement community to stop child pornography will be like cobwebs trying to lasso a locomotive; futile.

What a cruel turn of affairs. The decision surprised and disturbed me and countless of my constituents and Canadians. I want to take this opportunity to mention one particular constituent, a gentleman by the name of Doug Stead. I first met Doug by being active in the Canadian Alliance and through a tragedy that happened in his family. He has spent countless hours of his time and countless dollars out of his pocket to crusade and actively get involved. As members of parliament we all get lobbied on countless issues but Doug Stead, on the issue of the protection of Canada's kids, has been so persistent and amazing in providing me information that he really has shown what citizenship in a free country should be all about, when citizens rise up to challenges and frustrations at our system of law. Frankly, it is in large part due to his efforts that the Canadian Alliance is actively pushing this issue here today in the House.

The broad interpretation of artistic merit that was in the John Robin Sharpe case suggests that Canada's legislation has weaknesses that may not allow us to protect Canadian children to the best of our ability. Possessing child pornography is not a victimless crime. It degrades, dehumanizes and sexually exploits kids.

● (1340)

The demand for child pornography leads to its continued production and distribution. To suggest otherwise is naive and absurd.

The idea that possession of one's own pornographic writings is harmless, especially in this electronic age of easy transmission where publication of material on the Internet is difficult if not impossible to control, simply ignores modern realities, as the Leader of the Opposition just said.

Some say we must be careful not to restrict freedom of expression. I say if there is any place that cries out for society to say no, it is in the area of child pornography. I do not accept the concept that people should be free to defile children either physically or in writing. I do not accept the concept that there can be artistic merit in the victimization of children. I also do not accept the concept that the intention of exciting or arousing a passion that is perverted, illegal, immoral and in all fashion and form reprehensible to a civil society is acceptable in any form even if it is based on the rather farfetched notion that the creators of such offensive material will not share with others and will keep it only for themselves.

The protection of society's most vulnerable members is our most important duty and responsibility. Ensuring that our children have the opportunity to be the best that they can be is our primary function. It is only through the protection of our children and the promotion of their successes that we can defend against and defeat so many of the ills that exist in our society, be it poverty, domestic violence or criminal activity, which cost our society enormously both in human and economic terms and serve to clog our courts and prisons.

Unfortunately we are failing at this task. The Progress of Canada's Children in the Millennium report of January 2000 stated that the child sex trade exists everywhere in Canada, from large to small communities. It was estimated there were 100 child sex trade offences every single day in the city of Vancouver. RCMP Sergeant John Ward commenting on the report in the Toronto *Star* said information about Vancouver's Kiddie Stroll where kids were picked up by adults was now on the Internet, complete with prices, making Canada a tourist destination for the child sex trade.

In November 2000, an international report on child abuse by an organization called End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes, ECPAT, singled out Canada as a haven for sexual predators of children. The report stated that Canada has one of the youngest ages of consent for sexual activity at 14 whereas other countries were raising their age of consent to 18 years.

At one point Canada was considered a global leader in combating the sexual exploitation of children. Regressive age of consent laws, flawed legislation and an overall lack of planning by the federal government are now turning Canada into a venue for the sexual exploitation of kids according to this report.

The motion we are debating today states:

That the government immediately introduce legislation to protect children from sexual predators including measures that raise the legal age of consent to at least sixteen, and measures that prohibit the creation or use of sexually explicit materials exploiting children or materials that appear to depict or describe children engaged in sexual activity.

This is a step in the right direction to re-establish Canada as one of the leaders in protecting kids. One of the worst things we can do in a society is to destroy the innocence of the young before their time. This is our opportunity to rally together across party lines and move Canada forward.

Abraham Maslow has a theory called Maslow's hierarchy of needs. At the bottom of it, the first need of any living, breathing citizen is the freedom from fear, the freedom from exploitation and

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the freedom from abuse of other citizens. We have a responsibility and it is the first responsibility of the state. Outside of balanced budgets, an efficient economy, national infrastructure, court or parliamentary system that is functional, the number one responsibility of the state is to protect those who play by the rules from those who do not. It is article one of Abraham Maslow's hierarchy of needs.

This place has failed kids, the most vulnerable of our society. We have failed children. If we were to pass the motion, it would be a step in the right direction. We would walk forward together and say this would not happen any more. We would be united. We would change our laws and progressively move this country forward in a way that would protect our most prized possession, our kids.

• (1345)

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I listened with interest to the hon. member's comments. Earlier I listened to the comments of the hon. House leader for the Alliance Party who indicated that he would be open to an amendment. I want to ask the hon. member a question in relation to that.

I know there is great interest in the subject today. There is an interest on both sides in seeing that children are properly protected. There is an acknowledgement on that side that this is not so much about the exact wording of the legislation. That is the intent that we are hearing from the Alliance.

I saw an article today in the *National Post*, written by the leader of the Alliance, Stephen Harper, as well as two other members of the Alliance. It states:

What Canada really needs is to immediately embark on a well thought-out, consultative approach to dealing with these issues. Canadians deserve to have their elected government—not their appointed courts—set policy on issues as important as these.

Does the hon. member think that his party would, and would he personally, accept an amendment that reflected those words?

Mr. James Moore: Mr. Speaker, if the deputy House leader for the government were to table an amendment, we would certainly consider it. However what Mr. Harper and two of my colleagues were referring to was the responsibility of the House in the first John Robin Sharpe decision. It should have invoked the notwithstanding clause.

We have a responsibility above all to protect kids. One thing that is often forgotten about the invocation of section 33 of the charter is that the invocation of the notwithstanding clause is a temporary measure. The current child pornography laws were hastily written prior to a federal election campaign. When laws are hastily written and enacted there are flaws in the legislation which are exploited by people like John Robin Sharpe and upheld by the courts. It sends a signal to us that we must change the law because the intent of the law is not being enforced in practice.

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The invocation of the notwithstanding clause is an attempt to say that we understand that there is a flaw in the legislation. While we repair this legislation so that it is fully constitutional and applies to the full spirit not only of the letter of the law of the charter but that the intent of protecting kids is enacted into law, and notwithstanding the unconstitutionality of the law, we will continue to protect kids.

We argued for that. That is what Stephen Harper argued for and will continue to argue when he comes into this House. Unfortunately the Liberals did not agree with it.

• (1350)

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, I would like to pick up on some of the hon. member's comments and ask him what his understanding of the motion is.

The motion, as I understand it, is not an exclusive document. It simply gives the government a policy direction to take a look at this issue. The House believes that the age of consent should be raised from 14 to 16 and that the exploitation of children, as demonstrated in cases like Sharpe and others, should simply not be tolerated.

The motion does not exclude further discussion. In fact it gives an imperative to government to act in this respect. I do not know of anyone on this side of the House who opposes that continuing discussion.

Mr. James Moore: Mr. Speaker, I congratulate my colleague from Provencher for his tireless work on this subject not only here in the federal arena but when he was the attorney general of the province of Manitoba.

He is exactly right. A supply day motion is simply a signal from the House to the government that yes, it better do something about this because the laws are not working. We tried to do that by convincing the government to invoke the notwithstanding clause during the first round of the John Robin Sharpe decision.

However, my colleague from Provencher is also right, that it does not preclude discussions beyond the age of consent and some of the things that are in Bill C-15A. However if the House were to pass it and if enough Liberals, like the member for Pickering—Ajax—Uxbridge who talks a lot about being in favour of protecting kids but we are still looking to see some action, were to support the motion either tonight or tomorrow evening, then the government would have to listen.

The House passed a supply day motion to create a national sex offender registry. All Liberals said they voted for it but they did not do anything about it.

We are putting forward this motion because so many of our constituents and so many Liberals tell us in the cloakrooms, the cafeterias and as we walk around Parliament Hill, that they care about this issue. This is their opportunity to put that into action. Once the House has given its mandate to the government to table some actual legislation that will move the ball forward, we want it to actually do that.

CPIC is not a national sex offender registry. The government failed on that count. This is its opportunity to whittle away that 69% of Canadians who think government is corrupt, and stand up for kids, for the respect of the House and respect the idea that when the

House expresses its intent to protect kids the government should listen.

Mr. Mac Harb (Ottawa Centre, Lib.): Mr. Speaker, since the Liberal government came to power it has taken this issue seriously. The children agenda has been the main focus in most of the budgets that have been introduced in the House. We recognize that children are our most valuable resource and at the same time the most vulnerable members of our society. We have taken action in order to protect them and continue to do so. I would like to put on record some of the initiatives that the government has taken and some of the actions that have been put in place.

On October 18, 2001, parliament passed amendments to the criminal code. A number of those amendments dealt with provisions to protect children from criminals who seek to sexually exploit them using the Internet. The legislation has done a number of things. It has created a new offence of luring which targets criminals who use the Internet to lure and exploit children for sexual purposes. Those amendments ensure that it is an offence for anyone to transmit or make available, export or intentionally access child pornography on the Internet.

As a result of these amendments judges are able to order the abolition of child pornography posted on computer systems in Canada. Judges are able to order the forfeiture of any instruments or equipment used in the commission of child pornography offences.

Judges are also able to keep sexual offenders away from children by making prohibition orders, long term offender designations and peace bonds available for luring in child pornography offences. It also amended the criminal code respecting child sex tourism that was enacted in 1997 to simplify the process for prosecuting Canadians in Canada who commit sexual offences against children in other countries.

The amendments to the criminal code were passed in October 2001. I will sum up for the House some of the initiatives the government has taken in order to protect children since coming to power in 1993. The government has taken this issue seriously and has made it a priority.

For example, amendments were introduced to the criminal code dealing more effectively with high risk offenders. The amendments have strengthened the dangerous offender provisions in the criminal code by introducing a long term offender designation that allows judges to impose a period of supervision of up to 10 years following release from prison and creating a new judicial restraint provision to permit controls to be applied to those at high risk of committing serious personal injury offences, including attacks on children.

The government also established a national flagging system to help prosecutors deal more effectively with high risk offenders. These are some of the initiatives the government has taken on behalf of our children.

STATEMENTS BY MEMBERS

•(1355)

[English]

BOOK DAY

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, today Canadians across the country are celebrating Canada Book Day. To mark this event I had the pleasure to host my own annual Canada Book Day event on April 19 at the Parkdale Public Library. Some of the highest profile creative writers in Toronto were there to speak about their favourite books.

My constituents had the pleasure to meet the following renowned Canadian authors: Rosemary Aubert, Reza Baraheni, Judy Fong Bates, Catherine Bush, Bill Cameron, Natalee Caple, Eliza Clark, Joe Fiorito, Greg Gatenby, Larry Gaudet, David Macfarlane, Pamela Mordecai, and Shyam Selvadurai.

I also wish to thank Antonio D'Alfonso for his donation of literary books that he publishes at his internationally known press called Guernica Editions.

Founded in 1976 the Writers' Trust of Canada has endeavoured to advance and nurture Canadian writers and literature. This day provides us with the opportunity to celebrate the important role of literature in Canada's past, present and future.

* * *

BOOK DAY

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance): Mr. Speaker, today marks World Book Day and Canada Book Day. World Book Day was designated by UNESCO as a worldwide celebration of books and reading and was observed in over 30 countries worldwide last year.

April 23 holds particular significance as it marks the birth and death of one of the greatest writers, William Shakespeare. This symbolic date was chosen by the General Conference of UNESCO to pay tribute to books and authors. This focus on world literature will help encourage everyone, especially young people, to discover the pleasure of reading. It also recognizes the important contribution the creative mind makes to social and cultural progress.

As an avid reader and one who holds a great appreciation of the literary arts, I take this opportunity to encourage all Canadians to pick up a book and promote Canada's many great authors.

* * *

•(1400)

[Translation]

NATIONAL VOLUNTEER WEEK

Ms. Raymonde Folco (Laval West, Lib.): Mr. Speaker, I would like to point out that this week is National Volunteer Week 2002, a time to publicly thank the millions of Canadians who give of their time and talent to help others.

From April 21 to 27, we are celebrating National Volunteer Week. This week is dedicated to the spirit of volunteering. Without

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volunteers, a great many needs would not be met, and our lives would be much colder and lonelier.

Over the years, volunteers have done immeasurable work for the collective good. The cumulative action of ordinary people from across the country has left a lasting impression on virtually every aspect of Canadian society, promoting its growth and development.

Volunteers have played a major role in shaping our country and they will continue to play a leading role in shaping our future. Their dedication and commitment are a true testimony to Canada's values and identity.

* * *

[English]

MARY HENNESSEY

Ms. Jean Augustine (Etobicoke—Lakeshore, Lib.): Mr. Speaker, I rise today to pay tribute to Mary Hennessey, a constituent in my riding.

Mary Hennessey is a retired school teacher with a long history of involvement in her community. For many years Mary has given her time and service to various community organizations such as the cancer, heart and stroke foundations; the Salvation Army; the Catholic women's league; and teaching English as a second language at her church.

This active lady worked tirelessly and canvassed the community for support for a community centre today known as LAMP, an agency serving the needs of the people of Etobicoke—Lakeshore. Mary Hennessey was one of the founding members of the New Toronto Women association and to date has served as the longest serving president. Being a non-driver did not slow Mary down. She walked the streets of New Toronto daily in her voluntary efforts. At age 95 she continues to canvas by phone for her current interest and attends community events.

Mary Hennessey is much loved and respected by many in her community. She is a true community lifelong volunteer, and on behalf of the people of Etobicoke—Lakeshore I extend my deep appreciation.

* * *

BOOK DAY

Mr. Rodger Cuzner (Bras d'Or—Cape Breton, Lib.): Mr. Speaker, I take this opportunity to draw the attention of the House to World Book and Copyright Day.

For everyone who plays a role in the creation and marketing of books, whether they are authors, publishers, distributors or readers, World Book and Copyright Day provides a special opportunity for gatherings, discussions, reflections, and above all, celebrations.

Books are at the core of our national and cultural expression, and the government is pleased to support the many activities across Canada celebrating World Book and Copyright Day. Books are creative works, communication tools, a source of pleasure and of knowledge, a collective memory and a sign of our vibrant culture.

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Thanks to Canadian writers Canadian literature is flourishing, rich and recognized throughout the world. I pay tribute to them on this day. At the same time I must remind the House of the importance of copyright for all creators in Canada, which is essential for the protection of the economic and moral rights of authors.

I say congratulations to all on World Book and Copyright Day.

* * *

BOOK DAY

Mr. Grant Hill (MacLeod, Canadian Alliance): Mr. Speaker, it is my opportunity also to speak about Canada Book Day, April 23 which is today.

This is a day to contemplate the importance of written communication. Let us think of all the issues involved with books: the manufacture of paper; printing shops; libraries; authors; newspapers; yes, journalists; and scientific literature. The list goes on.

This is a celebration of literacy from the child's first halting recognition of simple words to the flowery poetry that inspires and stimulates. Canada Book Day also commemorates a symbolic date when prominent authors including Shakespeare, Cervantes and Nabokov were born or died.

Written language is a symbol of modern society. Canada Book Day celebrates that symbol.

* * *

ORGAN DONATION

Mr. Charles Hubbard (Miramichi, Lib.): Mr. Speaker, this week has been declared National Organ and Tissue Awareness Week. We are told that more than 4,000 Canadians are currently awaiting transplants hoping for a call that a match has been made for their medical need.

In January George Marcello, whose own life was spared with a liver transplant, visited the Miramichi area on a 769 day walk across Canada to acknowledge his gift and raise awareness of the need for all of us to consider the importance of signing a donor card.

Last December two young Miramichi men, Jeff Matchett and Yannick DeGrace, were involved in an auto accident on the highway between Edmunston and Rivière-du-Loup. Mr. Matchett died at the scene and Mr. DeGrace the following day of his serious head injuries.

Yannick's family made the courageous decision to donate his organs, and to date six people have benefited. The DeGrace family who lost their son, a competitive athlete who played in the professional hockey league of the Philadelphia Flyers organization, can take solace in the fact that six Canadians have received a new lease on life because they signed an organ donor card.

Canada has highly skilled surgeons and some of the finest transplant technology in the world. Yet we have one of the lowest donation rates in the western world.

I urge all Canadians to consider the significance of signing an organ donor card.

• (1405)

[*Translation*]

INGRID BETANCOURT

Ms. Caroline St-Hilaire (Longueuil, BQ): Mr. Speaker, stunned by the kidnapping of Ingrid Betancourt on February 24, the Bloc Québécois wishes to draw the attention of the House to this woman's commitment to her country and invite the population and all members of the House to come together and denounce her kidnapping and call for her to be freed immediately and unconditionally.

Concerned with the devastation being caused by drug cartels and the corruption of her country's leaders, Ingrid Betancourt put everything aside to get involved in politics and became a representative, then a senator, and finally a candidate for President of Columbia.

At the expense of her safety, and that of her family, she has defended fundamental values such as social justice and has provided a renewed sense of hope to Columbia.

Through her determination, strength and courage, Ingrid Betancourt has given us a message of hope to which we must respond collectively in order to trigger serious political negotiations to restore the peace and social justice wanted by the vast majority of Columbians.

If she succeeds, she will have changed the course of history.

* * *

[*English*]

MARION FLETCHER

Mr. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I express my congratulations to Marion Fletcher of Kelvington, Saskatchewan upon receiving the National Farmers Union grassroots leadership citation award. The award presented this past Sunday was for her work as a proud and dedicated member of the farm community striving to improve economic and social policies for people.

I have known Marion for many years and have always valued her loyalty and generosity. She challenges individuals and governments to do better. Marion has an ability to get people involved in working on behalf of farm families and farming communities. Marion's two passions beyond her family have been the NFU and the NDP, and she has done justice to both.

The grassroots leadership award recognizes the efforts of individuals who make a difference. I congratulate Marion for making a difference and contributing to a better life for our farmers and farm families.

* * *

HEALTH

Mr. Rob Merrifield (Yellowhead, Canadian Alliance): Mr. Speaker, after a three year wait the government has finally reached an agreement with the provinces on a Canada Health Act dispute settlement mechanism, a mechanism we have been calling for since it was promised back in the 1999 Social Union Agreement.

We should consider naming the mechanism after the former health minister. It was his confrontational attitude in dealing with the provinces that made it necessary in the first place. This announcement follows the Liberal pattern of being big on promises and slow to act.

The continued lack of leadership has left us with more bad news days to come in the future. We are still facing a severe shortage of health care providers. Stable funding for the provinces is nowhere in sight. The waiting lists for surgeries are continuing to grow.

We welcome this dispute mechanism and hope the new minister will show some leadership on her health file and never have to use it.

* * *

NATIONAL DEFENCE

Mr. John Finlay (Oxford, Lib.): Mr. Speaker, last Thursday morning I, like most Canadians, was saddened to hear the tragic news of casualties suffered by Canadian forces personnel in Afghanistan.

On behalf of the people of my riding of Oxford I offer my heartfelt condolences to the families and loved ones of these brave soldiers who lost their lives while so ably representing their country in the defence of freedom. To echo the Prime Minister's comments, sadly, it is events such as this that remind us of "the precious cost that comes with standing up for the rights and freedoms that we hold so dear".

In recent times we have increasingly come to rely upon the exceptional men and women of our Canadian armed forces to be defenders of right and keepers of peace in lands far and wide. Always they have borne this responsibility with courage and character. Now as ever we Canadians are in their debt.

* * *

● (1410)

ALCOHOL WARNING LABELS

Ms. Judy Wasylcia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, it is with a profound sense of disappointment that I stand here today to mark the one year anniversary of the passage of Motion No. 155, the motion on alcohol warning labels that received almost unanimous support from this parliament.

The passage of that motion a year ago today generated a great deal of excitement and hope. Many groups and individuals across the country had devoted years of time and energy to labelling as a step toward eradicating fetal alcohol syndrome and other preventable conditions caused by drinking alcohol during pregnancy.

Ten years after the health committee had called for labelling and after previous attempts in parliament had come to nothing, supporters of labelling thought we had finally succeeded in getting this small but significant preventive measure on the government's agenda. Government inaction has turned that optimism to disappointment and frustration. Despite assurances to the contrary it has chosen to ignore the issue, ignore the voice of parliament, appease the alcohol industry and take no action.

Today I urge the government to change course to make a difference for families, stand up for children and act on alcohol warning labels without further delay.

S. O. 31

[*Translation*]

WORLD BOOK AND COPYRIGHT DAY

Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ): Mr. Speaker, on this World Book and Copyright Day, I should point out that books are one of the finest learning tools and factors in the dissemination of knowledge, as well as an invaluable means of escaping to an imaginary world.

I congratulate and thank all those who work in the book industry and who, despite the omnipresence of the Internet, manage to sustain the public's interest in books.

The government of Quebec has decided to help and promote this means of access to knowledge and to dreaming by eliminating its sales tax on books, whereas the federal government refuses to follow suit with the GST, despite its huge surpluses.

On this day of celebration, let us do as this year's theme suggests and "give a book, give a rose" to properly mark the event and pay tribute to books and their creators.

* * *

CAROL ANNE LETHEREN AWARD

Ms. Hélène Scherrer (Louis-Hébert, Lib.): Mr. Speaker, it gives me great pleasure to congratulate Marion Lay of Vancouver as the first recipient of the Carol Anne Letheren International Sport Leadership Award. Established by the Canadian Olympic Association and the Canadian Association for the Advancement of Women and Sport and Physical Activity, this award honours a Canadian woman who has made an outstanding contribution in the area of international sport leadership and who has had a profound impact on sport and physical activity.

Ms. Lay is the President of the 2010 Legacies Now Society, whose objective is to ensure program legacies from the 2010 Winter Olympic Games. She is also a founding member and past chair of the board of the Canadian Association for the Advancement of Women and Sport and Physical Activity. Ms. Lay also won a medal in swimming at the 1968 Olympic Games and many honours and distinctions throughout her career for her outstanding contribution as a sport leader who exemplifies spirit of sport values.

Congratulations Marion.

Oral Questions

[English]

NATIONAL DEFENCE

Mr. Gerald Keddy (South Shore, PC): Mr. Speaker, Canadian soldiers have always represented our country with pride, none more so than Private Richard Green and his fellow soldiers, Canada's sons who have become the first Canadian combat casualties since Korea.

I never knew Private Green but I know his high school teachers and his friends. He was extremely well liked, respected by his peers, and incredibly proud to be in the military. Last year on his return from Bosnia he visited Forest Heights Community School and spoke to his former teachers about the job he was doing. He knew better than anyone the risks of being a soldier and accepted that responsibility with pride and honour.

All Canadians owe the freedoms we often take for granted to soldiers like Private Richard Green. Whether in combat or as peacekeepers they have defended our freedoms since this country was founded.

To Private Green's family, his fiancé Miranda and her family we offer our heartfelt condolences.

At the going down of the sun and in the morning
We will remember them.

* * *

ROBERT STOLLERY AWARD

Mr. Gurbax Malhi (Bramalea—Gore—Malton—Springdale, Lib.): Mr. Speaker, it is my pleasure to inform the House that one of my constituents received a national award from the Canadian Construction Association.

Ira Greenspoon, vice-president of finance at Greenspoon Brothers Limited, was granted the Robert Stollery Award that recognizes leadership qualities in a person who applies the highest standards in the construction industry.

The award is even more important when considering the size of the industry. The Canadian construction industry employs over 870,000 men and women and its output in 2001 was over \$135 billion.

The award to Mr. Greenspoon recognizes the best of a very large industry.

* * *

● (1415)

KYOTO PROTOCOL

Mr. Bob Mills (Red Deer, Canadian Alliance): Mr. Speaker, yesterday the environment minister said there was no preferential treatment being given environmental lobby groups on Kyoto, yet industry groups tell us that they do not have anywhere near the level of involvement in Kyoto planning as do these environmental lobbyists. Industry is only able to give input to the economic study and has not been asked about the setup of the public consultation process at all.

The minister has already indicated he is giving preferential treatment to the views of scientists who support Kyoto over the

thousands who do not. Now it appears he is giving preferential treatment to pro-Kyoto lobbyists as well.

Canadians deserve to have full disclosure as to what groups are advising the government on the Kyoto accord. Considering the potentially disastrous consequences of basing policy on only one side of the economic and science debate, the minister owes it to Canadians to ensure he is hearing all sides on the Kyoto issue.

ORAL QUESTION PERIOD

[English]

NATIONAL DEFENCE

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, we understand that from World War II on, so-called friendly fire deaths have been an all too common occurrence of modern combat zones. Canada unfortunately lost four brave men in a horrible accident last week. We are hoping that the government will quickly learn some important lessons from this terrible loss.

Could the Prime Minister or the Minister of National Defence tell Canadians what immediate steps are being taken to ensure that our troops now in the field in Afghanistan today are being protected as best they can from any friendly fire?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, that is what we do all the time. The mandate of the authorities, the soldiers and the commanders who are there is to ensure that they are well protected. Canadian soldiers are very competent and do their jobs well.

Unfortunately the friendly fire was by the Americans and we cannot blame the Canadians for an action done by somebody else.

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, we are not trying to blame anyone but surely the government must have something more to say about getting better technology into the hands of our troops, or improving communication or improving co-ordination between our allied forces.

Could the Prime Minister explain why properly equipping our troops or improving allied communications and co-operation with our allies is not the highest priority of the government?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, that is exactly what we are doing and we are taking all these problems very seriously. They have all the technology they need. They have exactly the same technology of communications as the Americans have, according to the report I received.

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, we know that we will get a report in a few weeks, possibly about three weeks, I think the Prime Minister said. We are not interested in affixing the blame; we are trying to fix the problem.

Why has the government not taken immediate steps, as soon as the deaths were reported, to work with our allies to improve the material in the field to ensure that these deaths do not happen again?

Oral Questions

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the member is trying to create an impression that we are not doing our best to protect the soldiers. The question is very loaded and is trying to create a situation that does not exist.

The four people lost their lives not because they were not good soldiers or they did not have good commanding officers. They did their job the best they could and to create another impression is wrong. These guys gave their lives and they should not be used to try to score political points.

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, my question is not about the ongoing inquiry into the tragic incidents that claimed the lives of four of our soldiers. It is about the safety of our troops currently serving in Afghanistan.

Will the government now purchase situation awareness data links or enhanced position location monitoring and reporting systems or similar equipment which will improve the safety of our soldiers in Afghanistan?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, first, these enhanced locators or electronic indicators are not being deployed by the United States in Afghanistan. They are still in an experimental stage and still in research and development.

We have said right from the very beginning to the chief of the defence staff and to the commanders in the field that whatever our troops need to reduce the risk to them, this government will provide. This government will give all of the support that is necessary to our troops in Afghanistan.

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, what we are talking about here is the safety of our troops in Afghanistan today. We know that we cannot change the past but we must do everything we can to prevent future tragedies. I am sure the government agrees with that. We must not wait for the results of the inquiry to do what we can to improve the safety of our soldiers.

The Americans in fact are using this equipment in some cases. It is clear that the equipment exists and that it is already being used by some of our allies.

Again, will the minister purchase this equipment or similar equipment which will improve the safety of our soldiers in Afghanistan?

• (1420)

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the Canadian forces and the chief of defence staff have talked with their counterparts in the United States, and the hon. member simply has it wrong. This kind of device that he has read about in the newspaper is in fact in the experimental stage.

We have a research and development program in which we have many things at the experimental stage as well. However the device has not been deployed and is not being used in this operation. It is still experimental.

[*Translation*]

SOFTWOOD LUMBER

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, yesterday, the government distorted the spirit of a letter from the Association des manufacturiers du bois de sciage du Québec in order to justify its failure to take action in the softwood lumber dispute. It did not mention that the association's main request to the Prime Minister had been for the establishment of a support program as quickly as possible in order to help the industry get through the crisis.

Since the letter was addressed to him, will the Prime Minister tell us whether the government will be offering an adequate support program to the softwood lumber industry before May 23, when U.S. duties take effect?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, this is a problem which the government is studying right now, and I have nothing new to tell the House of Commons.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the House of Commons is perhaps the right place to announce policies.

Rather than turning a deaf ear, like the Minister for International Trade, who continues to say that the existing measures are enough and that there is no rush, will the Prime Minister hear the cry of alarm—as the association describes it—of the industry in Quebec and take prompt and effective action to offset the negative impact of U.S. duties on softwood lumber companies and employees, as the association in question is requesting?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, as I said, we are concerned about the situation. Right now, we are studying the issue. We have holding consultations with certain provincial governments, because it is not just the federal government which has an interest in this. Furthermore, forests actually come under provincial jurisdiction—

Some hon. members: Oh, oh.

Right Hon. Jean Chrétien: Yes, that is the case. I think it is only right in the circumstances that we have a policy, as we have had to date, of working closely with provincial governments and industry.

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, the softwood lumber crisis has hit forestry industry companies hard, as is clear from their letter to the Prime Minister.

How, in all honesty, can the Prime Minister reconcile this cry of alarm from softwood lumber producers with the casual attitude of the Minister for International Trade who, last week, told the House that he was still looking at how existing government programs could be of assistance?

[*English*]

Mr. Pat O'Brien (Parliamentary Secretary to the Minister for International Trade, Lib.): Mr. Speaker, I would hardly consider the minister's attitude as casual when he has spent the amount of time he has consulting with all the provinces, including the province of Quebec, and the industry.

Oral Questions

All options are on the table. The government is looking at current programs to see whether they are satisfactory. Possible other actions may be taken, but the government will not be rushed into a bad decision just to please the hon. member.

[*Translation*]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, people in the softwood lumber industry are right to be worried when the Minister for International Trade suggests that softwood lumber companies may have made bad management decisions.

Will the Prime Minister rein the minister in, get him to see that the softwood lumber industry is not responsible for the crisis and that it needs satisfactory assistance if companies are not to be shut down?

[*English*]

Mr. Pat O'Brien (Parliamentary Secretary to the Minister for International Trade, Lib.): Mr. Speaker, it is very clear who is responsible for this crisis and I think the hon. member would agree. It is the unfair punitive trade actions south of the border in the United States that is responsible. It is not the actions of this government or any of the provinces.

The Minister for International Trade and the Prime Minister have raised this issue with the American administration at every possible opportunity. Until the Americans are open to good faith negotiation on this, we will not see progress.

* * *

• (1425)

[*Translation*]

NATIONAL DEFENCE

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, the Canadian investigation into the death of our soldiers will have to have access to all American data, documents and personnel. The U. S. Secretary of Defence's promises of co-operation and transparency are not enough. General Baril and his colleagues require total access to all American witnesses and documents.

Has the minister obtained assurance of this?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we have set up our own board of inquiry, headed by the highly competent General Baril. I am certain that he will take all necessary steps to have all the information he considers appropriate in order to inform the Canadian public.

As well, the Americans have assured us of their co-operation and have invited a Canadian to sit on their own board of inquiry.

[*English*]

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, once again we fail to get assurances that the Canadian inquiry will get to cross-examine U.S. personnel. Can we focus on the U.S. investigation into the Kandahar tragedy?

Could the Prime Minister tell the House whether the Canadian representative will have the ability on behalf of Canadians to directly and personally cross-examine U.S. military witnesses or is our representative, co-chair or not, reduced to a Canadian bump on an American log?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the hon. member is fabricating a problem to ask a question. This person will be there, sitting on the board of inquiry, as do all members when they are there. I do not think that the Canadian who will be there will be dumb. If he has some questions to ask, of course he will do his duty and ask the proper questions.

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, he will be on an American board.

I asked the minister last week whether the terms of reference for the Canadian board of inquiry specifically included the compatibility of communications systems between the Canadian troops on the ground and the aircraft involved in the incident. Canadian soldiers report that they had to radio back to base, five kilometres away, to ask that the pilot of the F-16 stop firing.

Will the Canadian board of inquiry be directed to inquire specifically about the compatibility of communications equipment between the Canadians and the Americans?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, all that is covered in the terms of reference to the Canadian board.

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, I beg to differ. It is not at all clear in the terms of reference. The Canadian officers in Afghanistan are now saying that the American officers were not only aware of the Canadian training mission but gave full approval to it. The two boards of inquiry that are underway may determine why the American pilot bombed Canadian soldiers when there was full approval for the exercise.

In the meantime there have to be immediate measures in place to ensure that any operational problems between Canadian and American forces on the ground have been identified and have been solved. Has that been done?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, there is ongoing co-ordination on a day to day basis. The commander of the brigade in Kandahar is an American. I have been there. I have seen the relationship that exists between him and the Canadian commander. They are in fact in communication on a very frequent basis every day.

Again, in terms of the board of inquiry, there are 10 very specific measures that are outlined for them to look into. If his point is not covered by the first 10, it says at the bottom "any other issues of relevance to this investigation". Everything will be covered to ensure that we get the information we need to find out what happened.

* * *

AGE OF CONSENT

Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance): Mr. Speaker, the age of sexual consent is 14. It has become clear to most Canadians that there needs to be a change. Thousands of requests were brought to Parliament Hill today. Technology is making it easier for sexual predators to access older kids and to spread child pornography. That makes victims of our most vulnerable members of society.

Oral Questions

Will the justice minister send a message to sexual predators and table legislation that bans all forms of child pornography and that raises the age of consent to at least 16?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the member has to know that the government is already engaged in discussions regarding the age of consent. As I said last week, the government is actively looking into the matter. We started some time ago in the sense that we brought it to the federal-provincial-territorial table and there were discussions. As well, there is consultation among officials to see what type of consensus we can gather around that question.

• (1430)

Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance): Mr. Speaker, yesterday in question period it was suggested by the parliamentary secretary that the age of consent was 18. It is clearly set out in the criminal code that the age of consent is 14. The age of 18 only comes into play as an age range under certain conditions.

Is the government confused about this basic matter or does the government think that by tossing around higher age brackets it can persuade Canadians that it is doing a good job of protecting our children?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, let me tell the House that we have received very good advice on this subject this morning in the *National Post*, when the leader of the Alliance, Mr. Harper, said “What Canada really needs is to immediately embark on a well thought-out, consultative approach to dealing with these issues”. That is exactly what we are doing.

* * *

[Translation]

SOFTWOOD LUMBER

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, in connection with the softwood lumber matter, the Bloc Québécois has proposed a three-part action plan to the government, that is assistance for—

Some hon. members: Oh, oh.

The Speaker: Order, please. There are other arguments, but no doubt the hon. member for Roberval has one to present in his question. It is important for everyone to hear the question, particularly the members of the official opposition and of cabinet. The hon. member for Roberval.

Mr. Michel Gauthier: Mr. Speaker, in connection with the softwood lumber issue, the Bloc Québécois has proposed a three-part action plan to the government, that is assistance for the major industries, assistance to the small sawmills and assistance to the workers via employment insurance mechanisms.

Given the cry of alarm that has come from the softwood lumber manufacturers, could this government, which appears to be sorely lacking in imagination, not take some inspiration from our proposals and take action?

[English]

Mr. Pat O'Brien (Parliamentary Secretary to the Minister for International Trade, Lib.): Mr. Speaker, I am not sure we will look

for inspiration to the Bloc Québécois when I am not sure they have consulted very closely with Quebec industry on these important matters.

There are a number of proposals that have come forward from the provinces. All provinces, including Quebec, have proposals on the table. There is close consultation with industry. There are a number of proposals that are under consideration right now. When the government has decided what the proper course of action is, it will act, but it will not do so precipitously no matter how many times the Bloc raises this question.

[Translation]

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the government is demanding total responsibility for international trade and negotiations with the United States. When the time comes to find solutions, when the time comes to help the victims of a trade-related problem, then it hides behind others.

Is it going to take its responsibilities and put the appropriate measures in place, as it is being asked to do by the industry and by the workers in the industry, and as it has a duty to do? This is its responsibility as a government. Let it do its job.

[English]

Mr. Pat O'Brien (Parliamentary Secretary to the Minister for International Trade, Lib.): Mr. Speaker, the member can huff and puff all he wants, but it is not going to change the reality of the fact that, as I said earlier and as his own leader alluded to, there recently was a letter to the Prime Minister from the Quebec Lumber Manufacturers' Association.

Let me quote the other part that the leader of the Bloc Québécois referred to. This is all the letter says: Slowness of the process will necessitate support to ensure that our companies remain financially stable.

That kind of support needs to be defined. There are a number of proposals on the table now. They are being carefully reviewed by the government.

* * *

AGE OF CONSENT

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, yesterday the Parliamentary Secretary to the Minister of Justice misled Canadians by mistakenly suggesting that today's Canadian Alliance motion to protect children would in fact decrease their protection.

The Liberals are desperately trying to find a technical way not to vote for this motion. Indeed, moments earlier we saw the Prime Minister trying to do the same thing.

Will the minister explain why he and his parliamentary secretary spend so much energy trying to avoid helping children? Why do they not just say yes and help children?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the hon. member knows by far that he is not correct. That is not what the parliamentary secretary said yesterday.

Oral Questions

He is raising a very important issue. He is raising a complex issue. We know that the government has been working in order to make sure that as a nation we will keep protecting our children. Basically all members of the House are against child pornography. As we said, we have Bill C-15A. We got involved in two cases up to the Supreme Court of Canada in order to keep defending and protecting the provisions that we have within the criminal code.

We are going to keep working. As I said last week, we are going to keep working in order to improve the tools that we have to protect the children of our nation.

• (1435)

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, we know how Liberals protect children. First they block the creation of an effective sex offender registry. To date no legislation has been introduced.

Yesterday the parliamentary secretary suggested that Canada's children do not deserve additional protection from sexual abuse.

Why is the government content to do nothing while Canadian children fall victim to sexual predators?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, it is sad to see that with such a complex and important issue for Canada the member is trying to score cheap political points.

He should listen to his leader, who said "What Canada really needs is to immediately embark on a well thought-out, consultative approach to dealing with these issues". We agree with that.

* * *

[Translation]

SOFTWOOD LUMBER

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, in my riding, the temporary EI measures announced right before the election—

An hon. member: Mr. Speaker, I rise on a point of order.

The Speaker: No points of order are permitted during oral question period. They are permitted after, but not during.

Some hon. members: Oh, oh.

The Speaker: Order please. It is impossible to hear the hon. member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques.

Mr. Paul Crête: Mr. Speaker, the temporary EI measures announced right before the election will soon come to an end in my riding. In the regions of Quebec that have been affected by the softwood lumber crisis, the reform will hit workers hard.

Does the Minister of Human Resources Development realize that the increase in the number of hours needed to qualify for employment insurance combined with the decrease in the number of weeks of benefits will be devastating for a great number of families that are in no way responsible for the softwood lumber crisis?

[English]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, let me first remind the hon. member that the employment insurance system is responsive to changing levels of unemployment, region by region.

Let me also remind him that my department is working with the industry on a pan-Canadian basis, and its unions. At the local level, officials in my department are following, with individual employers, the unions and individuals, the circumstances that they are faced with as a result of this trade dispute. We are increasing our monitoring of individual employment insurance cases because for us the most important people are those who are laid off in the face of this dispute.

[Translation]

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, does the minister not understand that the least she could do to support regional softwood lumber workers would be to announce that the temporary measures that will soon come to an end will now continue to apply at least for the duration of the softwood lumber trade dispute?

[English]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, what the hon. member conveniently forgets is that it is this government that repealed the intensity rule. It is this government that made considerable changes to the employment insurance program for the benefit of seasonal workers. At the very same time, the hon. member forgets that he and his party voted against all those changes in Bill C-2.

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GRANTS AND CONTRIBUTIONS

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, based on its last annual report Dupont Canada delivered record sales revenues of \$2.25 billion and ran up a profit of \$270 million. Yesterday the human resources minister announced that she was giving out a \$5 million grant to a group of textile companies including Dupont Canada.

Could the minister explain why she thinks multi-billion dollar companies cannot afford to train their own employees without a \$5 million handout from taxpayers?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, what I am pleased to explain to the hon. member is the concept of sector councils, an almost uniquely Canadian solution to looking at the human resources planning requirements in the Canadian economy.

The hon. member might be interested to know that the textile industry has been very much a part of the Canadian economy for years. Very often it finds itself in difficult circumstances, but today, with a strong sector council, members of the industry, unions and others, we have plans in place to assure the human resources, the people that are required for this very important piece of the Canadian economy.

Oral Questions

●(1440)

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, I thank the minister for the history lesson, but large Canadian companies were hiring and training employees long before the federal government came along and got involved.

Does she not understand that when the government subsidizes business all it is doing is transferring tax dollars from low and middle income Canadians who need that money to some of the wealthiest people in the country?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, let me explain to the hon. member what that \$5 million is going to do. First and foremost, it will allow the whole industry access to training modules online, and guess what, the industry has done such a good job that it is selling these modules worldwide. In addition to that, the industry is going to create Career Tex, an online system that will encourage young Canadians to consider the textile industry as an option. Finally, we are providing money to support the administration of the sector council.

Canadians appreciate that we are taking this approach and I wish the hon. member would take the time to understand it before he asks such silly questions.

* * *

AGE OF CONSENT

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, given the confusion surrounding today's opposition day motion and some of the inaccurate information coming from the opposition benches, could the Minister of Justice tell the House whether he agrees with the comments made by the leader of the opposition party and the justice critic that "What Canada really needs is to immediately embark on a well thought-out, consultative approach to dealing with" the issue of protection of children from sexual predators?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I agree that the issues surrounding child pornography and age of consent are of great importance to all Canadians. This is why the government is reviewing the matter.

Given the importance of the issue, we must be cautious, thoughtful and thorough with respect to any amendments to the present criminal code provisions. That is exactly what the leader of the opposition party said today in the *National Post*, as well the member for Provencher.

I agree with that statement, but it is not what today's motion says. That is why I cannot support the motion as it is currently drafted.

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CANADIAN HERITAGE

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, my question is for the heritage minister.

Last Friday an urgent plea was published in the *Globe and Mail*, a plea to hold a public inquiry into media concentration as a threat to democracy. This plea came from some of the greatest leaders, writers and historians of our time, including: Margaret Atwood, Pierre Berton, Stevie Cameron, Matthew Coon Come, Ken Georgetti, Tom

Kent, Flora MacDonald, John Meisel, Claude Ryan, Florian Sauvageau, Hamilton Southam, Keith Spicer, David Suzuki, Jane Urquhart and Patrick Watson.

Will the government listen to these 53 great Canadians and call an inquiry today?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, I believe the Standing Committee on Canadian Heritage, which is looking at the Broadcasting Act, is in fact going to be inviting these members to come and participate in that inquiry, because any amendments to the Broadcasting Act do not exclude any issues around the convergence issue.

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PENSIONS

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, year after year the firefighters come here and they ask for changes in their pension accrual rate, and year after year all members of parliament agree with them, including members on the government side.

Yet year after year they go away empty-handed.

I want to ask the Minister of Finance, who is running the show here? If we all agree, how come it cannot happen? Will he make a commitment today that they will never go away empty-handed again?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, I am delighted that the hon. member has asked me the question because it gives me the opportunity to basically say that the leadership on this issue has been taken by the members of the Liberal caucus. They have met with the firefighters. They have met with the Department of Finance. They have taken leadership in designing the kinds of solutions that are going to be made available.

These are things that have to be discussed with other agencies and other levels of government, but the fact is that it is the leadership of this Liberal caucus that has brought this item to the fore and they are the supporters of the firefighters in this country.

The Speaker: I would remind all hon. members that the Chair has to be able to hear the questions and the answers and there seems to be a lot of noise. One would think it was Wednesday and it is not.

The hon. member for Cumberland—Colchester has the floor. We will have a little order, please.

* * *

●(1445)

NATIONAL DEFENCE

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, my question is for the minister of defence. We are very pleased that General Dumais is now moved up from observer status to co-chair of the American board of inquiry, but the fact remains that we have a U. S. inquiry that will not hear testimony from Canadians and we have a Canadian inquiry that will not hear testimony from Americans.

Why did the minister never ask for a joint inquiry that would hear from all participants at once?

Oral Questions

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the hon. member is jumping to conclusions as to who will hear what.

Both boards are charged under legislation and rules and regulations of the forces of both countries. Therefore, it will be carried out in accordance with those mandates. They will find out all of the facts. They will find out what is needed to know, what happened in this case and what we can do to reduce the risks to our troops.

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, yes, we need to know those answers, but the fact remains today that Americans knew of the training action in Afghanistan, Americans approved of the training action in Afghanistan, Americans were the ones that dropped the bomb and only the Americans can answer the questions that we want answered.

Again, will the minister ask the Americans to allow the pilot and the supervisor to testify at the Canadian inquiry?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, there will be totally shared information between the American inquiry, of which a Canadian will be the co-chair, and the Canadian inquiry. Everything will be known by both boards.

Why does the hon. member not let the members of the boards get on with their work. Instead of trying to micromanage and speculate on what they might do, we should let them get on with their work. They are very competent people.

* * *

FIREARMS REGISTRATION

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, back in 1995 the justice minister claimed that registering guns was just like registering cars.

If that is true, why is the justice minister now issuing millions of firearms registration certificates without the owners' names on them?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, as I said many times in the House of Commons, the registration process was put in place to make sure that Canadian society received better protection with regard to the use of firearms. I stand for that principle and I guess the country as a whole stands for that principle.

As we have said, the registration, licensing and mechanisms are working quite well. We are proud of it as a government.

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, I do not think he heard the question. He has not answered it.

The provinces have registered 18.1 million vehicles in Canada, each one with the owner's name on it. The justice department has spent \$700 million to register only 3.3 million guns without the owners' names.

How can the provinces get it so right and the justice minister and the federal government get it so wrong?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, we are basically talking about a question of principle here. We do believe that the policy that

is in place will offer better protection for Canadian society. It is a choice, as well, that we have made as a society.

As we said, the registration and the licensing process is working well. Not long ago we talked about the question of outsourcing in order to keep offering our Canadian population very good services on that side.

* * *

[Translation]

KYOTO PROTOCOL

Mr. Bernard Bigras (Rosemont—Petite-Patrie, BQ): Mr. Speaker, various lobbies are pushing the issue of the supposedly astronomical costs of the Kyoto protocol in order to delay ratification. The David Suzuki Foundation, however, maintains that meeting the Kyoto objectives would have important economic benefits for Canada, and it has the figures to prove it.

Will the Minister of the Environment admit that any delay in ratifying the Kyoto protocol would not only have economic costs, but also social ones, especially in connection with health and climate, and that it would also send a terrible message to future generations?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, what the hon. member is referring to as a delay is the time needed to consult with the provinces and territories, the affected industry, and Canadians.

Of course, there may be a certain cost associated with consultations, but if they are to count, to be effective, we must at least make the effort.

● (1450)

Mr. Bernard Bigras (Rosemont—Petite-Patrie, BQ): Mr. Speaker, the difference between Quebec and the federal government is that Quebec is aware of the problem and is asking that Kyoto be ratified. The federal government is clueless and takes its orders from the head office in Washington.

Will the Minister of the Environment admit that any delay in ratifying Kyoto is tantamount to making future generations pay for our lack of courage, and that it will cost a great deal more if we do not face up to our responsibilities now?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, the Kyoto protocol has been an unexpected success on one front, and that is in getting the Bloc Québécois to abandon the principle of consultation with the provinces. It is amazing that such a party does not wish there to be effective consultations with the provinces and territories. This is an unbelievable conversion.

Oral Questions

[English]

GOVERNMENT CONTRACTS

Mr. John Williams (St. Albert, Canadian Alliance): Mr. Speaker, we know that Eric Maldoff, a major contributor to the Liberal Party, received a plum job as the chair of Canada Health Infoway Inc. We now know that another major contributor to the Liberal Party, Columbia Communications, has been awarded the contract as the media consultant for the same foundation. We also know, courtesy of the auditor general, that the organization was given \$500 million of taxpayer money a year ago and is still not open for business.

My question is for the Minister of Health. Is Canada Health Infoway Inc. just a repository for loyal Liberals?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, as the hon. member well knows, Health Infoway Inc. was part of the accord established and agreed to by the Prime Minister and first ministers in relation to the renewal of our health care system.

We all agree that health information systems are key to its renewal. The first and most important task of this corporation will be provincial, territorial and federal co-operation in the development of an electronic patient record. If the hon. member were to check I think he would find that most agree that the electronic record is key to the ongoing renewal of our health care system.

Mr. John Williams (St. Albert, Canadian Alliance): Mr. Speaker, it seems to me that the first job of this organization is to find some Liberals who it can put on the board because, while the minister asserts that it is independent and so on, the auditor general tells us that this organization is beyond the scrutiny of parliament. It operates more like a private company than a public foundation and its focus appears to be providing a home for loyal Liberals.

Is the government using Infoway as a home for Liberal hacks because it is out of sight of parliament and therefore out of our mind too?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, as the hon. member should be fully aware, Health Infoways has to provide an annual report. In fact every provincial and territorial deputy minister of health is a member of the corporation.

As I have said, I think everyone who understands the importance of the renewal of the health care system realizes we must ensure that we use technology to develop instruments like the electronic patient record. Otherwise we will not be able to effectively renew our health care system and sustain it for all Canadians well into the future.

* * *

[Translation]

GUARANTEED INCOME SUPPLEMENT

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, my question is for the Minister of Human Resources Development.

The Bloc Québécois candidate in the riding of Verdun—Saint-Henri—Saint-Paul—Pointe Saint-Charles as well as other spokespersons from this party are saying that the Government of Canada is deliberately depriving 2,700 senior citizens in this riding of their guaranteed income supplement.

Could the minister clarify these statements?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, this is completely false. My colleagues opposite are making completely inappropriate comments and seem to enjoy spreading misinformation to Quebec seniors.

[English]

Perhaps the hon. member would be interested to know that 16,000 of the 23,500 seniors who recently received our simplified form for application for the guaranteed income supplement have returned their forms and will be receiving the supplement shortly.

Our outreach continues because for us every senior who is eligible for the supplement should have access to it.

* * *

TAIWAN

Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance): Mr. Speaker, Taiwan's health officials are not able to access the worldwide system of monitoring and controlling infectious diseases because Taiwan is not a member of the World Health Organization. Taiwan, however, is seeking observer status for the upcoming world health assembly in Geneva.

Why has our government not joined others in supporting Taiwan's effort in this regard?

● (1455)

Hon. David Kilgour (Secretary of State (Asia-Pacific), Lib.): Mr. Speaker, the point the member made has been made repeatedly by many other spokespersons and no government at this point has come on side with the member on that particular point.

Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance): Mr. Speaker, I think they need to do a little research.

The European parliament has unanimously passed a resolution calling for members of the EU to support Taiwan's bid to gain observer status. The United States senate has approved a bill supporting Taiwan, bill No. 2739, if they are interested.

Why would our Prime Minister be reluctant to endorse a democratic jurisdiction like Taiwan that has a concern for better health?

Hon. David Kilgour (Secretary of State (Asia-Pacific), Lib.): Mr. Speaker, the member is correct in those points but he also knows that no executive branch of any government has accepted the point that the two legislative bodies have returned to.

Taiwan has done extremely well. Its economy and democracy are doing very well and we should all be very proud of it.

Oral Questions

[Translation]

THE ENVIRONMENT

Mr. Ghislain Fournier (Manicouagan, BQ): Mr. Speaker, although Transport Canada has admitted its responsibility in the contamination of the water table in the beaches area, the Minister of Transport has just turned down a request for compensation from the town of Sept-Îles to cover the costs of hooking the airport up to the municipal water system.

Will the Minister of Transport admit that he has decided to slough off his responsibilities to the people of Sept-Îles by refusing to pay the \$2.4 million it will cost to hook the airport up to the municipal water system? He was the one responsible for the pollution and he is the one who should pay.

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, as I have already said several times in the House, the hon. member has got it wrong.

* * *

[English]

INTERNATIONAL DEVELOPMENT

Ms. Beth Phinney (Hamilton Mountain, Lib.): Mr. Speaker, my question is for the Minister of Finance.

Many less developed countries in the world are strapped with huge debts that they find themselves unable to repay.

Could the minister please comment on what Canada and the G-7 are doing to help eliminate third world debt?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the member for Hamilton Mountain has long been an advocate of the relief of third world debt. As she knows, Canada has been one of the leading supporters of the absolute need of eradicating the debt of countries where people have less than a dollar a day of income and they are still paying out massive amounts for debt service. It makes absolutely no sense.

Under those circumstances, Canada was most concerned over the weekend to learn of the World Bank report which essentially said that debt sustainability did not take into account the volatility of the world economy and, at the same time, that there vulture funds were buying this debt. This is unacceptable. The minister for international development has said it. Canada has said it. This is our position.

* * *

CORRECTIONAL SERVICE CANADA

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, yesterday I asked the solicitor general a pointed question regarding the number of convicts receiving pay incentives from CorCan Industries while in prison. My question was not answered.

The solicitor general has now had 24 hours to find the answer to that question. Furthermore, he should be assured that if he does not answer the question today, we will ask it again tomorrow. How many inmates have received incentive pay while in prison and how much? Canadians deserve to know the answer.

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, as I have indicated a number of times, this was

an inappropriate thing to happen. Correctional Service Canada has indicated to me that it has taken steps to make sure this will not happen again. CSC is looking into the situation.

* * *

[Translation]

HIGHWAY INFRASTRUCTURE

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, the Minister of Transport refuses to respond to the people of Saguenay—Lac-Saint-Jean, who are demanding that the government make good on its campaign promises relating to highway 175 in the parc des Laurentides.

I am calling upon the Minister of Transport to take his campaign promises into consideration, as well as the fact that Quebec has fulfilled all its obligations, and to at last announce the financial participation of his government in the construction of highway 175.

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, as I said yesterday, my hon. parliamentary secretary is the one in this House who supports the true interests of the people of the Saguenay as far as highways are concerned.

* * *

● (1500)

[English]

FOREIGN AFFAIRS

Mr. Svend Robinson (Burnaby—Douglas, NDP): Mr. Speaker, my question is for the Deputy Prime Minister.

Tomorrow Armenian communities and people around the world will commemorate the victims of the 1915 Armenian genocide. Today, in the foreign affairs committee, I will be moving a motion to recognize this terrible crime against humanity as genocide, not just as a tragedy but as genocide.

Will the Liberal government now finally honour the memory of the 1.5 million victims of the Armenian holocaust and join with the French national assembly and many others to recognize the Armenian genocide for what it was: Genocide, not just tragedy but genocide. When will they finally—

The Speaker: The hon. Deputy Prime Minister.

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, I acknowledge the question from the partial critical for foreign affairs of the NDP. I would point out to him that the Minister of Foreign Affairs made a full and complete statement regarding this issue in the House of Commons last week.

* * *

NATIONAL DEFENCE

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, the Minister of National Defence has said that all of the inquiries in Canada and in the United States will be open and transparent. Does that mean that all the evidence and the minutes of the meetings will be published for the public to see?

Speaker's Ruling

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, I have said a number of times in response to the hon. member that there are terms of reference that have been clearly laid down so that the inquiries can get to the bottom of the matter, determine what happened and see what can be done to reduce the risk of it happening again, both in terms of Canada, in terms of the United States and in terms of the sharing of information in full co-operation. I again assure the member that will be done.

[Translation]

Mr. Robert Bertrand (Pontiac—Gatineau—Labelle, Lib.): Mr. Speaker, my question is for the Minister of National Defence.

Recently, the United States announced the creation of the northern command, or NORCOM. If we were thinking of belonging to it, what basic criteria would we be supporting?

[English]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the northern command is an internal United States command reorganization. It has nine other commands that cover every part of the globe in terms of its area of interest. Now it has a northern command that flows out of the concerns of September 11 and the need for more homeland security.

At the same time we are concerned about the terrorist attacks. We want to work in a co-operative effort with the United States. That is what we are talking about, looking to see if there are practical ways we can be of more co-operation for the safety and security of our own people. It does not mean subjugating our forces to its, or subjugating our sovereignty at all.

* * *

PRIVILEGE

STANDING COMMITTEE ON CANADIAN HERITAGE—SPEAKER'S RULING

The Speaker: I am now prepared to rule on the question of privilege raised on Monday, April 15, 2002 by the hon. member for Sarnia—Lambton concerning the expert advisers hired by the Standing Committee on Canadian Heritage in the course of its study on Canadian broadcasting.

[Translation]

I would like to thank the hon. member for Sarnia—Lambton for drawing this matter to the attention of the Chair, as well as the hon. member for Kootenay—Columbia and the hon. member for Lac-Saint-Louis for their contributions on the question.

[English]

In raising this issue, the hon. member for Sarnia—Lambton identified two points that he felt indicated that his privileges as a member had been breached. First, the expert advisers hired by the Canadian heritage committee are being paid with funds provided by the Department of Canadian Heritage rather than by the House of Commons. In his view, this violates the proper separation that should exist between the House and the executive. The hon. member further suggested that under these circumstances, it was not possible to regard the advice of these experts as neutral and objective. This impeded his ability to carry out his work as a member of the Canadian heritage committee and hence constituted a breach of his privileges.

[Translation]

The second point made by the hon. member for Sarnia—Lambton involved comments made to the media by one of the expert advisers, Mr. David Taras. The hon. member pointed out that the contract signed by the committee's advisors contained a provision restricting their ability to comment publicly on the work of the committee.

[English]

He also alleged that public comments made by Mr. Taras violated the contract with the committee and, by their political nature, cast further doubt on the neutrality and objectivity of the advice being provided to the committee. The hon. member for Sarnia—Lambton regarded this as further evidence that his privileges had been breached, a claim which was supported by the hon. member for Kootenay—Columbia.

I think that the situation as set out in members' interventions is quite clear. As the minutes of proceedings of the committee indicate, the committee as a whole agreed to retain the professional services of these two advisers, first on December 6, 2001 and again later, in its decision to renew the contract for the new fiscal year at its meeting of March 21, 2002. The committee was fully aware on both these occasions that funds from the Department of Canadian Heritage were to be used to pay the advisers. Since the committee on Canadian heritage agreed to the hiring and since the committee is empowered by Standing Order 120 to retain the services of expert staff, the Chair has no role to play in this situation.

Our practice, as described in *House of Commons Procedure and Practice* at page 804 and as set out in many previous rulings is quite clear: the Chair does not interfere in committee affairs. While members of the Canadian heritage committee may have some concerns about the committee's actions, those concerns ought more appropriately to be raised in the committee itself.

In the second part of his argument, the hon. member for Sarnia—Lambton raised the issue of recent comments made in the media by one of the two special advisers. He quoted from the contract made with the adviser in question, which states:

The Contractor shall not comment in public on the Committee's deliberations relating to the broadcasting study.... However, the foregoing does not prohibit the experts from writing or speaking on broadcasting issues generally, such as would be the case in the normal conduct of their professional duties.

He concluded that the special adviser to the committee "cannot offer opinion on the political fate of certain members of this Chamber".

Having reviewed the documentation made available to me, I cannot find that there has been any breach of parliamentary privilege in relation to the comments made to the media. These comments did not contain language that was unparliamentary and could not be construed as interference in the ability of any member to carry out his or her parliamentary duties.

Supply

However, it is true that these comments were of a political nature and did relate to certain members of this House and to political events. As the hon. member for Kootenay—Columbia has stated, commentary of that nature would not be tolerated if it came from any of the staff of the House of Commons or the Library of Parliament. Should members of the committee believe, as the hon. member for Sarnia—Lambton says he does, that the comments portray a bias that could impede the contractor's ability to provide impartial advice to the committee, then the matter should be raised in committee where the members may resolve the matter.

[Translation]

I thank all hon. members who contributed to this discussion.

GOVERNMENT ORDERS

• (1505)

[English]

SUPPLY

ALLOTTED DAY—PROTECTION OF CHILDREN

The House resumed consideration of the motion.

Mr. Reed Elley (Nanaimo—Cowichan, Canadian Alliance): Mr. Speaker, I will be splitting my time with my hon. colleague from Vancouver Island North.

I rise to debate an issue which should not have to be raised in the House. It reflects the sad state of affairs in which the country finds itself. Leadership begins at the top. If the government fails to give strong direction in areas such as we are discussing today, it will lead us more and more into the grey area of moral fog. I will now turn to the motion before the House.

Most of us in this Chamber are parents. Many, including myself, are grandparents and I think there may even be a handful of us who are privileged to be called great-grandparents. Speaking as a parent of eight children, let me state categorically that I can see nothing any more important than the protection of our children. Simply put, we need to protect innocent children from predatory adults.

It is well recognized that children are physically maturing at an earlier age, but they are still children. Young persons may look like they are older than they actually are. They may dress older than they actually are. For good or for bad, they may have more worldly knowledge than generations of the past, but above all, they are still children.

Unfortunately just because a 13 year old boy or girl looks older does not mean they are emotionally mature enough to engage in sexual activity. They are not able to make sexual decisions with full knowledge along with the emotional and mental maturity that must be a part of this decision making process.

So we come to the intent of today's motion. I believe strongly that we have to protect our children with an even higher age of consent. There are predatory adults in the world who would like to have sex with anyone at any age.

Nothing can be more important to us than our children. Not only are they the future of our country, they are also a present reality, a reflection of our current society and where our society is today. They are a mirror held up to our own faces. Perhaps if we do not like what we see, we need to take a long, careful look at ourselves as a society.

Yesterday some Liberals attempted to clarify what the age of consent was. They were correct when they stated that historically it always has been 14 years of age, but that there was a provision in section 153 of the criminal code to protect children under the age of 18 from sexual exploitation. A member opposite then stated "so we fear that tomorrow's motion by the opposition would have the effect of lowering the age of consent". This is a complete fabrication and a lowly attempt to justify the government's complete inaction and lack of protection for our youth in this area.

The truth is that the lowest age of consent is clearly set out in section 150.1 of the criminal code and it is the age of 14. Under the age of 14 it is no defence for the accused to say that the complainant consented to the act. Over the age of 14 the accused can claim that the complainant consented to the act.

Simply put, the official opposition wants to raise the age of consent from 14 to 16. Any offences involving 16 to 18 year old children would remain offences, as there would be no changes to those parts of the criminal code.

The section to which the dazed and confused Liberal member was referring was section 153. That section clearly defines a young person as someone between the ages of 14 and 18.

Let me be perfectly clear. The opposition motion does not want to lower the age range. We want to raise the lower end of that range from 14 to 16.

Only when we as parliamentarians have taken every reasonable step to protect our children can we rest. However as technology changes, we unfortunately see some people taking advantage and abusing that technology. When that happens we as parliamentarians must remain vigilant. We must do all we can to protect our greatest resource, our children.

• (1510)

We know that predators will attempt to lure children through direct contact on the Internet involving chat rooms and instant message programs. Predators are typically pedophiles who attempt to lure children off line to harm or molest them.

There is wide support for the actions that the official opposition has brought forward for debate. The Saskatoon *StarPhoenix* reported that Bernie Eiswirth of the Saskatchewan Federation of Police Officers stated recently that we need a crackdown on pedophiles who lure children online. He is quoted as stating that there are statistics that show one in four youths have been sent pornography over the Internet by a stranger. Twenty-five per cent of our children are being exposed to the smut and abominable depiction of the vile acts that come out of some of these depraved minds. Surely this cannot be acceptable to the members of the House.

Mr. Eiswirth continued on to state that one of the suggestions the Saskatchewan Federation of Police Officers recommended was to raise the age of sexual consent from the current 14 to 16 years of age.

This important distinction is also backed by the provincial justice ministers. It has been reported by the media that a resolution was passed to raise the age of sexual consent from 14 to at least 16 at their latest annual meeting on September 11, 2001. Unfortunately their decision was lost in the media frenzy surrounding the terrorist attacks of that very same day.

The age of consent in the United States ranges from 14 to 18 depending upon the state. In Australia and New Zealand it is 16. It has been said that with Canada's age of consent currently at 14 years of age, this is nothing less than a gift for sexual predators.

Is this the reputation that we want? Is this how Canada wants to be seen by the world, as a haven for child sexual predators? Heaven help us if that is the case.

I have deeply held convictions with regard to this matter. The Christian scriptures are very important to me. In the book of Mark, chapter 9, verse 42, Jesus said:

And whosoever shall cause one of these little ones that believe in Me to fall, it is better for him that a millstone were hanged about his neck and he were cast into the sea.

Unless we do something to restrict the actions of sexual predators and the spread of child pornography, the millstone which they place around the neck of our society will surely strangle us, choking the very life out of our children, forcing them into the shadows of darkness where truth and beauty can no longer exist.

We as the parliamentarians of Canada have an opportunity today. We can correct and add strength to the laws of the country. What are the laws of the land for except to protect its citizens? We in the House of Commons are the lawmakers of Canada. One of the things we need to do is to fill loopholes in the law when they become apparent to us.

We know that we have one of the lowest age of consent laws in the world. We can change that. We know that the pain and suffering of children from adult sexual predators is incalculable and lasts a lifetime. We know that provincial attorneys general and the Canadian Police Association are supportive of raising the age of consent to at least age 16. Finally, we know that the Department of Justice and the previous minister of justice are also supportive of this move.

What are we waiting for? Do we like what we see around our children and the kind of environment in which they are growing up? Mr. Speaker, if you are anything like me or the people I have talked with, you have grave concerns. We can do something about those concerns. Let us take action today.

Let us protect our children through whatever means we can. Our children are our future. We cannot allow our children to fall into harm's way. For the sake of the children, let us protect our children from predatory adults.

• (1515)

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Mr. Speaker, I thank the hon. member for his remarks. I have been studying this motion very carefully. I would like to get his response to one aspect of it.

Supply

I certainly am in agreement with the age of consent. I think that is something we should look at. I am in agreement with much that is in the motion.

However when we take out the age of consent part and the part about sexual predators and reduce it to a simple statement, minus those elements of it, we get "that the government immediately introduce measures that prohibit materials that appear to describe children engaged in sexual activity".

Reduced to that, what the motion says is that we should be banning materials that appear to describe children, appear to describe. Does the member agree in principle with that statement?

Mr. Reed Elley: Mr. Speaker, I appreciate the intervention by my hon. colleague across the way. I know the hon. member would like us to separate the two issues but I do not see how we can do that.

The Robin Sharpe case brings this whole issue into focus for us. It was that judgment of the supreme court which brought us to this juncture in the road as we look down it into the future. The two issues are inseparably linked in my mind and in our motion because of that.

The issue of describing something is an issue that was left very much hanging by the Supreme Court of Canada. If we can do anything at all through this motion to further discussion and as a parliament help the government to craft legislation that would bring into sharp focus the law concerning the description of sexual acts perpetrated upon children by sexual predators and help our law enforcement people, our courts, our social workers and all those people who are involved in the outfall of what happens when children are the victims of sexual predators, then that would be good and it would further the cause. I really do not think we can separate the two.

• (1520)

Miss Deborah Grey (Edmonton North, Canadian Alliance): Mr. Speaker, I would like to thank my colleague for his remarks. All of us in the House again need to focus on the intent of this motion and maybe not on the actual wording or the amendments that are being talked about across the aisle.

How anyone could determine that we are trying to lower the age of consent is beyond me. We want to raise the age of consent, and not for the age of consensual sexual relations, for this predatory practice of people who are much older than these young people who are vulnerable or of people who are in a position of power or seniority who prey upon younger people.

Could the member tell me really how simple and clear this is? We are trying to raise the age of consent for perpetrators of criminal activities who seem to be abounding so unfortunately in this day and age.

Supply

Mr. Reed Elley: Mr. Speaker, one concern we see raised all the time by people is their perception that government, particularly of the federal government, is reactive rather than proactive. The government fails to discern the trends of our society and the way things are going. It does not bring in laws or create programs or whatever that are proactive and that build for the future. Instead it waits for crises to develop, whether it is an economic crisis that finally brings us to the point where we need a balanced budget, or a military crisis where finally we need the proper kind of equipment for soldiers or a moral crisis where finally the government is forced to take action to bring legislation in line with something that is seriously affecting the moral fabric of our society.

As an opposition party, we are attempting to focus the issue, which is the sexual predators who prey upon our children. That is why we brought the motion to the House. We want the government to do something about it.

Mr. John Duncan (Vancouver Island North, Canadian Alliance): Mr. Speaker, if we asked any adult Canadian if a 14 year old can make an informed decision involving sexual consent with an adult, they would overwhelmingly reject this premise.

It is no accident that the average age of recruitment for prostitution is age 14. Society feels the need to limit or protect 14 year old children by denying them access to movies with acts of violence and explicit sex. That is why the Canadian public is shocked when they discover the age of consent for sexual activity is 14. It offends the common sense of ordinary Canadians that vulnerable children as young as 14 can be targeted by adult sexual predators and as long as the act is considered consensual, it is perfectly legal. As a father of an 11 year old daughter, I find it unbelievable that in a short two and a half years she will be considered to be of an age where she can give consent to sexual activity with an adult. She has no peer group that would put the right kind of pressure on her not to do that.

Despite any argument on the contrary coming from government, the bottom line is that an age of consent as young as 14 can and does create a vulnerable target population of children for adults with predatory motives.

The Canadian Alliance for Social Justice and Family Values Association is a non-denominational, non-partisan grassroots association with a large and growing membership whose principle purposes are: to redress social injustice; to advocate, foster, safeguard and protect constitutional charter and social rights, traditional family values and parental rights; and to promote the establishment of traditional schools, social, educational institutions and charitable activities. This group, based in Vancouver, is 80% Canadian-Chinese and has worked tirelessly on important family and social issues in British Columbia and nationally. It is recognized as interveners at the supreme court on two ongoing court cases.

The reason I have described the Canadian Alliance for Social Justice and Family Values Association is because it has arranged with my office to present 8,681 letters to the Minister of Justice, which I have right here with me. I will quote at length from its media release of last Friday. It says:

The John Robin Sharpe case exposed the weakness of the laws on child pornography, the liberality and permissiveness on the part of the judiciary and the resulting inability of our society collectively to protect the most vulnerable group—the children.

Currently in Canada, the age of consent to sex is 14. In 1987, the Mulroney government reduced the age of consent from 18 to 14. The federal Liberal government has made no genuine attempt to change this despite the united voice of the provinces for raising the age to 16. Parents, police and social service agencies are hindered in protecting children as young as 14 who are coerced into sex with adults. Children as young as 14 can be exposed to the risks associated with sexual activity such as emotional distress, unwanted pregnancy and sexually transmitted diseases including AIDS. Recent years have seen a significant increase in crimes of a sexual nature against children. Child prostitution, child pornography etc. are increasing at an alarming rate. The low age of consent encourages societal acceptance of early sexual behaviour and appetite for pedophiles. Problems associated with low age of consent to sex are deep emotional and mental health problems, STDS, cervical cancer, teen pregnancies, school-drop-outs and criminal behaviour.

● (1525)

Our Association's stand is that if youth are not able to consume alcohol, vote, volunteer for combat or make other major decisions until they reach 18, an activity and the resulting consequences as complicated as sexual activity should not be legal for children...

As it has been scheduled for the current session of Parliament to discuss the age of consent next Tuesday, we have collected 8,681 individual petitions from concerned citizens including parents and people from all walks of life urging Parliament to raise the age of consent for sex from 14 to 18.

That ends the media release of last Friday from the Canadian Alliance for Social Justice and Family Values.

In 1997 the justice minister answered a question from my then caucus colleague Sharon Hayes asking for the age of consent to be raised to at least 16. The minister at that time refused to commit to raising the age of consent saying that the issue was only one of the issues involved in protecting children. It is now five years later and the government still has not dealt with this one issue involved in protecting children.

The Canada Family Action Coalition says the following on its website, and I give credit to Peter Stock for authorship since I am quoting liberally. It states:

When learning that the age of consent for sex is only 14 Canadians react with shock and disbelief...“We're dealing with a lot of calls from people expressing their anger at learning that such law exists in Canada. Some need to see the actual law in writing before they will believe that it is the case. The most common question I hear from people, after they express how appalled they are, is who is responsible for this?”...

“Parents ask me, “how could they do this to children? Aren't they parents too and weren't they supposed to be a conservative party?”

This is goes back to the change in the law under the Mulroney government. It continues:

They are astounded that this could happen... “Unfortunately, even though there was some solid pro-family MPs in that party, the liberal-types in the PC Party and in Parliament won the day”...

Police officers who have to deal with the fall-out from changes in the law in a front-line capacity have seen the tragic effects of a lowered age of consent. As they encounter situations of young teen girls and older men, they have been faced with the reality there is nothing they can do to protect these vulnerable young citizens. As a result of countless such incidents, in the last few years the provincial attorneys-general of every province in Canada have demanded that the Justice Minister raise the age of consent. In addition, the Canadian Police Association has also endorsed a motion asking for the age to be raised.

Supply

Yesterday in the House the Liberals tried to insinuate that our opposition motion would have the effect of lowering the age of consent. How can members of parliament say such a contrivance and sleep at night when what is important is protecting children not protecting the government from its inaction since 1993?

Our motion calls for raising the age of consent set out in section 150.1 of the criminal code. The Liberal member was talking about section 153 of the code which deals with sexual exploitation of young persons. We would not change section 153, the Liberals know it and they are only trying to confuse others on a technicality that does not hold water.

I have spoken at length about the 8,681 petitions from the Canadian Alliance for Social Justice and Family Values asking for the age of consent to be raised. I will take a moment to say that the Canadian Alliance for Social Justice and Family Values existed before the Canadian Alliance as a political party. Just to make it clear, there is no relationship there. However we do share some of our beliefs, obviously.

• (1530)

At this point in time I would like to ask the House for unanimous consent to table the 8,681 letters that I have with me today. This is just a sampling from individual members of the community in Vancouver, self-described as 80% of the membership is Canadian-Chinese.

• (1535)

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

Some hon. members: Agreed.

Some hon. members: No.

[*Translation*]

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am pleased to take part in today's important debate on measures to protect children from sexual exploitation. I wish to confirm to the hon. members of the House the Government of Canada's very firm commitment to strengthen the protection afforded to children under criminal law against sexual exploitation and, in fact, against any form of victimization.

While I welcome debate on this very important issue, I find the opposition motion somewhat worrisome. This motion is to adopt immediate legislative provisions that would raise the age of consent to at least 16 years and included measures that would prohibit behaviour related to child pornography.

This motion contains a number of flaws. Legislation with such serious consequences must not be passed in haste. The issue of age of consent affects not only the criminal code, but also a number of provincial statutes. We would not be wise to adopt such an amendment hastily. It is my belief that the motion as it stands would not allow for a careful and thorough analysis.

The Department of Justice is in the process of undertaking public consultations and a comprehensive review of the need for further criminal law reforms to improve the protection of children. This consultation and review is based on four main areas.

First, should we amend the existing offences involving children, or create new ones? Are reforms necessary to better respond to physical and emotional abuse perpetrated against children, child neglect and child homicide, as well as sexual exploitation of children?

Second, should we amend the sentencing principles of the criminal code to guarantee that every sentence truly reflects the gravity of every offence committed against a child?

Third, should there be additional measures to better meet the specific needs and ability of victims who are children and who are witnesses in the criminal justice process?

And finally, fourth—and this is of paramount importance when it comes to today's debate—should the general minimum age of consent to sexual activity be maintained or raised?

[*English*]

In addition to the public consultation component of this project, the department consulted with provincial and territorial criminal justice officials, as well as with individuals involved in child protection, other experts, stakeholders and members of the public. These consultations were concluded last summer.

Federal, provincial and territorial ministers responsible for justice recently considered a summary of the results of these consultations at the February meeting. I am pleased to note that all ministers indicated their continuing shared commitment to work together to follow up on these consultations and review. We have directed federal, provincial and territorial senior officials to develop follow up options for our consideration in the coming months.

[*Translation*]

As I mentioned, one of the issues examined in this consultation is the general minimum age of consent to sexual activity. One of the reasons for the continued interest in the age of consent is the desire to better protect young people against those who seek to exploit them sexually and take advantage of their vulnerability.

However, it is important to mention that the protection now available under criminal law against the sexual exploitation of children is perhaps underestimated. I would therefore like to take this opportunity to provide some information about how the criminal law currently deals with the minimum age of consent to sexual activity.

First, it seems that some people mistakenly believe that the criminal law was amended in 1987 in order to lower the age of consent from 16 to 14. It is true that, at the time, the criminal code provisions on sexual violence against children were overhauled, strengthening and amending the protection of children against sexual violence, but these reform measures did not include lowering the age of consent.

• (1540)

[*English*]

The general minimum age of consent for individual sexual activity has been 14 years of age since 1890 when it was raised from 12 years of age. However, where the sexual activity is not individual, such as child prostitution or child pornography, or where it breaches a relationship of trust or dependence the age of consent is 18.

Supply

[*Translation*]

I wish to reassure members of this House. Children are well protected against sexual violence by people in positions of trust, who could force them into the sex trade, and by people who produce or distribute child pornography.

Our existing criminal code is designed to eliminate child pornography, and our ability to prosecute such activities will be increased once Bill C-15A has received royal assent.

That having been said, the government recognizes that we must constantly re-evaluate existing measures for the protection of children against sexual exploitation.

[*English*]

The current opposition motion asks for “measures to prohibit the creation or use of” child pornography. These measures already exist. Making, printing, publishing, importing, distributing, selling or processing child pornography in Canada are offences. This seems fairly comprehensive but the government was not satisfied and in Bill C-15A it seeks to further strengthen our child pornography laws by creating four new offences: transmitting, making available, exporting and accessing.

[*Translation*]

These amendments are part of Canada's strategy to protect the children of the 21st century. The new offences have in part been introduced to put an end to the phenomenon involving the Internet. In addition to all the government programs aimed at promoting use of the net, we have also examined the Canadian legislation in order to ensure it is current and pertinent to this wired environment.

One of the key questions examined was child protection. To that end Canada has taken part both here and elsewhere in the negotiation of treaties and promotional programs with a view to raising children's awareness of the cyberworld and to protect them from its hazards.

Canada is involved in a transnational initiative aimed at countering the sexual exploitation of children. In the Council of Europe, Canada has taken part in negotiations for the convention on cybercrime, which includes provisions on child pornography along very much the same lines as our Canadian legislation.

Here in Canada, the main focus of such government initiatives as the strategy for safe, prudent and responsible use of the Internet, launched by the industry minister, the justice minister and the secretary of state responsible for multiculturalism this past February, is the protection of children.

[*English*]

In relation to the use of child pornography mentioned in the motion, the Supreme Court of Canada in the Sharpe decision found that the possession offence as it related to child pornography was constitutional, and thus possession of child pornography in Canada would remain a crime. However, in that decision, the court found it necessary to carve out two limited exceptions so that the offence would not be overly broad. The court was concerned about infringing on our constitutional right to freedom of expression and drew the line at prohibiting a person's own thoughts.

In this regard the court outlined when possession of child pornography was permissible. These limited exceptions are: any written material or visual representations created by the accused alone and held by the accused alone for his or her own personal use; and, any visual recording, created by or depicting the accused, provided it does not depict illegal sexual activity and is held by the accused exclusively for private use.

● (1545)

[*Translation*]

In addition to the exceptions set out in Sharpe, the criminal code contains other means of defence against child pornography offences, particularly when there is artistic merit or educational, scientific or medical value.

Recently there was a long debate in the House of Commons on the artistic merit defence. This defence was included in the legislative amendments which led to the creation of the child pornography provisions in 1993. Parliament in its wisdom saw fit to include defences applicable to child pornography related offences in order to ensure constitutionality.

[*English*]

I would like to take this opportunity to underscore the importance of the parliamentary process and the input of parliamentarians, and to state that the vigorous debate on this issue has made it apparent that many parliamentarians are concerned about how courts are interpreting artistic merit in the context of child pornography.

I understand the concerns relating to the artistic merit defence and as a father I can also relate to the motivation behind the opposition motion. As I stated before, such debates should be properly informed by the input of parliamentarians. With that in mind, I believe that this issue should be properly reviewed by the Standing Committee on Justice and Human Rights.

The government is committed to the protection of children and on issues such as this, which all Canadians can relate to, we should avail ourselves of as many parliamentary tools as are available.

[*Translation*]

As far as the aspect of the motion addressing retention or changes to the current provisions on the legal general age of consent to sexual activity are concerned, I would like to point out just how numerous and complex the questions are, and that they clearly require a fine balance between the necessity of protecting young people from exploitation and the need to respect their developing independence.

Some call for the present age of consent to be maintained. They have a number of reasons for this. For example, that the motion calls for the age of consent to be raised in order to better protect children from sexual exploitation, yet the criminal code already bans the sexual exploitation of children. This objective could be achieved by applying the present criminal provisions more strictly as far as perpetrators are concerned, rather than restricting the rights and freedoms of young people.

The present age of consent provisions respect young people's freedom of choice, while providing sufficient protection against sexual exploitation by adults.

Supply

[English]

Youth engage in sexual activity irrespective of the criminal law. This activity is better addressed through parental guidance. Increasing the age of consent could result in criminalizing the conduct of these youth.

This could have a disproportionate impact on communities where it is considered acceptable for youth to engage in sexual activity at a younger age than in other communities. An increase in the general age of consent could lead to either a denial of or diminished access to sexual health care and services, including access to contraceptives for youth below the age of consent, notwithstanding that they are engaging in sexual activity.

Others support an increase in the age of consent to either 16 or 18 years of age for a variety of reasons, including the belief that persons from other jurisdictions that have a higher age of consent, such as many American states, may come to Canada to prey on 14 and 15 year olds because of the lower age of consent in Canada.

Raising the age to 16 would make Canada's laws more consistent with that of other countries, such as the U.K. and many American states. Fourteen and fifteen year olds lack the mental and emotional maturity to cope with the psychological effects of engaging in sexual activity and, in particular, engaging in sexual activity with older persons. Raising the age to 18 would make the age of consent consistent with child sexual exploitation offences as well as with other laws governing youth, such as those relating to alcohol and tobacco and age of majority.

• (1550)

[Translation]

Thus it is clear that the matter of maintaining or raising the minimum age of consent is not as simple as it may seem. A legislative reform that goes beyond merely forbidding the behaviour of a potential sexual predator may have a number of potential repercussions. These could, for example, include the age of consent to marriage and access to the health system for services relating to the reproductive system and sexuality.

For this reason, the federal, provincial and territorial ministers responsible for justice have called upon their senior departmental staff with expertise in criminal law to draft various options for examination.

[English]

This issue can simply be described as whether the existing age of consent to sexual activity should be maintained or increased. I hope that hon. members can appreciate that the issue and our potential response to it is not so simple. There is a divergence of opinion on this matter. All issues must be fully and carefully explored to ensure that children are provided with adequate and appropriate protection.

The issues raised in today's motion are complex and will best be dealt with by adopting a thoughtful, consultative and co-operative approach. It is in this fashion that we will best serve Canadians.

The Deputy Speaker: I notice there are a number of members who want to question the hon. Minister of Justice. I will try to facilitate that to the extent that members have short questions and the

minister can give somewhat short responses. We will get as many on the record as possible.

Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance): Mr. Speaker, we know and understand it is a complex issue. That is why we did not attempt to write the law. We have confidence that the minister and his department would be able to handle complex issues. That is not an issue. The provincial justice ministers have passed a resolution, as I understand it, in favour of raising the minimum age of consent to 16. Does he expect a problem with them?

Another major issue is the court's interpretation and the application of the term artistic merit. The code says a judge must or shall acquit on the basis of any artistic merit. Perhaps if judges had some leeway or if the code said they may do this instead of they shall or they must, then perhaps they could use better judgment.

I would like the minister to comment on the possibility of changes in that area and on the possibility of a problem with the provincial ministers.

Hon. Martin Cauchon: Mr. Speaker, the question raised by the hon. member essentially touches two elements of this debate. The first is about the age of consent. In my main speech I pointed out the different views that people have on the topic as well as the different reasons why some people would like to raise the age of consent and why other people would like it to remain as it is.

The Canadian government and some provinces brought the topic to the federal, provincial and territorial meeting. I said in my main speech that some officials are looking into it at this point in time and will report back to see if we can reach a consensus around that question.

As the member said, it is a complex issue. We want to deal with the matter quickly but we want to ensure that it will respect our society in terms of where we are compared to other nations. Other nations have ages of consent of 15 and 16. We must have an overview of the entire situation. That is why we are recommending on this side that we should proceed with a good consultation period.

The second point, which is important as well, is the question of defence based on artistic merit. The government is actively looking into the existing section of the criminal code as well as the defences contained in those sections. I firmly believe that if we want to ensure we provide Canadians with an effective tool we should ensure that the section of the criminal code will be declared valid. We must respect the Canadian Charter of Rights and Freedoms.

My point is quite simple. If we were to start infringing upon some freedoms that exist within the charter we would have to justify it based on section 1 of the charter. We have the room to manoeuvre to ensure that we continue to improve the existing tools within the criminal code and see if we could add to them.

Supply

●(1555)

Mr. Werner Schmidt (Kelowna, Canadian Alliance): Mr. Speaker, I wish to address only one question to the hon. minister with regard to defence of artistic merit. Would he agree that the protection of a child is of greater significance than declaring certain sado-masochistic information as having artistic merit? We know that pornographic material hurts and harms children. Would he consider artistic merit to be more important than protecting children?

Hon. Martin Cauchon: Mr. Speaker, the question is clear. I will refer the hon. member to what I said in my previous answer.

Freedoms exist in the Canadian charter of rights but we must ensure that we put some flexibility into the charter in order to address some specific questions. Everyone in the House is against child pornography. The government and all members will continue to fight against it. What I find interesting is that we are always talking about a balanced approach.

As I said, if we want to touch on the question of freedom it is provided for within section 2 of the charter. Section 1 is helpful because we have to justify that what we are doing is okay within a free and democratic society. I believe that section 1 gives us the appropriate measures to allow us to make sure that we will be able to tighten up the existing provisions of the criminal code. We will have a look at it ensuring that we will be able to develop additional tools in order to keep protecting children in Canada.

Mr. Reed Elley (Nanaimo—Cowichan, Canadian Alliance): Mr. Speaker, I want to ask the hon. member a question after a short observation.

He seemed to infer in his speech that it is quite possible there would be objections to raising the age of consent because there may be some segments of our society where the cultural norm is to allow children to participate in sexual activity at a much younger age than 14.

First, I would be interested in knowing if he has any information about the segments of our society that allow that to take place. I personally do not know of anyone who would be happy for that to take place. Second, if indeed that was a standard that we were using in terms of the age of consent, is he really inferring that we could have some kind of patchwork quilt of law-making across the country where we would allow one segment of society to have its own rules and another segment of society to have other rules? Do we not make laws so that they apply equally across the country?

Hon. Martin Cauchon: Mr. Speaker, the protection of our children is our top priority. As a government we will do whatever it takes to protect children.

In answer to the question raised by the hon. member I would like to refer to my main speech. There are different opinions and different points of view with regard to the way we should address the question of the age of consent.

I did not take any position. I raised the point in order to demonstrate that it is a complex issue. It is not as simple as the Canadian Alliance motion would like it to be. We are dealing with the criminal code that applies across the country.

●(1600)

Mr. Werner Schmidt: Mr. Speaker, the Minister of Justice said we will perhaps examine ways in which we can strengthen the protection of children against pornography. Is he prepared to delete from the current criminal code defence of artistic merit?

Hon. Martin Cauchon: Mr. Speaker, as I said, the top priority is the protection of our children. We as a government want to ensure that we have effective tools in order to protect them.

When one looks at the charter, there are freedoms. There is also section 1. Section 1 is there to ensure that we will be able to have a look at the existing sections to see if we can tighten up those sections.

[Translation]

Ms. Carole-Marie Allard (Laval East, Lib.): Mr. Speaker, first let me commend the member for his commitment and dedication to an issue as important as protecting children, particularly against sexual abuse perpetrated by adults.

Children represent our future, the future of our country. It falls to us to do everything in our power to protect them and help them grow in an environment free of danger. We all know, we have all seen studies that are unanimous in their findings: abuse, particularly sexual abuse, leaves deep scars. The consequences of such abuse last a lifetime and can be seen in all kinds of insidious problems: an inability to trust, antisocial behaviour, depression and suicide. These are only a few of the consequences of sexual abuse.

Our government has not been idle on this issue. First, Bill C-15A contains a new offence, the purpose of which is to protect our children from pedophiles who use the Internet to lure them into dangerous situations.

I would like to mention that I will be sharing my time with the member for York West.

Nor can I forget to mention the public consultations organized by the Department of Justice Canada, under the theme of "Children as Victims in the Criminal Justice System". The public document examined criminal law reforms to improve the protection of children. Four main themes were examined during these consultations, including the idea of raising the age of consent.

It was found that the issue of age of consent plays an important role in measures to improve the protection of our children. However, make no mistake about it, this issue is too complex to make any quick decisions.

The member's proposal to raise the age of consent is in response to concerns of Canadians. However, we must ensure that our response takes into consideration the complexity of the issue.

The minimum age of consent is being reviewed as part of the public consultation on child victims and the criminal justice system. As a result of this analysis, we will have a clearer picture of all the relevant issues. One of these issues has to do with the age decided upon and its impact on other ages of consent set out the criminal code. Although the criminal code sets the age of consent at 14 for most sexual activities, it sets it at 18 for certain forms of sexual exploitation. Any decision as to the age of consent must avoid the inadvertent lowering of the age of consent for sexual exploitation offences. The result would be incomplete and inadequate protection of children.

We must also ensure that the age decided upon will not have the effect of criminalizing consensual relations between young people in the same age group. Public opinion on the age of consent is varied. Some people are in favour of raising the age of consent to 16, even 18; others want to see it left at 14. Everyone, however, agrees on the need to strike a balance between, on the one hand, the desire to protect children against sexual predators and, on the other, the desire to avoid criminalizing consensual sexual activity between young people. We must also avoid encouraging abusive, non-consensual relations between young people.

Finally, we must ensure that the age of consent is consistent with the age of consent to marriage. With the exception of Ontario and Quebec, the provinces and territories will, in exceptional cases, authorize the marriage of individuals under 16. We must avoid creating a situation where an individual under the age of 16 is allowed to marry but not to consent to sexual relations.

• (1605)

Finally, as we have pointed out, the issue is a complex one with federal, provincial and territorial implications, which cannot be sorted out in one day. It is an important topic, one which concerns people and which requires reflection and a collaborative effort with the provinces and the territories.

There is no doubt that we must ensure that our children are safe from exploitation and sexual abuse by adults, but we must achieve this through a well thought out consultative approach, so that the result serves the interests of Canadians and, above all, our children to the greatest extent possible.

[English]

Ms. Judy Sgro (York West, Lib.): Mr. Speaker, I am pleased to rise to speak on today's opposition motion regarding protection of children from sexual predators, an issue that is extremely important to all of us in the House. The implication of the motion is that the government is doing nothing while our children remain endangered. Nothing could be further from the truth.

I would like to note the government's efforts to date on this matter. The solicitor general rose in the House in March 2001 and stated emphatically that he supported a motion by the member for Langley—Abbotsford for a registry of sex offenders, as did all members present. We supported the motion because, as the solicitor general said then, this nation already possessed one of the most technologically advanced criminal history registries in the world in the Canadian Police Information Centre referred to as CPIC.

Supply

Further, he told the House that his department would begin evaluating potential improvements to CPIC in the specific area of sex offences, citing the criticism that CPIC was not address searchable by police officers. In a very short period of time he fulfilled that commitment when he announced in September 2001 that a new database within the CPIC system was to be created and it was to be known as the sex offender category. Further, he announced that this database would be address searchable and more, and it would be up and running within a year, funded completely by the federal government.

That is not all that the government has done in recent years to combat the dangers of sexual predators. In 1997 we proclaimed Bill C-55, which strengthened the dangerous offender rules in part XXIV of the criminal code and also created a new sentencing provision called the long term offender. As a result of these changes, prosecutors in almost every province are aggressively pursuing dangerous offender and long term offender options. In fact, since 1997 the number of successful dangerous offender applications has doubled every year.

The 1997 legislative package also created a new category called the long term offender, targeting individuals who are clearly a threat but would not meet the threshold as a dangerous offender. This new designation recognized that released sex offenders who receive supervision and treatment in the community experience dramatically lower reoffending rates than offenders who enter the community at the end of a sentence without conditions for supervision or treatment. In addition to their normal custodial term, long term offenders can be ordered to comply with a further 10 years of community supervision and conditions. This innovative measure has already resulted in over 100 long term offender orders.

In addition, another provision was created in section 810 of the criminal code. So-called community protection orders can be issued by a court and reviewed every 12 months to place conditions on a sex offender even when no sentence is being served. Today these orders are frequently used by police when they have concerns about high risk sex offenders.

None of these initiatives happened overnight. While I agree with my colleagues that this is a pressing problem, cobbling together a mandatory sex offender registry without looking at all the issues, all the details and all the facts will not result in good legislation. The solicitor general has taken a different approach. He has asked his officials to work with all the provinces and territories to fully explore the issue, to determine what is and what is not feasible in the Canadian context, to determine what works and what does not, and to find out where some jurisdictions have succeeded and where others have failed. I fully support this approach. The Minister of Justice completely supports this approach as well, and this side of the House, without reservation, also supports this approach.

Supply

Finally, it is obvious to me that all of the provinces support it. Why else would they be participating fully in the federal-provincial-territorial working group on high risk offenders, which is currently seized with this matter? It is clearly of major importance to all of us. Indeed, our provincial and territorial partners spoke with one voice in August 2001 when their premiers unanimously voted to call for a national sex offender registry. They want it, and now we are all working together to design a system that everyone can support.

• (1610)

That collaboration to create a truly national system based on a national consensus is well underway. An effective system can exist only if all jurisdictions work together on agreed upon objectives. That is why we are working closely with all the provincial and territorial ministers to do that. Since March 13, 2001, the solicitor general and Minister of Justice have discussed the issue of sex offender registries with provincial and territorial colleagues on two occasions. As well, a team of senior federal, provincial and territorial officials continues to work to establish the following: a common understanding of the necessary components of a sex offender registry; the principles and objectives of such a system; the respective jurisdictional roles and responsibilities; and the potential charter and privacy risks.

The government has kept its promise to work with provincial partners to examine enhancements to CPIC. Last September in White Point, Nova Scotia, the solicitor general announced funding to develop the national sex offender database in the Canadian Police Information Centre to improve its capacity to keep track of sex offenders. These changes were a direct result of requests made by our provincial and territorial colleagues. These enhancements will give every police force in Canada instant, around the clock access to information about sex offenders who are registered in the sex offender category. The enhancements will be operational by November 2002 at an estimated cost of \$2 million in capital costs and \$400,000 on an annual basis.

The special category or database will be able to link to other criminal history and police information already contained in CPIC by doing a name search. Provinces will be able to enter that information in the sex offender category so that the information is shared with all police forces across the country, something that is long overdue. The new category would allow police to conduct a sophisticated search according to a current address and the offence of a sex offender or a combination of the two. I am confident that these changes will make a significant contribution to our efforts in seeking a national approach.

Last September, federal, provincial and territorial ministers also asked senior officials to give advice on issues relating to a national approach to a sex offender registration. The approach prepared by the working group on high risk offenders was submitted to ministers last February. While it discusses a number of issues regarding a registry system that jurisdictions agree with, further work is needed to develop answers on a number of fundamental changes. These include criteria to identify registerable offenders and to identify cost implications and potential charter concerns on the elements of a sex offender registry that jurisdictions wish to consider.

At the Moncton meeting last February, federal ministers agreed that they will attempt to bring forward legislation to support a national registration process in the same timeframe as completion of enhancements to CPIC, including the mandatory registration of specified offenders. The solicitor general asked that all jurisdictions work closely together to reach a consensus as soon as possible. I understand that the federal, provincial and territorial deputy ministers will again discuss this in June at their meeting. It is essential for senior officials to continue this important work and develop a common model before deciding how best to proceed. A detailed model will help us consider and hopefully come to an agreement on important matters.

On the issue of cost, we know little about the costs about this point and most of the policy work has been done without reference to resources. It would not be acceptable to arbitrarily impose on jurisdictions, particularly smaller jurisdictions, a system they do not support or cannot afford. We must carefully address this and other fundamental issues in the consideration of a national system while recognizing that not all jurisdictions have the same needs.

In closing, let me say again that the government has done and will do its utmost to protect Canadians. We have made exceptional progress since last March and we will continue to work with our partners on a regular basis. We need effective solutions that we know will work for all jurisdictions.

• (1615)

Mr. Werner Schmidt (Kelowna, Canadian Alliance): Mr. Speaker, I found it rather interesting to hear the hon. member cataloguing and calendaring the number of things that the Liberal government has done in terms of the registry for sexual offenders. I really wonder what that has to do with the motion currently before the House.

Aside from that, I would like to ask her specifically about the defence of artistic merit that is provided for in the Criminal Code of Canada. In her role as a representative of York West, which is in the vicinity of Toronto, and recognizing that the chief of police of that city is extremely concerned about the pornographic things that are happening, particularly the abuse of children, would she, in her role as representative of that part of Ontario and of Canada, recognize that artistic merit is a defence of someone having child pornography in written form?

Ms. Judy Sgro: Mr. Speaker, when we talk about pornography and how it involves our children, these are issues that we will be looking at seriously with every intent to use whatever jurisdiction that we have and whatever we can do within the law to see that our children are all protected. Some people may call this activity artistic but others would differ. The ultimate issue is protecting our children and ensuring that we have done everything we possibly can as legislators to do that.

Supply

Mr. Werner Schmidt: Mr. Speaker, with regard to the provisions in the charter of rights and freedoms which allow for artistic expression and a lot of self-expression and is there for the protection of Canadians, would the hon. member's interpretation of the charter say that harming children is less important than providing for the artistic expression of someone who creates this kind of pornographic material?

Ms. Judy Sgro: Mr. Speaker, I cannot believe some of the questions that have been raised in the House. I refuse to accept that any of us think that protecting our children is not of major importance to every person who is elected to the House, regardless of party.

We are here to bring in legislation that is good for all Canadians. I clearly think that what the minister is trying to do is to ensure that we have legislation that will protect all the children in the country.

• (1620)

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance): Mr. Speaker, I am pleased to speak today to the Canadian Alliance supply day motion. I will be sharing my time with the hon. member for Kelowna.

Addressing the sexual age of consent in Canada is the supply day motion, and it is long overdue. I have found that when people find out the age of consent in Canada is only 14 years of age most are shocked and outraged. Many were of the belief that the age was at least 16. They often ask why the age is so low and why someone is not doing something to change it. I see the disgust on the faces of parents and grandparents.

It is truly shocking that we live in a country where the government does not see fit to offer legitimate protection to our children.

The motion before us today deals with protecting our children from sexual predators. As the law is currently written, an adult has the legal right to have sexual relations with children as young as 14. At 14 years old these individuals are children.

I have met with members of the Canadian Police Association and have heard their concerns over this issue in the resolutions passed at the association's annual general meeting last fall. One of the topics addressed was the sexual age of consent in Canada. The resolution recommended that parliament "raise the age of consent for children to have sexual relations with older persons to at least age 16".

Police officers in Canada are on the front lines and see daily what the current law is doing to our children. Our police community see children that are manipulated into lifestyles and situations that they should not even know exist. Parents call asking for help to rescue their children but nothing can be done. Our children are offered no protection. An adult can lure children into a life of prostitution or pornography and there is nothing that parents, support agencies or law enforcement officers can do to help the child.

The government's inaction on the issue of sexual age of consent allows these children to be victimized. The government introduced Bill C-15A to help combat the luring of children over the Internet. While this is a step in the right direction, it offers protection only to those children age 13 years and younger. More needs to be done.

As a grandmother of five granddaughters, it both frightens and disgusts me that the government would choose to endanger the lives of our children. By the inaction and indifference shown by the government, it is apparent that the lives and safety of children are not priorities.

We have debated at length on the protection of species at risk. It would please me to see the government offering at least that much concern to the safety of our nation's children. Are the lives of Canadian children not more important and of more value than the northern cricket frog or the short-horned pygmy lizard? We are offering absolute protection to snails and barn owls accompanied by severe penalties and punishments to offenders, whether their actions were intentional, reckless or not, but child pornographers roam free.

The recent Sharpe case is a glaring example of what awaits our children. Artistic licence is provided as a legitimate defence. How do we explain that to the parents of the children involved?

While the courts are offering little in the way of punishment for such actions, the very least we can do is raise the sexual age of consent as protection for our children. By raising the age we could eliminate a portion of our population that may fall prey to sexual predators and offenders.

Children of the age of 14 are not allowed to consume alcohol, drive a car or vote in an election and yet they are allowed by law to engage in sexual activity with adults. Children of 14 are not emotionally mature enough to make these decisions and are therefore open to the suggestions and manipulations of adults.

We as adults, parents, protectors and legislators have the absolute responsibility to do all that we can to offer protection to our children. It baffles me that the government chooses to ignore the plight of these children.

• (1625)

We are not here to argue morality. We are here to fight for the safety and security of our children.

The former minister of justice told the committee in October of 2001:

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

I believe we have more than an emerging consensus on this issue. I believe we should stop talking about making changes. It is the time to act, to implement legislation that will protect our children.

The government's own Department of Justice, in a consultation paper, viewed the current age as being too low to offer adequate protection from adults seeking to exploit these children. It is time that the government pays attention to the wishes of Canadians and to its own justice department.

Supply

My oldest granddaughter is 12 years old. She will be turning 13 this summer. It is alarming that she has only one year left of protection from sexual predators under Canadian law. She is a bright and outgoing girl with an amazing future ahead of her but in only one year it will be open season on her and her friends and classmates. Once these children reach the age of 14, the government steps back to let them fend for themselves.

Parents, grandparents, family members and friends will have no legal recourse to try to protect their children. Police fight a losing battle against child pornography and child prostitution as long as the current age of consent remains where it is. We hear the horror stories of young girls and boys working the streets and wonder if something cannot be done to help them. Sadly the answer is often no.

Leading lawmakers and enforcers in Canada wish to see the legal sexual age of consent raised to a minimum of 16. The groups all understand the necessity and urgency for changing the age. The provincial attorneys general and the Canadian Police Association both understand the need. The minister's own department understands the need. The official opposition understands the need. Parents across the country understand the need.

Recent round table discussions held in Ottawa dealt with battling child pornography in Canada. One of the recommendations from that meeting came to the same conclusion, that the sexual age of consent be raised from 14 to 16.

I urge the government to take a serious look at this issue. This is an issue that affects thousands of children every year in our country. Our children rely on us for protection. The government is failing them. The sexual age of consent must be raised to a minimum of 16 years of age. The government must act. Not to do so would be negligent.

Mr. Paul Szabo (Parliamentary Secretary to the Minister of Public Works and Government Services, Lib.): Mr. Speaker, I have listened to the debate today and it is important for us to consider some of the cause and effect issues that the member raised.

I noted that in her speech she indicated that 14 year olds are probably of an age where they are not very aware and are vulnerable to being exploited simply because of their age and that therefore we should raise the age of consent to 16 because that would raise it to an age where maybe kids would be mature enough to be able to understand the consequences of their decisions and actions.

That is an interesting argument but I wonder if the member might explain why her party also wanted to reduce the age for young offender offences from 12 to 10 so that we could prosecute even younger people under the Young Offenders Act. It would appear that it is the same question. Are 12 year olds responsible for their actions? Yes. The member would suggest that 10 year olds are responsible and know what they are doing. Why is it that she wants to have it one way for young offenders and suggests another way with regard to child pornography and consent?

• (1630)

Mrs. Carol Skelton: Mr. Speaker, we spoke about the Young Offenders Act because we wanted to stop them from turning their lives into lives of crime. We wanted to nip it in the bud and we wanted to start it early.

I look at sexual consent in another way. You spoke to your police officers. They told you that they could not take children away or charge them if they were over the age of 14 and living with a pimp.

We want to protect children at both ends of the age scale.

The Deputy Speaker: Before I take another question, I want to remind members to please direct their comments through the Chair.

Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance): Mr. Speaker, as I understand the member's explanation, the request is that the government take a small step to protect children from adult sexual predators by raising the age of consent from its present dangerous level of 14 years old.

I am sure the Liberal members who have presented questions to the opposition members must know the vast majority of their constituents would be in support of this. When I travel through my constituency, whether I talk to people in Princeton, Hope, Merritt or Westbank on this issue, I have yet to run into a constituent who is opposed to this.

The basic statement which reflects the motion is that any government that fails to protect the children of the land from the predators of the land should actually forfeit its right to govern the land. On that basic statement and on the premise of this request today, has the member run into a wall of opposition from the public, from citizens, on this issue? Could she give us some kind of indication if there has been widespread opposition? Whether we agree with technicalities or not this is basic democracy. Has the member run into any groundswell of opposition to this?

Mrs. Carol Skelton: Mr. Speaker, everywhere I go throughout my riding of Saskatoon—Rosetown—Biggar people are begging for this. People are asking for it.

Community associations in my part of Saskatoon are walking the streets trying to help the young people in the evening. They are begging the government to come forward and do something to help the young people.

There are e-mails and letters on file in the office. People want the government to do something to help our police officers. We need support for our police officers. This is one way of assisting them to help and protect our children. One young life lost is one too many.

Mr. Werner Schmidt (Kelowna, Canadian Alliance): Mr. Speaker, Liberals and members of other parties are sitting here in the House today and it is almost as if there is supposed to be some sort of confrontation between the Liberal side of the House and the official opposition with regard to this issue. It seems to me there is not a person in Canada who deliberately wants to hurt people, especially children. Maybe there is, I do not know, but it is not the majority by any stretch of the imagination. Hon. members on the government side would do very well to recognize that they could work with the opposition on things that are really meaningful.

Supply

I want to speak to the part of the motion that deals with measures to prohibit the creation or use of sexually explicit materials exploiting children, or materials that appear to depict or describe children engaged in sexual activity. My remarks will be restricted to that aspect and I will not deal with the part concerning age of consent.

Why is this issue so important today? It has become important because of the recent decision in the John Robin Sharpe case. The judge decided that the man was not guilty of doing something illegal in terms of having pornographic material because it had artistic merit. The written material described sadomasochistic violence with boys.

The Oxford dictionary describes sadism as sexual perversion characterized by the enjoyment of inflicting pain or suffering on others and masochism as deriving sexual gratification from one's own pain or humiliation.

Does such material have artistic merit? The law is quite clear. Hon. members have stated clearly that there is a law against having pornographic material in Canada and indeed there is. According to our legislation child pornography can mean any written material or visual representation that advocates or counsels sexual activity with a person under the age of 18 years. That would be considered an offence under the code. One of the defences set out is:

Where the accused is charged with an offence under subsection (2), (3) or (4), the court shall find the accused not guilty if the representation or written material that is alleged to constitute child pornography has artistic merit or an educational, scientific or medical purpose.

It was under that particular provision that Mr. Sharpe was declared not guilty.

The case brings to our attention the need to protect children from evils associated with the possession of child pornography. No one denies that child pornography involves the exploitation of children. Possession of child pornography contributes to the market for child pornography, a market which in turn drives production involving the exploitation of children. Possession of child pornography may facilitate the seduction and grooming of victims and may break down inhibitions or incite potential offences. These are not my words, but rather the words of a supreme court justice.

Two issues stand in stark contrast to one another. On the one hand stands the right of freedom of expression as the Minister of Justice mentioned. That is a right which is fundamental to the liberty of each Canadian. On the other hand stands the conviction that the possession of child pornography must be forbidden to prevent harming children.

It is pretty clear what the issues are. What is pornography? I will not go through all the details about it, but I will deal with one particular aspect of this issue.

Written material can constitute child pornography in only the last of the ways I am going to mention. What is the way that is being talked about? It is by advocating or counselling sexual activity with a person under the age of 18 years. That would be an offence under the criminal code.

● (1635)

An adult or any other person who brings a child into this kind of knowledge and abuses and exposes the child to issues that are clearly defined in the legislation needs to be recognized in terms of what is fundamental to this nation and certainly fundamental to my beliefs.

I would like to read into the record the words of Jesus in Luke, chapter 17, verse 1:

Jesus said to his disciples: "Things that cause people to sin are bound to come, but woe to that person through whom they come. It would be better for him to be thrown into the sea with a millstone tied around his neck than for him to cause one of these little ones to sin. So watch yourselves".

That is very interesting. In our society today where many of the laws are based on Judeo-Christian values, to recognize that the authority behind that states clearly that people who mislead and bring about the offensive behaviour of certain people who are not responsible in their own right but who are adults and know exactly what they are doing, is a very serious offence.

The exposure to child pornography may reduce a pedophile's defences and inhibitions against sexual abuse of children. That is why we object. Banalizing the awful and numbing constant exposure to child pornography may make the abnormal seem normal and the immoral seem acceptable.

The evidence is clear and uncontradicted. Sexually explicit pornography involving children poses a danger to children because of its use by pedophiles in the seduction process. Criminalizing the possession of child pornography is likely to help reduce the grooming and seduction of children. Clearly then, that is what should be done.

The abuse of children in the production of pornography is conclusive. Children are used and abused in the making of much of the child pornography caught by the law. Production of child pornography is fueled by the market for it and the market in turn is fueled by those who seek to possess it. Criminalizing possession may reduce the market for child pornography and the abuse of children it often involves. It will not eliminate it but it will reduce it and that is certainly what we want.

The impugned provision recognizes that the possession of child pornography has a particularly deleterious effect on society since the persons depicted as most directly harmed are children, our most precious possession. It is interesting that when many of us here in the House are asked to speak at high school graduations, the comment we often use when we talk to a graduating class is that they are the leaders of tomorrow. That applies no less to the people who are four years old, six months old, or ten years old who are being used and abused by pedophiles. Their lives are scarred forever.

We want to avoid that kind of thing. In spite of the fact that a lot of good legislation exists, there is a provision in the legislation which I think has to be changed. I refer to the provision for a defence of artistic merit against the possession of pornography.

Supply

What may reasonably be viewed as art is admittedly a difficult question, one which philosophers have pondered through the ages. Although it is generally accepted that art includes the production according to aesthetic principles of works of the imagination, imitation or design, the question of whether a particular drawing, film or text is art must be left to the trial judge to determine on the basis of a variety of factors.

Pornography damages children. It needs to be done away with. I recommend that the first thing the government do is destroy and delete that provision in the legislation where it allows for artistic merit as a defence.

● (1640)

We love our kids. I was at a birthday party for my four year old grandson just last Sunday. When I think that he might be the object of a pedophile attack, it hurts. We can do something about it and we can do it now. We do not have to wait for a long study. Do away with that defence.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance): Mr. Speaker, I would like to start off by marking how disappointed and sad we are on this side of the House when the member for Mississauga South refused to give unanimous consent, the only member who did so, for the tabling of 8,000 names of people who wanted to be heard on this issue. Indeed, it is not just the Prime Minister of Canada who is silencing Canadians.

In addition to preventing children from being preyed upon by adults, there is another predator in our midst. It is transmitted through adults. I am talking about HIV, the AIDS epidemic. Youth aged 10 to 24 years are of particular importance with respect to HIV and AIDS. During this period of life many behaviour patterns are established that affect a young person's risk of being infected with HIV. Both within this time span and throughout his or her adult years the risk is increased the younger the person engaged in this activity. Early intervention is essential in helping to adopt and maintain protective behaviours. That includes protection from adults.

Even the pricey Health Canada website says that a wide range of activities must be implemented in communities to help minimize the risk of HIV transmission among young Canadians. One of the activities that must be implemented is the decrease in the older population preying upon young people.

Demographic studies show that young teenagers are the sector that is fastest growing in terms of rate of incidence of HIV, AIDS and other STDs. As of December 31, 2000, a total of 17,594 AIDS cases had been reported to the Centre for Infectious Disease Prevention. Of these, 601, 3.1% and growing, were diagnosed among youth aged 10 to 24 years. Therefore, one way to curb the incidence in young teens is to take measures to prevent adults from infecting young teens. The motion before us today would help minimize the risk of HIV from transmission because older people have a greater chance of having it.

Risk behaviour data among Canadian youth showed a potential for increased HIV transmission. According to the 1996 national population health survey, NPHS, the median age at first intercourse has declined from 18 years for men born between 1942 and 1946 to 17 years for men born 30 years later. Over the same period the age at first intercourse for women has declined from 20 years to 17 years. In the year 2000 it is even lower.

While the cohort that was aged 15 to 19 years at the time of the 1996 NPHS survey was too young to permit calculation of the median AFI, data suggests that a trend toward earlier AFI may be taking place among young women, but not necessarily for men. According to the data, 25.6% of young women in the cohort between 1977 to 1981 engaged in the activity by the age of 15 compared to 21.8% of women in the previous five year range cohort. As we can see, as the age of sexual consent decreases, so too does the median age of it actually happening.

● (1645)

In addition to the incidence of HIV and STDs, we also have the factor of pregnancy. A woman who is mature has a much better chance in terms of a healthy delivery and health for the mother than a girl who is 14, 15 or 16.

I welcome this opportunity to speak to the motion brought forward by my party for the protection of children. It is important to clearly state from the outset why we in the official opposition brought the motion forward today. We did it for the children of Canada, our most vulnerable members of society. Whatever twisting and turning we hear today from the government, we must never forget the reason this motion was brought forward. It is for the protection of children. It is this message that I wish to stress to my constituents in the riding of Renfrew—Nipissing—Pembroke.

This is about the protection of innocent children from predatory adults. As a mother of four young daughters, I was shocked to learn from my colleague from Regina, the lowest age of consent, as clearly set out in the Criminal Code of Canada, is 14, not 16 or 18 as the government has tried to suggest. In plain English the criminal code allows an adult who is 35 or 40 or 50 years of age to claim that a child who is only 14 years of age consented to a sexual activity.

The motion before us today would raise the age of consent from 14 to 16. While many would argue that even 16 is too young and 18 is more appropriate, we believe that at a minimum the age of consent should be raised to 16. The motion is not about sexual activity between teens who are close in age, as that is a separate issue. Canada has one of the lowest age of consent laws in the developed world. The provinces and the Canadian police association are all in favour of raising the age of consent to at least age 16.

The federal Department of Justice in its own discussion paper, suggested that the age of consent was too low to provide effective protection from sexual exploitation by adults and children.

Why is the federal government so opposed to protecting children? The Prime Minister, as a former minister of justice was involved previously in proposing legislation for the repeal of seduction offences in Bill C-53 of that parliament. We know how much the government refuses to admit to its mistakes, especially the Prime Minister. One only has to recount the numerous scandals of the government and count the resignations that were not received to know this to be a fact.

In to the response to that observation, I can only say that there comes a time when petty political partisanship differences need to be set aside for the larger.

I am splitting my time, Mr. Speaker, with the hon. member for Calgary Southeast.

• (1650)

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 Battlefords—Lloydminster, Health.

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Mr. Speaker, part of this motion prohibits materials that appear to describe children engaged in sexual activity. I wonder if the member opposite supports that part of the motion?

What would she do about the famous book by Vladimir Nabokov called *Lolita* published in 1955 which has been deemed certainly one of the more famous works in English literature? It involves the affair between a middle-aged man and a 12 year old. If she would like me to read passages from *Lolita*, she would certainly agree that the author certainly writes in a way that appears to suggest sexual activity among children. Would she ban *Lolita*?

Mrs. Cheryl Gallant: Mr. Speaker, I am pleased to rise and talk about the existence of child pornography in literature. Bringing it up to current times, right now there is a book called *The Perils of Protecting Kids from Sex* by Judith Levine, a New York-based journalist who argues for the lowering of the age of consent in some cases, as has been done in the Netherlands where children as young as 12 take part in sex if they do so without coercion.

This is exactly why we are bringing the motion forward. We have already lowered the age of consent to 14 and here we have people pressing for the age to be lowered even further. Literature such as this provokes and encourages children to partake in these activities that are detrimental to their health.

• (1655)

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, I am not pleased to rise and debate on this motion. It is appalling that the normalization of the sexual exploitation of children should be a matter of public discourse in what purports to be a civilized country.

The reason I asked to speak on this is that last week I participated in an evening briefing session organized by my learned colleague from Pickering—Ajax—Uxbridge in which leading experts from criminal law fields, from police forces, from psychiatry and from law enforcement gathered to brief parliamentarians from across party lines on the odious disease of child pornography in our society.

Before I attended that session I, like most Canadians, was under the impression that there were a small number of perverts who were willing to exploit and use images of children and record images of children for their own bizarre sexual purposes. I thought this was a marginal, very contained situation and not an epidemic. However what I learned at that session frankly still shakes me when I think about it.

Police from the Metro Toronto police department presented us with a case for example in which they are dealing with a single

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prosecution in Toronto. A federal government employee, incidentally, has been charged with possession of over 400,000 images of children being raped, abused and assaulted in the most grotesque and horrific ways imaginable.

To bring this reality home to us so that we were no longer simply thinking about this issue in abstract terms but understood the very concrete human reality of it, the police showed us some of these images, which I regrettably will never be able to scrub from my mind. There were pictures of children as young as under one year of age being violently assaulted in the most grotesque ways possible.

We heard of images that showed six month olds being sexually assaulted. In fact the chief psychiatrist of the Ontario Provincial Police told us that he had seen images collected by Scotland Yard in the United Kingdom of infants with umbilical cords still attached being assaulted by pedophiles. The depth of the evil which lies at the heart of this kind of assault defies belief.

They also showed us written words and printed sketches, works of the imagination, which Mr. Sharpe would have us believe, and in fact Mr. Justice Duncan Shaw of the B.C. court would have us believe, constitute acts of the imagination with artistic merit. What I saw were grotesque renderings of the violent destruction of innocent children, sometimes images of young babies being ripped apart in sexual motifs, much of it, I would add parenthetically, surrounded by explicitly Satanic or cult images, suggesting that indeed there is some sort of supernatural element in this kind of debased human evil.

What I learned from listening to the police officers that night was that they do not have the power to enforce what laws we have in this country against the abuse of children in the collection of these images and their broadcasting. Just in one cache there were 400,000 images. That means tens of thousands of children being abused just to provide the images in that one case. The police service told us that they cannot even manage that prosecution because the law, to which we are seeking to propose an amendment in this motion, requires that they present every single image as evidence before court to secure successful prosecution.

• (1700)

That is practically impossible even for our largest municipal police service. I ask members to imagine what this does to members of the police service who day after day have to look at and process these images in order to present them in court. One of the very simple, concrete, practical solutions or remedies being proposed by the police services is to allow a certain selection of images to be presented.

What we also heard was that in Toronto alone they know of 400 consumers of the most vile sort of child pornography and believe that roughly a third of these people are actually involved in the assault of children. I see that the member for Ancaster—Dundas—Flamborough—Aldershot is exasperated hearing about this. I am too. I do not know why he finds it amusing. The fact is that right now in Toronto there are 400 unprosecuted cases dealing with pornography and police do not have the resources or the tools in the criminal code to properly prosecute those cases. That is a scandal.

Supply

Let me also suggest to that member that what is an even more grotesque distortion of logic is this bizarre notion of artistic merit.

An hon. member: Banning books.

Mr. Jason Kenney: The hon. member suggests that we wish to ban books. There have been obscenity laws in this and other jurisdictions for decades banning obscene depictions of this sort, but there has never been a prosecution against a legitimate work of fiction such as that. That is a total red herring and the hon. member should be ashamed of himself for introducing it when what we are dealing with are not pieces of literature against which there has ever been or ever would be a prosecution. That is nonsense. What we are dealing with are the most vile, deliberate depictions of the physical destruction of prepubescent children. This is not literature. This is not art. If that member cannot see the difference between depicting the dismemberment of a year old baby and the literature of *Lolita*, then he should have his head examined.

I think this artistic merit exemption is so ridiculous on its face. Before the last law was struck down, we heard that depictions of children in stages of undress or pictures of boyfriends or girlfriends at 16 years of age or whatever might be evidence for prosecution. What nonsense. Not a single case was ever brought by the police in such cases. They are not interested in prosecuting such instances. They are interested in prosecuting the 400 pedophiles and consumers of child pornography in Toronto who right now they are not able to prosecute because of the rigidities in the criminal code. They are concerned that those child pornographers and pedophiles sometimes use written expressions of their fantasies in order to normalize the idea of child pornography. We were given very credible evidence and testimony on this issue last week by some of the leading police experts in the country about how this written material is used to normalize these practices.

Therefore I am very strongly in favour of this supply day motion. I hope the Liberals will not find some disingenuous way to wiggle their way out of supporting what I am sure 95% of Canadians support.

I will close by moving:

That the motion be amended by deleting all of the words after the word "That" and substituting the following therefore:

The government introduce legislation without delay to protect children from sexual predators including measures to close the loophole of artistic merit for child pornography and raise, in consultation with the provinces, the legal "age of consent" from fourteen to at least sixteen while maintaining the "close in age" exemption and retaining eighteen as the age of consent in trust and authority relationships.

● (1705)

The Acting Speaker (Mr. Bélair): I declare the amendment receivable.

Mr. Jim Karygiannis (Scarborough—Agincourt, Lib.): Mr. Speaker, I want to congratulate my hon. colleague for being promoted from the first row to the third row.

My difficulty with this motion is that we see the group across the way saying that we should lower the legal age for people who are charged with violent crimes from 18 to 14 to 10. That is fine because youth, when they are 12 and 14, especially 14, and when the crime is so violent, they know what they are doing. I am wondering, though,

if the youth know what they are doing, do they not also know if they are going to jump into bed with somebody?

My question is very simple. Where do we draw the line as to the youth knowing exactly what they are doing and where they are going? Is it 10, 12 or 14 and are we going to apply it equally to everything that they do?

Mr. Jason Kenney: I find that question rather hard to grasp, but I want to commend the member for coming to the House for his annual visit.

This is quite bizarre. The member is suggesting that perhaps we should lower the age of the consent to 10 or 12. That is what he just said. He said, is 10 or 12 adequate to make the decision? I guess that is the position of NAMBLA, "...eight is too late". That is their slogan. That is the point. The point is that there are putatively rational adults in this society who will make an argument in the public forum for reducing the age of sexual consent to eight, so we as the custodians of the laws of the country must make a prudential decision

I submit that the age of 16 is the absolute bare minimum of physical, mental, emotional maturity for young people to make that kind of decision, but today, to allow an adult, a 50 year old, to engage in sexual activities with a 14 year old, I submit consists substantively of an act of pedophilia and ought to be criminalized because it is exploitation. I am shocked that the member would stand here and propose that a rational argument could be made in favour of such an obscene gesture.

Mr. Peter Adams: Mr. Speaker, I rise on a point of order which has to do with tomorrow's private members' business and we are very close to the last time it is possible for me to do it.

I think, Mr. Speaker, you will find that there is unanimous consent to return to routine proceedings and specifically the presentation of reports from committees in order that I can introduce the report on private members' votable items.

The Acting Speaker (Mr. Bélair): Is there unanimous consent to return to routine proceedings?

Some hon. members: Agreed.

● (1710)

Mr. Jason Kenney: Mr. Speaker, I rise on a different point of order. I would like to change the seconder on the motion I just put which was received by the Chair, from the member for Regina—Lumsden—Lake Centre to the member for Provencher.

The Acting Speaker (Mr. Bélair): Is there unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

ROUTINE PROCEEDINGS

[English]

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, if I could explain, this is an order that the debate can proceed tomorrow for private members' business.

I have the honour to present the 53rd report of the Standing Committee on Procedure and House Affairs regarding the selection of votable items in accordance with Standing Order 92.

This report is deemed adopted on presentation. It is simply the report that lists the votable items.

GOVERNMENT ORDERS

[English]

SUPPLY

ALLOTTED DAY—PROTECTION OF CHILDREN

The House resumed consideration of the motion and of the amendment.

Mr. Paul Szabo (Parliamentary Secretary to the Minister of Public Works and Government Services, Lib.): Mr. Speaker, we have had a very important debate in the House today on this issue. I think that among all the speakers I have heard, and I have heard most of the speakers today, there is unanimity within this place with regard to our abhorrence of child pornography and all of those exploitive activities related to our children.

In fact, I note that in some of the work we have done in the House and some of the points that have come out, there are things such as children who witness abuse in our society being as affected as if they had been abused themselves. We hear facts like 25% of our children entering adult life with significant social, moral, behavioural, academic and health problems. We have heard that 28% of the homeless in Toronto consists of youth alienated from their families, of which 70% have experienced physical or sexual abuse.

There is no question that our children are the most vulnerable persons in our society and that all of the efforts of members in the House have been put toward trying to find the appropriate initiatives to address the needs of our children, to protect them from those who would exploit them.

In the previous speech, the member posed to the House an amendment to in fact replace the existing motion we have been debating all day long with another motion that tries to bring it into a more inclusive or a more acceptable form, because admittedly there were some technical problems with it, but I think the spirit and the intent of what the member has raised is very close to being acceptable for the House.

I even tried to propose a motion this morning. I have one in front of me. I would like to read it into the record. It states:

Supply

That in addition to all measures already taken, the government without delay embark upon a well thought out, consultative approach to further measures, including such legislation as may be appropriate to protect Canadian children from sexual predators and sexual exploitation, including an examination of the concerns with respect to age of consent and defence of artistic merit, and that such approach include effective consultations with provincial governments and with parliamentarians through the Standing Committee on Justice and Human Rights.

Again, embracing the spirit and the intent which all members in the House have talked about today, I believe it is a motion that is totally inclusive of all the views of the members. I believe it might be appropriate to ask all members yet once again for unanimous consent to adopt this motion, or to move this motion formally to the House.

The Acting Speaker (Mr. Bélair): Does the hon. member have consent?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Bélair): Obviously there is no consent from the mover of the main motion. Therefore the proposal is not receivable.

[Translation]

It being 5.15 p.m. it is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the business of supply.

The question is on the amendment. Is it the pleasure of the House to adopt the amendment?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Bélair): All those in favour of the amendment will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Bélair): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Bélair): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Bélair): Call in the members.

The House divided on the amendment, which was negated on the following division:

(Division No. 277)

YEAS

Members

Bachand (Richmond—Arthabaska)
Benoit
Borotsik
Brisson
Casey
Cummins
Desjarlais
Duncan
Epp
Gallant

Bailey
Blaikie
Breitkreuz
Burton
Casson
Day
Doyle
Elley
Fitzpatrick
Goldring

Supply

Grey
Harris
Herron
Hill (Prince George—Peace River)
Jaffer
Keddy (South Shore)
Lunn (Saanic—Gulf Islands)
MacKay (Pictou—Antigonish—Guysborough)
McDonough
McTeague
Merrifield
Moore
Pallister
Peric
Rajotte
Reynolds
Schmidt
Solberg
Spencer
Thompson (New Brunswick Southwest)
Ur
Vellacott
Volpe
Wasylcia-Leis
White (Langley—Abbotsford)
Williams — 71

Guarnieri
Hearn
Hill (Macleod)
Hilstrom
Johnston
Kenney (Calgary Southeast)
Lunney (Nanaimo—Alberni)
Martin (Winnipeg Centre)
McNally
Meredith
Mills (Red Deer)
Nystrom
Penson
Proctor
Reid (Lanark—Carleton)
Ritz
Skelton
Sorenson
Stinson
Toews
Valeri
Venne
Wappel
Wayne
White (North Vancouver)

Mitchell
Myers
O'Brien (Labrador)
O'Reilly
Paradis
Patry
Phinney
Pillitteri
Proulx
Reed (Halton)
Richardson
Robinson
Rock
Saada
Scherrer
Sgro
Speller
St-Jacques
St. Denis
Stewart
Thibault (West Nova)
Tirabassi
Torsney
Whelan

Murphy
Nault
O'Brien (London—Fanshawe)
Paquette
Parrish
Perron
Picard (Drummond)
Pratt
Redman
Regan
Robillard
Rocheleau
Roy
Sauvageau
Scott
Shepherd
St-Hilaire
St-Julien
Steckle
Szabo
Thibault (Saint-Lambert)
Tonks
Vanclief
Wood — 154

NAYS

Members

Adams
Allard
Assad
Augustine
Bagnell
Beaumier
Bellehumeur
Bergeron
Bevilacqua
Blondin-Andrew
Boudria
Bradshaw
Brown
Bulte
Calder
Caplan
Carignan
Castonguay
Cauchon
Coderre
Comartin
Crête
Davies
Dhaliwal
Dromisky
Dubé
Duplain
Eggleton
Farrah
Folco
Fry
Galloway
Girard-Bujold
Godin
Grose
Harb
Hubbard
Jennings
Karetak-Lindell
Keys
Knutson
Laframboise
Lastewka
LeBlanc
Loubier
Macklin
Malhi
Manley
Marcil
Martin (LaSalle—Émard)
McCallum
McGuire
Ménard

Alcock
Anderson (Victoria)
Assadourian
Bachand (Saint-Jean)
Barnes
Bélanger
Bennett
Bertrand
Bigras
Bonin
Bourgeois
Brien
Bryden
Byrne
Cannis
Cardin
Carroll
Catterall
Chrétien
Collenette
Coppes
Cuzner
Desrochers
Discepola
Drouin
Duceppe
Easter
Eyking
Finlay
Fournier
Gagnon (Québec)
Gauthier
Godfrey
Goodale
Guay
Harvey
Jackson
Jordan
Karygiannis
Kilgour (Edmonton Southeast)
Kraft Sloan
Lanctôt
Lebel
Leung
MacAulay
Mahoney
Maloney
Marceau
Marleau
Matthews
McCormick
McLellan
Minna

PAIRED

Members

Asselin
Bellemare
Caccia
Dalphond-Guiral
Fontana
Guimond
Neville
Plamondon
Tremblay (Lac-Saint-Jean—Saguenay)

Bachand (Saint-Jean)
Bonwick
Cotler
Dion
Gagnon (Champlain)
Lalonde
Pettigrew
Price
Tremblay (Rimouski-Neigette-et-la Mitis) — 18

• (1745)

The Speaker: I declare the amendment lost.

The next question is on the main motion.

[*English*]

Ms. Marlene Catterall: Mr. Speaker, I think you would find consent in the House that those who voted on the immediately previous motion be recorded as voting on the motion now before the House, with Liberal members voting no with the exception of those who wish to vote otherwise.

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

Some hon. members: Yes.

Some hon. members: No.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

And more than five members having risen:

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

(Division No. 278)

YEAS

Members

Bachand (Richmond—Arthabaska)	Bailey
Benoit	Borotsik
Breitkreuz	Brisson
Burton	Casey
Casson	Cummins
Day	Doyle
Duncan	Elley
Epp	Fitzpatrick
Gallant	Goldring
Grey	Guarnieri
Harris	Hearn
Herron	Hill (Macleod)
Hill (Prince George—Peace River)	Hilstrom
Jaffer	Johnston
Keddy (South Shore)	Kenney (Calgary Southeast)
Lunn (Saanich—Gulf Islands)	Lunney (Nanaimo—Alberni)
MacKay (Pictou—Antigonish—Guysborough)	McNally
McTeague	Meredith
Merrifield	Mills (Red Deer)
Moore	Pallister
Penson	Peric
Rajotte	Reid (Lanark—Carleton)
Reynolds	Ritz
Schmidt	Skelton
Solberg	Sorenson
Spencer	Stinson
Thompson (New Brunswick Southwest)	Toews
Vellacott	Venne
Völpe	Wappel
Wayne	White (Langley—Abbotsford)
White (North Vancouver)	Williams — 62

NAYS

Members

Adams	Alcock
Allard	Anderson (Victoria)
Assad	Assadourian
Augustine	Bachand (Saint-Jean)
Bagnell	Barnes
Beaumier	Bélangier
Bellehumeur	Bennett
Bergeron	Bertrand
Bevilacqua	Bigras
Blaikie	Blondin-Andrew
Bonin	Boudria
Bourgeois	Bradshaw
Brien	Brown
Bryden	Bulte
Byrne	Calder
Cannis	Caplan
Carignan	Carroll
Castonguay	Catterall
Cauchon	Chrétien
Coderre	Collenette
Comartin	Copps
Crête	Cuzner
Davies	Desjarlais
Desrochers	Dhaliwal
Discepola	Dromisky
Drouin	Dubé
Duceppe	Duplain
Easter	Eggleton
Eyking	Farrah
Finlay	Folco
Fournier	Fry
Gagnon (Québec)	Galloway
Gauthier	Girard-Bujold
Godfrey	Godin
Goodale	Grose
Guay	Harb
Harvey	Hubbard
Jackson	Jennings
Jordan	Karetak-Lindell

Private Members' Business

Keyes	Kilgour (Edmonton Southeast)
Knutson	Kraft Sloan
Laframboise	Lancôt
Lastewka	Lebel
LeBlanc	Leung
Loubier	MacAulay
Macklin	Mahoney
Malhi	Maloney
Manley	Marceau
Marcel	Marleau
Martin (Winnipeg Centre)	Martin (LaSalle—Émard)
Matthews	McCallum
McCormick	McDonough
McGuire	McKay (Scarborough East)
McLellan	Ménard
Minna	Mitchell
Murphy	Myers
Nault	Nystrom
O'Brien (Labrador)	O'Brien (London—Fanshawe)
O'Reilly	Paquette
Paradis	Parrish
Patry	Perron
Phinney	Picard (Drummond)
Pillitteri	Pratt
Proctor	Proulx
Redman	Reed (Halton)
Regan	Richardson
Robillard	Robinson
Rocheleau	Rock
Roy	Saada
Sauvageau	Scherrer
Scott	Sgro
Shepherd	Speller
St-Hilaire	St-Jacques
St-Julien	St. Denis
Steckle	Stewart
Szabo	Thibault (West Nova)
Thibeault (Saint-Lambert)	Tirabassi
Tonks	Torsney
Ur	Valeri
Vanclief	Wasylycia-Leis
Whelan	Wilfert
Wood — 163	

PAIRED

Members

Asselin	Bachand (Saint-Jean)
Bellemare	Bonwick
Caccia	Cotler
Dalphond-Guiral	Dion
Fontana	Gagnon (Champlain)
Guimond	Lalonde
Neville	Pettigrew
Plamondon	Price
Tremblay (Lac-Saint-Jean—Saguenay)	Tremblay (Rimouski-Neigette-et-la Mitis) — 18

● (1755)

[Translation]

The Speaker: I declare the motion lost.

PRIVATE MEMBERS' BUSINESS

[English]

NATIONAL HORSE OF CANADA ACT

The House resumed from April 22 consideration of the motion that Bill S-22, an act to provide for the recognition of the Canadian horse as the national horse of Canada, be read the third time and passed.

The Speaker: The House will now proceed to the taking of the deferred recorded division on the motion at third reading stage of Bill S-22 under private members' business.

Government Orders

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

(Division No. 279)

YEAS

Members

Adams	Alcock
Allard	Anderson (Victoria)
Assad	Assadourian
Augustine	Bachand (Richmond—Arthabaska)
Bagnell	Barnes
Beaumier	Bélanger
Bennett	Bertrand
Bevilacqua	Blaikie
Blondin-Andrew	Bonin
Borotsik	Boudria
Bradshaw	Brisson
Brown	Bryden
Bulte	Burton
Byrne	Calder
Cannis	Caplan
Carignan	Carroll
Casey	Castonguay
Catterall	Cauchon
Chrétien	Coderre
Collenette	Comartin
Comuzzi	Copps
Cummins	Cuzner
Davies	Day
Dhaliwal	Discepola
Doyle	Dromisky
Duncan	Duplain
Easter	Eggleton
Elley	Eyking
Farrah	Finlay
Folco	Fry
Galloway	Godfrey
Godin	Goldring
Goodale	Grey
Grose	Guarnieri
Harb	Harvey
Hearn	Herron
Hill (Macleod)	Hill (Prince George—Peace River)
Hubbard	Jackson
Jaffer	Jennings
Jordan	Karetak-Lindell
Karygiannis	Keddy (South Shore)
Keys	Kilgour (Edmonton Southeast)
Knutson	Kraft Sloan
Lastewka	LeBlanc
Leung	Lincoln
Longfield	Lunney (Nanaimo—Alberni)
MacAulay	MacKay (Pictou—Antigonish—Guysborough)
Macklin	Mahoney
Malhi	Maloney
Manley	Marcil
Marleau	Martin (Winnipeg Centre)
Martin (LaSalle—Émard)	Matthews
McCallum	McCormick
McDonough	McGuire
McKay (Scarborough East)	McLellan
McNally	Meredith
Merrifield	Mills (Red Deer)
Minna	Mitchell
Murphy	Myers
Nault	Nystrom
O'Brien (Labrador)	O'Brien (London—Fanshawe)
O'Reilly	Paradis
Patry	Peric
Phinney	Pillitteri
Pratt	Proctor
Redman	Reed (Halton)
Regan	Reid (Lanark—Carleton)
Reynolds	Robillard
Robinson	Rock
Saada	Scherrer
Scott	Sgro
Shepherd	Speller
St-Jacques	St. Denis
Steckle	Stewart

Szabo
Thibeault (Saint-Lambert)
Tirabassi
Torsney
Valeri
Volpe
Wasylycia-Leis
Whelan
Wilfert

Thibault (West Nova)
Thompson (New Brunswick Southwest)
Tonks
Ur
Vanclief
Wappel
Wayne
White (Langley—Abbotsford)
Wood— 166

NAYS

Members

Bachand (Saint-Jean)
Bellehumeur
Bergeron
Bourgeois
Brien
Casson
Desjarlais
Dubé
Epp
Fournier
Gallant
Girard-Bujold
Harris
Johnston
Laframboise
Lebel
Lunn (Saanich—Gulf Islands)
Ménard
Pallister
Parrish
Perron
Rajotte
Rocheleau
Sauvageau
Skelton
Sorenson
St-Julien
Toews
Venne

Bailey
Benoit
Bigras
Breitkreuz
Cardin
Crête
Desrochers
Duceppe
Fitzpatrick
Gagnon (Québec)
Gauthier
Guay
Hilstrom
Kenney (Calgary Southeast)
Lanctôt
Loubier
Marceau
Moore
Paquette
Penson
Picard (Drummond)
Ritz
Roy
Schmidt
Solberg
St-Hilaire
Stinson
Vellacott
White (North Vancouver)— 58

PAIRED

Members

Asselin
Bellemare
Caccia
Dalphond-Guiral
Fontana
Guimond
Neville
Plamondon
Tremblay (Lac-Saint-Jean—Saguenay)

Bachand (Saint-Jean)
Bonwick
Cotler
Dion
Gagnon (Champlain)
Lalonde
Pettigrew
Price
Tremblay (Rimouski-Neigette-et-la Mitis)— 18

● (1810)

The Speaker: I declare the motion carried.
(Bill read the third time and passed)

GOVERNMENT ORDERS

[English]

CRIMINAL LAW AMENDMENT ACT, 2001

The House resumed from April 22 consideration of the motion in relation to the amendments made by the Senate to Bill C-15A, an act to amend the Criminal Code and to amend other acts, and of the amendment.

The Speaker: The House will now proceed to the taking of the deferred recorded division on the amendment to the motion for concurrence of the Senate amendments to Bill C-15A. The question is on the amendment.

Ms. Marlene Catterall: Mr. Speaker, I believe you would find consent in the House that those who voted on the main supply day motion be recorded as voting on the amendment now before the House, with Liberal members voting no, with the exception of the hon. member for Beauce who has left the House.

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

Some hon. members: Agreed.

Mr. Dale Johnston: Mr. Speaker, the Canadian Alliance will be voting yes to the amendment.

[*Translation*]

Mr. Pierre Brien: Mr. Speaker, the members of the Bloc Québécois vote no on this amendment.

Mr. Yvon Godin: Mr. Speaker, the members of the New Democratic Party vote no on this amendment.

[*English*]

Mr. Rick Borotsik: Mr. Speaker, the Progressive Conservative Party will be voting yes to the amendment.

[*Translation*]

Mr. Jean-Guy Carignan: Mr. Speaker, I vote against this amendment.

[*English*]

Mr. Grant McNally: Mr. Speaker, I will be supporting the amendment.

Mrs. Judi Longfield: Mr. Speaker, I will be voting against the amendment.

Mr. Joe Comuzzi: Mr. Speaker, I want to be sure that I am recorded as voting with the Liberals on the amendment.

[*Translation*]

Mr. Guy St-Julien: Mr. Speaker, please take note of the fact that I am voting against this amendment.

(The House divided on the amendment, which was negated on the following division:)

(*Division No. 280*)

YEAS

Members

Bachand (Richmond—Arthabaska)	Bailey
Benoit	Borotsik
Breitkreuz	Brisson
Burton	Casey
Casson	Cummins
Day	Doyle
Duncan	Elley
Epp	Fitzpatrick
Gallant	Goldring
Grey	Harris
Hearn	Herron
Hill (MacLeod)	Hill (Prince George—Peace River)
Hilstrom	Jaffer
Johnston	Keddy (South Shore)
Kenney (Calgary Southeast)	Lunn (Saanich—Gulf Islands)
Lunney (Nanaimo—Alberni)	MacKay (Pictou—Antigonish—Guysborough)
McNally	Meredith
Merrifield	Mills (Red Deer)
Moore	Pallister
Penson	Rajotte
Reid (Lanark—Carleton)	Reynolds
Ritz	Schmidt
Skelton	Solberg
Sorenson	Spencer

Stinson
Toews
Wayne
White (North Vancouver)

Adams
Allard
Assad
Augustine
Bagnell
Beaumier
Bellehumeur
Bergeron
Bevilacqua
Blaikie
Bonin
Bourgeois
Brien
Bryden
Byrne
Cannis
Cardin
Carroll
Catterall
Chrétien
Collenette
Comuzzi
Crête
Davies
Desrochers
Discepolo
Dubé
Duplain
Eggleton
Farrah
Folco
Fry
Galloway
Girard-Bujold
Godin
Grose
Guay
Harvey
Jackson
Jordan
Karygiannis
Kilgour (Edmonton Southeast)
Kraft Sloan
Lancôt
Lebel
Leung
Loubier
Macklin
Malhi
Manley
Marcil
Martin (Winnipeg Centre)
Matthews
McCormick
McGuire
McTeague
Minna
Murphy
Nault
O'Brien (Labrador)
O'Reilly
Paradis
Patry
Perron
Picard (Drummond)
Pratt
Proulx
Reed (Halton)
Richardson
Robinson
Rock
Saada
Scherrer
Sgro
Speller

Government Orders

Thompson (New Brunswick Southwest)
Vellacott
White (Langley—Abbotsford)
Williams— 56

NAYS

Members

Alecock
Anderson (Victoria)
Assadourian
Bachand (Saint-Jean)
Barnes
Bélanger
Bennett
Bertrand
Bigras
Blondin-Andrew
Boudria
Bradshaw
Brown
Bulte
Calder
Caplan
Carignan
Castonguay
Cauchon
Coderre
Comartin
Copps
Cuzner
Desjarlais
Dhaliwal
Dromisky
Duceppe
Easter
Eyking
Finlay
Fournier
Gagnon (Québec)
Gauthier
Godfrey
Goodale
Guarnieri
Harb
Hubbard
Jennings
Karetak-Lindell
Keyes
Knutson
Laframboise
Lastewka
LeBlanc
Longfield
MacAulay
Mahoney
Maloney
Marceau
Marleau
Martin (LaSalle—Émard)
McCallum
McDonough
McLellan
Ménard
Mitchell
Myers
Nystrom
O'Brien (London—Fanshawe)
Paquette
Parrish
Peric
Phinney
Pillitteri
Proctor
Reidman
Regan
Robillard
Rocheleau
Roy
Sauvageau
Scott
Shepherd
St-Hilaire

Government Orders

St-Jacques	St-Julien
St. Denis	Steckle
Stewart	Szabo
Thibault (West Nova)	Thibeault (Saint-Lambert)
Tirabassi	Tonks
Torsney	Ur
Valeri	Vanclief
Venne	Volpe
Wappel	Wasylycia-Leis
Whelan	Wood— 170

PAIRED

Members

Asselin	Bachand (Saint-Jean)
Bellemare	Bonwick
Caccia	Cotler
Dalphondu-Guiral	Dion
Fontana	Gagnon (Champlain)
Guimond	Lalonde
Neville	Pettigrew
Plamondon	Price
Tremblay (Lac-Saint-Jean—Saguenay)	Tremblay (Rimouski-Neigette-et-la Mitis)— 18

The Speaker: I declare the amendment lost. The question is on the main motion.

[*English*]

Ms. Marlene Catterall: Mr. Speaker, may I clarify? I thought we required consent to proceed with the taking of the vote on the main motion.

The Speaker: The hon. member is correct. Is there consent to proceed with the taking of the vote on the main motion to Bill C-15A?

Some hon. members: Agreed.

[*Translation*]

Ms. Marlene Catterall: Mr. Speaker, if you seek it you would obtain unanimous consent that members who voted on the previous motion be recorded as having voted on the motion now before the House, with the Liberal members voting in favour.

• (1815)

The Speaker: Does the House give its unanimous consent to proceed in such a fashion?

Some hon. members: Agreed.

[*English*]

Mr. Dale Johnston: Mr. Speaker, the Canadian Alliance members are opposed to the motion.

[*Translation*]

Mr. Pierre Brien: Mr. Speaker, the members of the Bloc Québécois who voted on the previous motion will be voting in favour of this motion, with the exception of the hon. member for Roberval.

[*English*]

Mr. Yvon Godin: Mr. Speaker, the members of the NDP are voting yes to the motion.

[*Translation*]

Mr. Rick Borotsik: Mr. Speaker, the members of the Progressive Conservative Party vote against this motion.

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

[*English*]

Mr. Grant McNally: Mr. Speaker, I will be voting against the motion.

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

(*Division No. 281*)

YEAS

Members

Adams	Alcock
Allard	Anderson (Victoria)
Assad	Assadourian
Augustine	Bachand (Saint-Jean)
Bagnell	Barnes
Beaumier	Bélanger
Bellehumeur	Bennett
Bergeron	Bertrand
Bevilacqua	Bigras
Blaikie	Blondin-Andrew
Bonin	Boudria
Bourgeois	Bradshaw
Brien	Brown
Bryden	Bulte
Byrne	Calder
Cannis	Caplan
Cardin	Carignan
Carroll	Castonguay
Catterall	Cauchon
Chrétien	Coderre
Collenette	Comartin
Comuzzi	Copps
Crête	Cuzner
Davies	Desjarlais
Desrochers	Dhaliwal
Discepola	Dromisky
Dubé	Duceppe
Duplain	Easter
Eggleton	Eyking
Farrah	Finlay
Folco	Fournier
Fry	Gagnon (Québec)
Galloway	Girard-Bujold
Godfrey	Godin
Goodale	Grose
Guarnieri	Guay
Harb	Harvey
Hubbard	Jackson
Jennings	Jordan
Karetak-Lindell	Karygiannis
Keyes	Kilgour (Edmonton Southeast)
Knutson	Kraft Sloan
Laframboise	Lancôt
Lastewka	Lebel
LeBlanc	Leung
Longfield	Loubier
MacAulay	Macklin
Mahoney	Malhi
Maloney	Manley
Marceau	Marcil
Marleau	Martin (Winnipeg Centre)
Martin (LaSalle—Émard)	Matthews
McCallum	McCormick
McDonough	McGuire
McLellan	McTeague
Ménard	Minna
Mitchell	Murphy
Myers	Nault
Nystrom	O'Brien (Labrador)
O'Brien (London—Fanshawe)	O'Reilly
Paquette	Paradis
Parrish	Patry
Peric	Perron
Phinney	Picard (Drummond)
Pillitteri	Pratt
Proctor	Proulx
Redman	Reed (Halton)
Regan	Richardson
Robillard	Robinson

Privilege

Rocheleau	Rock
Roy	Saada
Sauvageau	Scherrer
Scott	Sgro
Shepherd	Speller
St-Hilaire	St-Jacques
St-Julien	St. Denis
Steckle	Stewart
Szabo	Thibault (West Nova)
Thibault (Saint-Lambert)	Tirabassi
Tonks	Torsney
Ur	Valeri
Vanclief	Venne
Volpe	Wappel
Wasylycia-Leis	Whelan
Wood— 169	

The Speaker: The House will now proceed to the taking of the deferred recorded division on the amendment in relation to the privilege motion.

Ms. Marlene Catterall: Mr. Speaker, I think you would find consent in the House that those who voted on the immediately previously motion be recorded as voting on the motion now before the House, with Liberal members voting no.

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

Some hon. members: Agreed.

Some hon. members: No.

(The House divided on the amendment, which was negated on the following division:)

(Division No. 282)

NAYS

Members

Bachand (Richmond—Arthabaska)	Bailey
Benoit	Borotsik
Breitkreuz	Brison
Burton	Casey
Casson	Cummins
Day	Doyle
Duncan	Elley
Epp	Fitzpatrick
Gallant	Goldring
Grey	Harris
Hearn	Herron
Hill (MacLeod)	Hill (Prince George—Peace River)
Hilstrom	Jaffer
Johnston	Keddy (South Shore)
Kenney (Calgary Southeast)	Lunn (Saanich—Gulf Islands)
Lunney (Nanaimo—Alberni)	MacKay (Pictou—Antigonish—Guysborough)
McNally	Meredith
Merrifield	Mills (Red Deer)
Moore	Pallister
Penson	Rajotte
Reid (Lanark—Carleton)	Reynolds
Ritz	Schmidt
Skelton	Solberg
Sorenson	Spencer
Stinson	Thompson (New Brunswick Southwest)
Toews	Vellacott
Wayne	White (Langley—Abbotsford)
White (North Vancouver)	Williams— 56

YEAS

Members

Benoit	Bourgeois
Breitkreuz	Burton
Cardin	Casson
Davies	Day
Desrochers	Duncan
Elley	Epp
Fitzpatrick	Gallant
Goldring	Grey
Harris	Hill (MacLeod)
Hilstrom	Jaffer
Johnston	Lebel
Lunn (Saanich—Gulf Islands)	Lunney (Nanaimo—Alberni)
Martin (Winnipeg Centre)	McNally
Meredith	Merrifield
Mills (Red Deer)	Moore
Pallister	Penson
Rajotte	Reid (Lanark—Carleton)
Reynolds	Ritz
Robinson	Schmidt
Skelton	Solberg
Sorenson	Spencer
Stinson	Toews
Vellacott	Venne
White (Langley—Abbotsford)	White (North Vancouver)
Williams— 49	

PAIRED

Members

Asselin	Bachand (Saint-Jean)
Bellemare	Bonwick
Caccia	Cotler
Dalphond-Guiral	Dion
Fontana	Gagnon (Champlain)
Guimond	Lalonde
Neville	Pettigrew
Plamondon	Price
Tremblay (Lac-Saint-Jean—Saguenay)	Tremblay (Rimouski-Neigette-et-la Mitis)— 18

[*Translation*]

The Speaker: I declare the motion carried.

(Motion agreed to, amendments read the second time and concurred in)

* * *

[*English*]

PRIVILEGE

MEMBER FOR ESQUIMALT—JUAN DE FUCA

The House resumed from April 22 consideration of the motion, and of the amendment.

NAYS

Members

Adams	Alcock
Allard	Anderson (Victoria)
Assadourian	Augustine
Bachand (Richmond—Arthabaska)	Bachand (Saint-Jean)
Bagnell	Bailey
Barnes	Beaumier
Bélangier	Bellehumeur
Bennett	Bergeron
Bertrand	Bevilacqua
Bigras	Blaikie
Blondin-Andrew	Bonin
Borotsik	Boudria
Bradshaw	Brien
Brison	Brown
Bryden	Bulte
Byrne	Calder
Cannis	Caplan
Carignan	Carroll
Castonguay	Catterall
Cauchon	Chrétien
Collenette	Comartin
Comuzzi	Copps
Crête	Cuzner
Desjarlais	Dhalwal
Discepola	Doyle
Dromisky	Dubé
Duceppe	Duplain

Government Orders

Easter	Eggleton
Eyking	Farrah
Finlay	Folco
Fournier	Fry
Gagnon (Québec)	Galloway
Girard-Bujold	Godfrey
Godin	Goodale
Grose	Guarnieri
Guay	Harb
Harvey	Hearn
Herron	Hill (Prince George—Peace River)
Hubbard	Jackson
Jennings	Jordan
Karetak-Lindell	Keddy (South Shore)
Kenney (Calgary Southeast)	Keys
Kilgour (Edmonton Southeast)	Knutson
Kraft Sloan	Laframboise
Lancôt	Lastewka
LeBlanc	Leung
Lincoln	Longfield
Loubier	MacAulay
MacKay (Pictou—Antigonish—Guysborough)	Macklin
Mahoney	Malhi
Maloney	Manley
Marceau	Marcil
Marleau	Martin (LaSalle—Émard)
Matthews	McCallum
McCormick	McDonough
McGuire	McKay (Scarborough East)
McLellan	Ménard
Minna	Mitchell
Murphy	Myers
Nault	Nystrom
O'Brien (Labrador)	O'Brien (London—Fanshawe)
O'Reilly	Paquette
Paradis	Parrish
Patry	Peric
Perron	Phinney
Picard (Drummond)	Pillitteri
Pratt	Proctor
Proulx	Redman
Reed (Halton)	Regan
Richardson	Robillard
Rocheleau	Rock
Roy	Saada
Sauvageau	Scherrer
Scott	Sgro
Shepherd	Speller
St-Hilaire	St-Jacques
St-Julien	St. Denis
Steckle	Stewart
Szabo	Thibault (West Nova)
Thibeault (Saint-Lambert)	Thompson (New Brunswick Southwest)
Tirabassi	Tonks
Torsney	Ur
Valeri	Vanclief
Volpe	Wappel
Wasylcia-Leis	Wayne
Whelan	Wilfert
Wood— 173	

PAIRED

Members

Asselin	Bachand (Saint-Jean)
Bellemare	Bonwick
Caccia	Cotler
Dalphon-Duval	Dion
Fontana	Gagnon (Champlain)
Guimond	Lalonde
Neville	Pettigrew
Plamondon	Price
Tremblay (Lac-Saint-Jean—Saguenay)	Tremblay (Rimouski-Neigette-et-la Mitis)— 18

● (1825)

[Translation]

The Speaker: I declare the amendment lost.

[English]

The House will now proceed to the taking of the deferred recorded division on the subamendment of the hon. member for Selkirk—

Interlake on the amendment to the motion at third reading stage of Bill C-15B.

Mr. Dale Johnston: Mr. Speaker, I think if you were to seek it, you might find unanimous consent to proceed with the main motion on the question of privilege.

The Speaker: Is there unanimous consent to proceed with the main motion at this time?

Some hon. members: Agreed.

The Speaker: The question is on the main motion.

Mr. Dale Johnston: Mr. Speaker, I think if you were to seek it, you would find unanimous consent to apply the vote to the motion before us with the Canadian Alliance members voting yea.

The Speaker: Perhaps if I put the question to the House we would see if there are yeas or nays, or do you want to vote?

Mr. Dale Johnston: Mr. Speaker, I would like to ask unanimous consent to apply the vote.

The Speaker: The vote taken on the previous motion in reverse, I sense is what the hon. member means, but I will put the question to the House. I have dispensed with reading the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

An hon. member: Nay.

The Speaker: In my opinion the yeas have it. I declare the motion carried.

(Motion agreed to)

Mr. John Cummins: Mr. Speaker, I rise on a point of order. I would like to be recorded as voting no.

● (1830)

The Speaker: The hon. member has effectively done it.

GOVERNMENT ORDERS

[English]

AN ACT TO AMEND THE CRIMINAL CODE (CRUELTY TO ANIMALS AND FIREARMS) AND THE FIREARMS ACT

The House resumed from April 22 consideration of the motion that Bill C-15B, an act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act, be read the third time and passed, and of the amendment, and of the amendment to the amendment.

Government Orders

The Speaker: The House will now proceed to the taking of the deferred recorded division on the amendment of the hon. member for Selkirk—Interlake to the amendment to the motion at third reading stage of Bill C-15B. The question is on the subamendment.

Ms. Marlene Catterall: Mr. Speaker, I think you would find consent in the House that those who voted on the immediately previous motion be recorded as voting on the motion now before the House with Liberal members voting no.

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

Some hon. members: Agreed.

Mr. Dale Johnston: Mr. Speaker, the Canadian Alliance members will vote yea to the subamendment.

[*Translation*]

Mr. Pierre Brien: Mr. Speaker, the members of the Bloc Québécois vote yes on this subamendment.

Mr. Yvon Godin: Mr. Speaker, the members of the New Democratic Party vote no to the subamendment.

[*English*]

Mr. Rick Borotsik: Mr. Speaker, the members of the Progressive Conservative Party vote yes to this subamendment.

[*Translation*]

Mr. Jean-Guy Carignan: Mr. Speaker, I vote no to the subamendment.

[*English*]

Mr. Grant McNally: I will be supporting the subamendment, Mr. Speaker.

The Speaker: I wish to clarify with all the whips that we assume that the votes applied were the votes on the privilege motion, that is the members who voted on that are applying by party. Is that agreed?

Some hon. members: Agreed.

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

(*Division No. 283*)

YEAS

Members

Bachand (Richmond—Arthabaska)	Bachand (Saint-Jean)
Bailey	Bellehumeur
Benoit	Bergeron
Bigras	Borotsik
Bourgeois	Breitkreuz
Brien	Brisson
Burton	Cardin
Casson	Crête
Day	Desrochers
Doyle	Dubé
Duceppe	Duncan
Elley	Epp
Fitzpatrick	Fournier
Gagnon (Québec)	Gallant
Girard-Bujold	Goldring
Grey	Guay
Harris	Hearn
Herron	Hill (MacLeod)
Hill (Prince George—Peace River)	Hilstrom
Jaffer	Johnston
Keddy (South Shore)	Kenney (Calgary Southeast)
Laframboise	Lancôt
Lebel	Loubier
Lunn (Saanich—Gulf Islands)	Lunney (Nanaimo—Alberni)

MacKay (Pictou—Antigonish—Guysborough)	Marceau
McNally	Ménard
Meredith	Merrifield
Mills (Red Deer)	Moore
Pallister	Paquette
Penson	Perron
Picard (Drummond)	Rajotte
Reid (Lanark—Carleton)	Reynolds
Ritz	Rocheleau
Roy	Sauvageau
Schmidt	Skelton
Solberg	Sorenson
Spencer	St-Hilaire
Stinson	Thompson (New Brunswick Southwest)
Toews	Vellacott
Venne	Wayne
White (Langley—Abbotsford)	White (North Vancouver)
Williams— 83	

NAYS

Members

Adams	Alcock
Allard	Anderson (Victoria)
Assadourian	Augustine
Bagnell	Barnes
Beaumier	Bélangier
Bennett	Bertrand
Bevilacqua	Blaikie
Blondin-Andrew	Bonin
Boudria	Bradshaw
Brown	Bryden
Bulte	Byrne
Calder	Canniss
Caplan	Carignan
Carroll	Castonguay
Catterall	Cauchon
Chrétien	Collenette
Comartin	Comuzzi
Copps	Cuzner
Davies	Desjarlais
Dhaliwal	Discepola
Dromisky	Duplain
Easter	Eggleton
Eyking	Farrah
Finlay	Folco
Fry	Galloway
Godfrey	Godin
Goodale	Grose
Guarnieri	Harb
Harvey	Hubbard
Jackson	Jennings
Jordan	Karetak-Lindell
Keyes	Kilgour (Edmonton Southeast)
Knutson	Kraft Sloan
Lastewka	LeBlanc
Leung	Lincoln
Longfield	MacAulay
Macklin	Mahoney
Malhi	Maloney
Manley	Marcil
Marleau	Martin (Winnipeg Centre)
Martin (LaSalle—Émard)	Matthews
McCallum	McCormick
McDonough	McGuire
McKay (Scarborough East)	McLellan
Minna	Mitchell
Murphy	Myers
Nault	Nystrom
O'Brien (Labrador)	O'Brien (London—Fanshawe)
O'Reilly	Paradis
Parrish	Patry
Peric	Phinney
Pillitteri	Pratt
Proctor	Proulx
Redman	Reed (Halton)
Regan	Richardson
Robillard	Robinson
Rock	Saada
Scherrer	Scott
Sgro	Shepherd
Speller	St-Jacques
St-Julien	St. Denis

Private Members' Business

Steckle
Szabo
Thibeault (Saint-Lambert)
Tonks
Ur
Vanclief
Wappel
Whelan
Wood— 139

Stewart
Thibault (West Nova)
Tirabassi
Torsney
Valeri
Volpe
Wasylcia-Leis
Wilfert

PAIRED

Members

Asselin
Bellemare
Caccia
Dalphond-Guiral
Fontana
Guimond
Neville
Plamondon
Tremblay (Lac-Saint-Jean—Saguenay)

Bachand (Saint-Jean)
Bonwick
Cotler
Dion
Gagnon (Champlain)
Lalonde
Pettigrew
Price
Tremblay (Rimouski-Neigette-et-la Mitis)— 18

[*Translation*]

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

[*English*]

It being 6.32 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

•(1835)

[*English*]

SHORTER WORK WEEK

Mr. Pat Martin (Winnipeg Centre, NDP) moved:

That, in the opinion of this House, the federal government should take all public policy and legislative steps necessary to encourage the adoption of a shorter work week and reduced work time in the public sector, federally regulated industries, and the private sector as a whole.

He said: Mr. Speaker, my private member's motion finds its origins in the simple fact that for many Canadians, working harder is not working. In spite of views to the contrary, in 2002 we find ourselves in the situation where rather than working shorter hours and enjoying more leisure time, people are working harder to try and maintain the same standard of living. Canadians are not just working harder, they are working longer and longer hours.

The motion I put forward that the federal government should take public policy steps and legislative steps to encourage the adoption of a shorter work week is really a very pluralistic concept. By no means do I want to trivialize the argument by asking that government simply to intervene and dictate this. I hope to have time to put forward realistic solutions that would lead us over time to a reduced work week, which is in fact a sharing in the nation's wealth and prosperity that we have seen develop in recent years.

This issue is at the very top of the minds of many Canadians. I bring it forward because there is a growing realization that a person's workplace situation can become a major stressor for them. With the changing workplace environment and with the changing pressures Canadians face, it becomes a health issue for many Canadians and disproportionately for many women who are struggling work longer.

Women are traditionally lower paid and may find themselves in the situation of working two or three part time jobs to pull together a reasonable living. They also face a disproportionate burden in terms of being the primary caregiver in the home, be they single parents or married with children. It is increasingly the case that they are part of the sandwich generation where they are caring for youth at home and for elders in their home, be they their own parents, their in-laws or other family members.

Back in the 1950s and the 1960s all the futurists and experts were predicting that with the technological revolution we would not know what to do with all our free time. Most of us thought the future would be something like the *Jetsons* on TV. George Jetson would pretty much have his feet up most of the time, when he was not flying around in his neat little space car.

Our biggest problem was going to be how we would fill our day, what we would do with all of our leisure time. Recreation and leisure were to become growth industries. As we all know, the truth is anything but. In spite of huge gains in productivity and technological change, Canadians find they are working harder and more hours than ever and they are wondering what went wrong with this dream of an idea, with this concept. For many of them working harder is not working for them.

Back in the 1950s and 1960s, a one income family with one person working 40 hours a week afforded a reasonably good middle class standard of living. Something went terribly wrong.

The fact is that 40 years after this promise of a utopian dream of a land of milk and honey, Canadians are working longer hours, not less. Instead of one good job supporting a family, most Canadian families have two wage earners. Often three or more part time jobs are pieced together to earn a living.

Canadian workers are not sharing in the incredible advances made in corporate profits and increased productivity. If working people enjoyed the same gains in the last 15 years as have CEOs of Fortune 500 companies, a carpenter would be making \$250 an hour and the minimum wage would be \$50 an hour. Obviously that is not the way the system works.

Going further back in history, before the turn of the century the average work week was six days of ten or even twelve hours a day. It is hard to imagine, but in a picture of squalor out of Dickens, workers went from the day's drudgery to the evening's despair often without ever seeing the light of day. They would go to work before the sun came up and return home in the darkness as well.

It was one of the labour movement's great struggles to gradually chip away at those inhumane hours of work. The Knights of Labour started a campaign as early as the 1860s in North America.

Private Members' Business

• (1840)

In the 1880s Samuel Gompers of the united cigar rollers union and Peter J. McGuire of the carpenters union became the founders and first leaders of the American Federation of Labour. McGuire became known as the father of the eight hour day. The popular theme of the campaign was "As long as there is one person who wants work and cannot find it, the hours of work are too long". It was as simple as that.

Many of the courageous women in the textile mills of Lawrence and Lowell, Massachusetts were of Acadian background and came from New Brunswick and Cape Breton. Many also came from the rural Quebec countryside. In the 1890s these women took up the struggle for the eight hour day in the famous bread and roses strike. They eloquently made the case that some semblance of quality of life had to go with the bread on the table they earned in their daily work. The famous hymn they sang to commemorate the strike included the lines "our lives will not be sweated", "ten that toil while one reposes", and "give us bread, but give us roses".

Eight hours a day for work, eight hours for sleep and eight hours for rest, relaxation or to cultivate one's mind by whatever hobby or leisure pursuit one saw fit became the rallying cry of the labour movement. After 40 years of strikes, battles and bloody riots like the Haymarket riots in Chicago where workers were gunned down by hired company goons, labour finally won the eight hour day.

However even then the average working week consisted of six rather than five eight hour days, so it was a gradual and slow process. It was only after great struggle and perseverance that Saturday became half a work day. At noon on Saturday beer wagons began going by job sites and dropping off wooden kegs of beer. This is where the song *Roll Out the Barrel* came from. After more years of sacrifice and struggle the work week of five eight hour days finally became a reality. I used to have a bumper sticker that read "Unions: the folks that gave us the weekend".

Members should have heard the objections from industry as this progress was being made. Business leaders howled, shrieked, gnashed their teeth and rent their garments. They said we could not have this. They said idle hands did the devil's work. They said factories and businesses could never survive an eight hour work day. They said the economic stability of the country would collapse. Exactly the same refrain was heard when people tried to stamp out child labour around the same time.

The eight hour work day finally became a reality. Working people made many advances and gains in their working lives that ultimately created the most important element of the North American economy: a healthy middle class of consumers, our most stable feature on which we rely for the economic prosperity we enjoy today.

I should note in our history lesson that in 1933 the U.S. senate proposed a bill that would have gone beyond the 40 hour work week. It would have made 30 hours the official American work week. Anything more would have been overtime. The bill failed by only a few votes. President Roosevelt opposed it by arguing that his New Deal job creation program was a better way to battle unemployment than a 30 hour work week.

However the plan was seriously contemplated to the point that in the same year cereal magnate A.K. Kellogg, although known as a capitalist who ran his company with an iron fist, proved to be a pioneer with a radical idea. He introduced the Kellogg six hour day, believing that leisure time and not economic growth without end represented the true crowning achievement of capitalism. Kellogg offered his workers 35 hours of pay for a 30 hour work week. He also built parks, summer camps, nature centres et cetera.

The plan ultimately created 400 new jobs in Battle Creek, Michigan where his plants were located. It was an unexpected byproduct of his altruism that productivity spiked so rapidly that within two years, instead of having his workers put in 30 hours a week for 35 hours of pay he raised it to 30 hours a week for 40 hours of pay. His workers were quoted as saying they were not worn out when they left work and had energy to do other things.

• (1845)

The last thing I would point out is that what got us to where we are today is that in the post war era we made a labour compact with capital. Labour and capital sat down at the table and said that to put an end to the wildcat strikes and the labour unrest that typified the labour movement as we fought for these historic gains, they would make a deal that when profits and productivity went up workers wages would go up in a corresponding way. It was more than a handshake; it was an official labour accord in the post war era.

That compact has been broken as we can plainly see. Even though the standard of living has gone up since the post war era, we surely have not shared in the enormous prosperity and wealth that the business community has enjoyed in that same period of time.

With that bit of history, I would like to point out that elsewhere in the world people are catching on to the idea of reduced work time as a positive, not a negative, and as a way to boost productivity not just the redistribution of wealth and benefits to employees.

With reunification, Germany was faced with enormous unemployment challenges as East Germany and West Germany joined forces. Volkswagen and BMW adopted a 30 hour work week with no loss in pay. Their experience was that productivity spiked again and for obvious reasons. With a 30 hour work week, not only were employees given more leisure time but they were given more time to do personal things. They did not have to take a day off to go to the dentist during the work week. They did not have to take a day off for child care issues and so on. All those things led to the expansion and enhancement of the productivity of the company to the point where there was a net gain.

Private Members' Business

As time becomes an issue, I should talk about France. In 1998 France moved to the 35 hour work week in a very gradual and negotiated way. It was not a heavy-handed imposition by the state. Through meetings with business, labour and government in a tripartite way, it introduced a 35 hour work week with the immediate creation of 280,000 jobs. In the statistics I have, from the year 2000 another 250,000 jobs have been created by reducing the work week from 37.5 hours to 35 hours. I call that a success not just for all the personal reasons of working people who wanted more family time or wanted their hectic schedule to be less stressful, but also for the creation of many hundreds of thousands of jobs.

In more local examples, Bell Canada in Ontario and Quebec adopted the 36 hours over a four day work week and saved 2,000 jobs. OPEU, Office and Professional Employees' International Union, which represented the workers in my office for the many years while I was running the carpenters union, over a period of five years negotiated itself down from a 37 hour work week to a 30 hour work week with no loss in pay. Instead of negotiating a 3% raise in pay, it took 1% in cash and 2% in reduced time. Gradually over years these people, mostly women on the technical staff in my office, were working a 30 hour work week. This was a very civilized thing. Many who had children could stay at home to see their children off to school and then be at work. Later in the day they could be home again at night in time for their children to arrive back from school. I am not saying that was the only reason, but it certainly was one of the benefits that the women in my office enjoyed.

The only example I can find across the country that is going in the opposite direction is the Liberal government in British Columbia. I want to take this opportunity to condemn it in the strongest possible terms. It has introduced a bill which says that overtime kicks in only after 160 hours a month. In other words, an employer can work an employee for two weeks at 80 hours a week without paying any overtime, then hire another person to work another two weeks at 80 hours a week to fill out the other 160 hours. I condemn that. That is wrong-headed, backwards and stupid, if that is a parliamentary term.

There are so many more things I want to share but with the one minute that I have left I would like to look at some ideas that governments could consider in terms of working toward a reduced work week. Governments have the opportunity to influence policy regarding taxation.

● (1850)

I see I have to wrap up. Many of the issues have to do with the penalties currently in place regarding payroll taxes et cetera. Maybe at the end of the hour I will be able to explain some of them.

Mr. Gurbax Malhi (Parliamentary Secretary to the Minister of Labour, Lib.): Mr. Speaker, I am pleased to rise to speak to the motion introduced by the hon. member for Winnipeg Centre.

The government shares the hon. member's concern for our nation's workers. We recognize that many Canadians face significant challenges as they try to balance work and family responsibilities in a busy world. More flexible hours of work are one way of dealing with the challenges.

The Minister of Labour has often spoken of the need to encourage a better balance between work and family responsibilities in Canada. She is committed to working closely with her colleagues in

government and the private sector toward that end. An example of this was the last meeting of federal, provincial and territorial ministers of labour in Halifax where all the ministers agreed to work co-operatively on work-life balance issues in Canada.

The hon. member's proposal to reduce hours of work is a timely one, especially in the context of growing interest in work-life balance issues throughout the country. However while the minister and the government share the concern of the member opposite and welcome his positive interest in this important area of labour policy, we do not agree that Motion No. 34 is the right way to proceed at the present time.

The motion calls on the federal government to encourage the adoption of a shorter work week in the public sector, the private sector and federally regulated industries. The motion appears to be simple but its implementation would be anything but. For example, there is the complex issue of shared labour law jurisdiction in Canada. As members of the House know, responsibility for labour matters in our country is shared. The federal, provincial and territorial governments are responsible for labour legislation and workplace standards within their own jurisdictions.

At the federal level the kinds of changes called for by the motion would require amendments to Part III of the Canada Labour Code. At other levels of government other legislative changes would be required. Thus a shorter work week for Canadians is not something the Government of Canada can unilaterally decide upon by amending the Canada Labour Code.

As in so many areas of federal-provincial jurisdiction we deal with in the House, the broad adoption of a shorter work week throughout the public and private sectors in Canada would require action well beyond the authority of the federal government under the existing Canada Labour Code.

Moreover, there is the practical matter of the application of federal labour legislation. We need to remember that the Canada Labour Code covers about 10% of the nation's workforce. It applies only to industries and workplaces subject to federal authority such as the transportation, telecommunications and broadcasting industries.

Part III of the code does not apply to public sector workplaces either federally, provincially or municipally. It does not apply to private sector workplaces outside federal jurisdiction. Thus even if the federal government were to act within its own jurisdiction, as a practical reality it would only cover about 10% of the nation's workforce. The obvious question is how effective it would be if the federal government were to go it alone with a shorter work week for federally regulated industries.

Private Members' Business

Another key question we must ask is what the economic consequences would be. Aside from the constitutional issue of federal-provincial-territorial jurisdiction the Government of Canada must also consider the national economic consequences of introducing a shorter work week, especially in federally regulated industries whose operations impact the rest of the national economy.

• (1855)

While it is true that the Canada Labour Code applies only to about 10% of Canadian workers, many of those workers are in sectors whose operations are vital to the success of the remainder of the economy, and the transportation sector is a good example.

Because federally regulated industries tend to be those with significant national and international business activities, it is important that the broad economic implications of a shorter workweek in the federal jurisdiction be studied in terms of its impact in other sectors as well. For example, we know there are sectors of the Canadian economy that are experiencing worker shortages now. What would be the impact of reduced workweeks on those sectors?

These are just some of the questions the motion raises. It appears to be a simple motion but the issues it carries are quite complex.

The government recognizes there are many strong advocates of a shorter workweek and that there are good arguments in favour of reducing the existing standards regarding hours of work. An obvious one is that it would enable more employees to spend more time with their families. However we need to know more about the costs as well as the benefits, and that requires further study.

That is why we believe that any changes to hours of work under the Canada Labour Code should not be made through a motion such as this one. However it is an issue that may more appropriately be discussed in the context of a future review of part III of the code.

Thus, we will not support the motion at this time. Nevertheless, we are pleased the member has raised this very important topic for further study and discussion.

Mr. Reed Elley (Nanaimo—Cowichan, Canadian Alliance): Mr. Speaker, I am pleased to have the opportunity to join in today's debate on the motion that the hon. member has brought forward, which states:

That, in the opinion of this House, the federal government should take all public policy and legislative steps necessary to encourage the adoption of a shorter work week and reduced work time in the public sector, federally regulated industries, and the private sector as a whole.

While I am certain that the member has put the motion forward in all good faith, I have not found convincing evidence that justifies the need for such an action. He has put forward some of the standard points on the issue where I am afraid that the numbers simply do not add up.

The most common work week bantered around over the past two decades has been 30, 32 and 35 hours of work per week. Perhaps the hon. member does not realize that research by Statistics Canada in the year 2000 showed that across all industries the average weekly hours for employees paid by the hour already averaged 31.6 hours per week.

When all work hours are averaged, last year the *Christian Science Monitor* reported that Canadians worked 42.2 hours, in the 29th position behind countries such as South Korea, Taiwan, China and the United States. The global average is 44.6 hours per week. This clearly has an effect on our overall competitiveness and productivity as a nation. When we are not competitive and our productivity drops, we surely suffer economically as a nation.

Let us clearly recognize that there have been atrocious records in the past of 12 hour days and six day work weeks. While I do not currently believe in the need for a shorter work week, neither do I believe that we should endorse the 72 hour work week that Charles Dickens so eloquently wrote about in the 19th century.

There are some very negative effects of the shortened work week that I want to put on the record. In the March 14, 1994 issue of *Macleans* magazine, it was reported that most Canadians now working reduced hours are also earning less as a result. This cannot be helpful to those families who are struggling financially.

While the shortened work week has been touted as the solution for those companies that are in financial crisis, it would also appear to have been short term at best. Furthermore, many of the efforts to have a shortened work week have been controversial. One of the results has actually been a division among workers themselves pitting those with jobs against those without, leading to a potential social upheaval.

Internationally, *Business Week* reports that France, and the hon. member has already mentioned the French experiment, has found that the shortened work week has resulted in higher expenses for the more highly skilled workers. Furthermore, the move to a shortened work week has also resulted in a discouraging investment in research and development in high tech industries.

The very basis on which we can grow and develop new business opportunities is limited because of a move to shorter work weeks. I certain that irony does not escape members of the public.

Finally, the International Monetary Fund working paper states that under a shorter work week a reduction in the legal work week may induce a degree of downward wage flexibility and that a decline in output cannot be ruled out. This is now what the member wants as a result of such a motion.

In April 1994 the Canadian Federation of Independent Business conducted a ballot with its 100,000 members on the question. It asked if the work week should be shortened as part of a national job creation strategy. In framing this question, the CFIB summarized the issue this way.

Private Members' Business

As industrialized countries struggle with stubbornly high unemployment rates, some countries, including Canada, are looking at shortening the work week as part of their job creation strategy. Some current discussions focus on a four day work week. Supporters say that at a time when governments and large firms are downsizing, it makes sense to redistribute existing employment to get more people working. Reducing the work week would mean fewer people would be on welfare; that is reducing welfare costs and cutting government spending. A shorter work week with more people working would lead to increased productivity.

● (1900)

On the other hand, opponents say it would only redistribute existing work and not create new jobs. Existing employees would be reluctant to agree to take less pay. There would be an increase in total payroll costs for employers, further deterring real job creation. While large firms could reallocate jobs, this is not often feasible for small firms. It would need new legislation and entail major compliance problems.

The CFIB membership answered the question "Should the work week be shortened?" as part of a national job creation strategy as follows: 16% were in favour; an overwhelming majority of 75% were opposed; and the remaining 9% were either undecided or had no interest in the issue at all.

These are the people who would have struggle to make it work from the employer's perspective. Granted this may be different than the view of the employees. However, if the employer struggles to see how the shorter work week would work for them, any such proposed changes are doomed to be unsuccessful.

I find also that the member's motion is somewhat disrespectful of the role that the private sector has separate from the federal government. I know that this member has been involved in the trade union movement in the past. It surprises me that his motion would call for the involvement of the federal government in areas where it has no real jurisdiction. I am certain that this member would be up in arms if a motion were being debated that called for some form of interference in the role of unions.

I believe that the hours of work are best left to be negotiated between employees and employers. At times the representatives of the employees will be the unions. At other times employees will represent themselves, through professional associations and the like. Employers will sometimes be the government and other times will be the private sector. I believe that we must recognize that each situation will be different.

Currently there are many professions that work extended hours for shorter work weeks, such as the police, firemen and ambulance attendants. Many other industries are subject to change due to fluctuations in the market. Softwood lumber employees in my own riding of Nanaimo—Cowichan are unfortunately very familiar with that.

In the long term the Canadian Alliance wants to create an economic climate in which businesses can thrive and grow and with their success create quality job opportunities for Canadians. We would do so by providing deep, broad-based tax relief and ensuring a stable monetary policy.

The Canadian Alliance would also encourage the entrepreneurial sector by eliminating unnecessary regulations and minimizing government interference in the labour market. We also would foster a healthy economic environment for the benefit of consumers by pursuing free and open trade at home and abroad and eliminating the interprovincial trade barriers that plague our country.

We would withdraw government from areas of the economy where the private could deliver the same services more efficiently and would end the unfair practice of providing subsidies to industry, businesses and special interest groups.

Having said all that, I certainly want to thank the member for bringing the issue forward for debate. However I would encourage employers and employees alike to work toward a balancing of the personal needs of employees with the corporate needs of the employer.

If a business does not make a profit, the business will ultimately close, throwing employees out of work and reducing the tax base for various levels of government. Conversely, if employees are not satisfied in their work and feel that they are not earning a reasonable wage or salary as well as not being treated fairly, they will leave to find employment elsewhere. In my view, neither option is acceptable. The relationship between employees and employers must be symbiotic. They must rely on each other and live together in a relationship that they can jointly build.

I would encourage all employees and employers to discuss issues such as shorter work weeks and other important issues in an open and forthright manner during whatever negotiations take place. I believe this is the more appropriate venue rather than through government interference.

● (1905)

[*Translation*]

Ms. Monique Guay (Laurentides, BQ): Mr. Speaker, I will read the motion again. It reads:

That, in the opinion of this House, the federal government should take all public policy and legislative steps necessary to encourage the adoption of a shorter work week and reduced work time in the public sector, federally regulated industries, and the private sector as a whole.

First, I would like to say that this is a very good initiative by my colleague from Winnipeg North Centre and that we support this motion. It is unfortunate that it is not votable. This would have been nice, but maybe some other time. In any case, we are given the opportunity to debate it, and I think that this debate is needed in the House.

That being said, if I understand my colleague's motion correctly, there is no number of hours, so it is negotiable and up for discussion. I think that the purpose of this motion is to allow for a discussion on reducing the hours of work.

Private Members' Business

Today in most households, both parents work; when one works 10 hours and the other works 12, if there are no regulations, it makes family life difficult, children are always in daycare, and the quality of family life is virtually non-existent. Latch-key kids come home from school to do their homework without help from the family. This creates problems and difficult situations. Divorce and family problems ensue.

Obviously, if we can improve the quality of life by reducing the number of hours worked, we can find solutions, maybe not to all of these problems, but to the vast majority of them.

Here in the House, initiatives such as this one always come from this side. It is as though we are the only ones who want to innovate in the Canadian parliament, and I will explain why.

Members know that I am committed to a number of issues, including modernizing certain situations. I am referring specifically to the withdrawal of pregnant or nursing women from a hazardous workplace, an issue that I have worked on for ten years now. This problem was solved a long time ago in Quebec, where pregnant and nursing women have a special program allowing them to withdraw from work. However, here in Ottawa, women are still not able to benefit from preventive withdrawal. This is completely unacceptable.

It has been exactly ten years since we raised this problem in the House. The leader of my party put forward a motion. I suggested major changes to part II of the Canada Labour Code, section 132, to this end. Here in the House, I introduced a private member's bill, which obviously was not approved by the government. The entire issue is a hot one.

There is parental leave. In Quebec, we are currently fighting for fair parental leave. The federal government is still blocking our way. Again recently, the Quebec minister opened the door to the federal government and said "Listen, we are willing to sit down and find a solution. We are willing to sit down with you. Do something. A solution must be found". All to no avail.

As for pay equity, a tiny bit of progress has been made but, once again, the problem has not been resolved. Men and women, everyone should receive the same pay for work of equal value. We need only look at the current situation at Radio-Canada. Female journalists are not being paid the same as their male colleagues. It is unacceptable that this is still going on in 2002. These are very important issues.

As for employment equity, the Parliamentary Secretary to the Minister of Labour, who is here in the House, can speak to this. We have been hearing from witnesses in committee for two months. Much still remains to be done. The law is not being properly applied and it has been around since 1986, in other words, for more than 15 years. There are problems of application. The government has not even managed to get around to all the industries affected by the Employment Equity Act to check whether they are doing their job, whether they are applying the legislation as they should. After 15 years, the government has not even finished taking a look at all departments to ensure that those who should practise what they preach are applying the legislation as they should.

Many people filed complaints with the Canadian Human Rights Commission to say that the government was not doing its job. A complaint was filed about Radio-Canada not doing its job with respect to employment equity. When one is a crown corporation, one must practise what one preaches.

● (1910)

I trust that there will be very close follow-up. The law must be changed in this connection. A report is to be tabled within two or three weeks and I trust that it will at least address all the concerns of the visible minorities, the disabled, women and aboriginal people who are not well served by this law. This situation must therefore be improved.

Then there are the House of Commons staff, who are not protected. This makes no sense whatsoever. These people must be able to benefit from the same working conditions as the public servants working within departments. This is a huge flaw that must be remedied and the solution is really a very simple one. If there is a true desire to get it done, it can be done in a very short time.

Then there is the anti-scab legislation, another very important bill. It has been discussed again and again.

There are the orphan clauses, which keep a young worker starting out in a company from benefiting from the same opportunities as a worker with more seniority. Being a newcomer, he or she cannot have the same opportunities for advancement as existing staff.

These are all bills that have often come up in the form of private members' motions or bills. Each time we in the House have had the opportunity to move the government ahead, to advance the situation of the population of Canada and of Quebec, it has not happened because the government is not able to get its act together.

The laws I have referred to, and the motion my colleague has just introduced, are not million dollar affairs. It is just a matter of changing attitudes. We are not asking this to be done in a day, but attitudes have to be changed.

There must be work done in the labour sector. I do not come from a union background in the least. I am a business woman from the private sector, but I agree with having policies that will allow women and men to have more normal family lives.

Today, people need to work almost twice as much to get what they had ten years ago. We need to be able to strike a balance, and we have yet to manage that.

So I agree with the fact that we need to have policies and work with the unions, because they are there, they exist, they protect rights and they must continue to exist in the future. We must work with employers, because we want businesses to be profitable and that is possible; we are capable of sitting down to negotiate and discuss. And finally, we must work with our governments, who have a whole lot of work cut out for them, which they are not getting to right now.

We need to raise everyone's awareness. It is possible to respect jurisdiction, because earlier my colleague spoke of jurisdiction. We can easily apply this motion to businesses under federal jurisdiction, as is done when a law is applied in Quebec for provincial jurisdictions. There is nothing preventing this.

Private Members' Business

There needs to be a major debate in the House on all of the legislation regarding the protection of employees and employment insurance. When it comes to EI, the doors must be opened, we need to discuss withdrawal from a hazardous workplace and parental leave. We need to talk about real measures. Finally, we need to stop accumulating \$30 billion surpluses on the backs of the unemployed and invest this money to improve the quality of life for all employees in Canada.

• (1915)

[English]

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, I really am undergoing a transition in my life right now because my new duties have me away from the House so much. I have duties of organization in our party and I do not get to participate as much as I would like to in committees and in the House. It is a pleasure to be here at 7.15 in the evening participating in and listening to the debate.

Again when I saw the private member's motion I noted that it is one of my interests so I thought I would listen to the debate and see what it was all about. At the end of the debate, lo and behold I have some ideas I want to share.

This motion is quite specific. I will not read all of it because it has been read into the record. It states that:

...the federal government should take all the public policy and legislative steps necessary to encourage the adoption of a shorter work week—

That sounds wonderful, especially, I think, for a member of parliament.

I had a habit of keeping track of my hours of work for a number of years even though I have not been paid by the hour for many years. I used to work in a job that was a union job. We were required to be there 36 and a quarter hours a week. One day when I got a nasty and unwarranted reprimand from my boss for leaving 10 minutes early, because he did not know I had been there since 6 o'clock in the morning, I decided to keep track of my time

I discovered that my average time on that job as an instructor at the Northern Alberta Institute of Technology was 55 hours per week. That is what it took in order for me to do a good, professional job for my students. There were many days when after I did some voluntary work in the evening I did not get to see my family at all.

I think the intent of the bill is a good one. In our society we should be able to work fewer hours. However, I think we need to look at a very fundamental economic fact here, that is, it is not sufficient to simply pass a law that states we will all work fewer hours. That is not sufficient because of the fact that none of us are willing to give up more of our standard of living.

I will give members an example. When I was a youngster, which was many years ago, I remember my father building a house. We could not afford to hire people to build the house, so my father did most of the work. He started by digging the basement. Nowadays in order to dig a basement, a person picks up the phone and tells the guy with the backhoe to come over and dig the hole that will be the basement of the house, that the specifications will be there. When my father built this house he hooked a device called a beegee behind a horse, and by hand, with the help of the horse, he dug the

basement. It took an awful lot of work. I do not remember how long it took him, but I would think that he probably worked a week on digging a basement that now could probably be done in an hour.

We could pass a law that says my dad should work fewer hours, but the fact of the matter is that economically it takes either a lot of labour or the inclusion of machinery and equipment to make the work more efficient. That is what has happened. It is the induction of capital and capital equipment that have provided us with the ability to still have the same and even a higher standard of living with fewer hours of work.

Therefore it is an economic thing that we need to take into account, much more than it is the simple passing of a law that states we will work fewer hours, as desirable as that may seem.

I believe the member's motion is well intended. I would certainly support it. I see many families, including the families of my own children, where one or both of the parents are working long hours and it would be very healthy if they could spend more time with their own children and with the rest of us as a family. There would be more time for leisure activities. That is all very desirable, but I think we cannot lose sight of the fact that unless we balance this with the kind of productivity that we should be encouraging in this country, our standard of living is going to drop. I do not think anybody is prepared to pay that price.

• (1920)

I would also like to say that in terms of actually producing income this is another factor which is very important. The labour unions are mostly working on converting labour into cash which then can be used to buy the necessities and the luxuries of life, depending upon how much one earns.

I would like to see the labour unions, the NDP and the socialist philosophy get real. What we must do is start encouraging people to participate not only in the labour market but also in the capital market. Let us get involved. When one buys a share in a piece of equipment, the work that equipment does is also a revenue generator. One can get revenue from the tractor just like one can get revenue from labour. That enhances the value and the standard of living. When we do that individual families can obviously afford to work less if they have income from other sources.

It is a combination, it is not one or the other. I would like to see labour unions in particular help to educate their members on investments so that part of their income, not a large part, can be enhanced so that they could thereby afford to work less and we would move in that direction. We must do this by a process of replacing the necessity of the long hours rather than by passing a law to reduce the long hours of work.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I wish to thank all those who chose to take part in the debate, especially most recently the hon. member for Elk Island who shared his views with us, as well as the hon. parliamentary secretary and the member from the Bloc.

Private Members' Business

I am pleased with much of the interest shown. I raised this issue as a policy issue that the government should be addressing. We hope that it would be a long term goal, to work toward a more fair and equitable redistribution of the country's bounty and benefits. That means monetary compensation but it also means sharing in the benefit that I have pointed out, that shorter work time equals a quality of life issue for many Canadians.

There is nothing to stop motivated people from working longer hours if their family life permits or if their job demands but as a policy point of view there is no good reason to be going in the wrong direction in terms of the average work week for Canadians. If anything, Canadians are working longer.

The member from Nanaimo mentioned that it is not really a problem because the average person works only 42.5 hours per week. I challenge those figures. Our figures are closer to 46 or 47 hours per week as the average in Canada. In fact in some households there are two people working, so the average household is actually working 60 to 80 hours a week in order to enjoy the same quality of life that one single bread earner used to provide for an average middle class family living.

The analogy I used and will use again is that if ordinary working people gained in the productivity gains the same way CEO compensation went up, the average carpenter would be making \$250 an hour and the minimum wage would be \$50 an hour. There is more than one way to reflect that compensation. One is to have more time off for leisure.

The Donner commission, a federal government advisory group, noted that there was a major split between those in the workforce who worked long hours for good pay, and were frankly stressed by that, and Canadians who had too little work or had to work two or three part time jobs pooled together to make one reasonable income. Many places in Europe have negotiated shorter work weeks and implemented a combination of policy legislation and negotiations, and have benefited in terms of job creation and increased productivity, not reduced productivity.

I would like to point out some of the things the government could do in respect of policy. The federal government could, without

intruding on any jurisdiction, do away with some of the perverse incentives that lead to long hours and overtime. We can change the way payroll taxes, like employment insurance and CPP, are structured by taking away the cap. In other words, if people were to pay those premiums on every hour worked it seems to me employers would probably think twice about having someone work the longer hours.

That is the same principle as overtime. The reason we implemented overtime was not so workers would earn more money but as a disincentive so that employers would not be compelled to cause their workers to work longer hours and, therefore, open up opportunities for other people.

I know this is something the Alliance would object to but I would suggest a tax on all overtime hours be levied on employers. If it were made a revenue neutral thing this could be combined with lower overall payroll taxes. In fact it would be revenue neutral and the employer would not be paying more tax. The disincentive would be working people longer and the incentive would be providing them with a more reasonable work week.

Exemption on the first \$10,000 of annual earnings is another thing we have been told would help. An incentive package to reward firms that create jobs would perhaps motivate them to hire more people to do the same amount of work.

● (1925)

I have enjoyed the debate and the input from all groups, and I appreciate the opportunity. However in actual fact working harder is not working for many Canadians. A shorter work week should be an objective of the government.

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

It being 7.27 p.m., the House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 7.27 p.m.)

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