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(HANSARD)

Wednesday, May 31, 2006

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Wednesday, May 31, 2006

The House met at 2 p.m.

Prayers

● (1400)

[*English*]

The Speaker: As is our practice on Wednesday we will now sing O Canada, and we will be led by the hon. member for Sackville—Eastern Shore.

[*Members sang the national anthem*]

STATEMENTS BY MEMBERS

● (1405)

[*English*]

ALBERTA ECONOMY

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Mr. Speaker, Albertans are very grateful for the energy boom that we are experiencing. We are happy to share the benefits with our fellow Canadians. While some individuals, even some in this House, are clamouring for more, I would like to point out how magnificently all Canadians are benefiting.

All Canadians through the federal government are the largest benefactors. Just think of the truckloads of money that go to Ottawa every payday for EI and CP premiums. Just think of the train loads of money which go to Ottawa as a result of the income tax deductions from thousands of workers and professionals. Add to that the huge amount of tax that is paid by businesses and corporations. I estimate that Ottawa gets between two and three times as much as Alberta.

Besides that, the spinoffs for businesses right across the country are huge. For example, the demand that is generated for vehicles and other manufactured goods coming from Ontario, Quebec and the other provinces goes well into the billions.

Let us celebrate Alberta's success together. Let us all be grateful for the economic prosperity it generates for our country.

GOVERNMENT POLICIES

Mr. Ken Boshcoff (Thunder Bay—Rainy River, Lib.): Mr. Speaker, I rise in the House today to mark the first 100 days of the new government and to demonstrate the broken promises or the "harpocracy" of the government. The list is long.

Number one, appointing a Conservative organizer to the Senate.

Number two, enticing a Liberal to cross the floor to his cabinet and recite the "harpocratic" oath.

Number three, muzzling the media by trying to hand pick who will ask questions.

Number four, disrespecting the Ethics Commissioner by refusing to cooperate.

Number five, creating an accountability bill that will make government less accountable.

Number six, standing idly by while his Conservative friends register as government lobbyists.

Number seven, recruiting lobbyists to his government.

Number eight, appointing his cabinet co-chair to the Privy Council.

Number nine, nominating a key Conservative fundraiser to chair the public appointments commission.

Number 10, scrapping the public appointments commission when he does not get his way with the nomination.

One hundred days of "harpocracy". One hundred days of shame.

* * *

[*Translation*]

PIERRE LE MOYNE D'IBERVILLE

Mr. Marcel Lussier (Brossard—La Prairie, BQ): Mr. Speaker, I wish to pay tribute today to the memory of Pierre Le Moyne d'Iberville.

Next July 2 to 15, the University of Havana in Cuba, in collaboration with the Université du Québec à Montréal, will be organizing festivities in Havana to mark the 300th anniversary of the death of Pierre Le Moyne d'Iberville.

He was the great hero of New France—adventurer, shipmaster, privateer and first governor of Louisiana—who died in Havana on July 9, 1706.

Few people know about the tragic end and mysterious death of this hero in Cuba. The city of Havana remembers. It has honoured the visit of this hero with a major monument and numerous commemorative plaques in its museums and its cathedral.

July 9, 2006, 300 years! I remember.

* * *

● (1410)

[*English*]

WORLD NO TOBACCO DAY

Ms. Penny Priddy (Surrey North, NDP): Mr. Speaker, today is World No Tobacco Day 2006. This is a significant time to remember a Canadian leader in the fight against tobacco.

Heather Crowe worked as a server in the hospitality industry for over 40 years. In 2002 she was diagnosed with inoperable lung cancer caused by the second-hand smoke she was exposed to at work. She never smoked a day in her life.

Like many hospitality workers, Heather did not know that second-hand smoke was putting her health at risk. When she discovered the cause of her cancer, she dedicated enormous strength and energy to protecting others. Despite her illness, Heather lobbied politicians, spoke to schools and communities across the country, and appeared in a Health Canada advertisement to raise awareness about the dangers of second-hand smoke.

Heather lost her fight against cancer last Monday. She once said that her goal was to be the last person to die from second-hand smoke. Thanks to her, thousands of hospitality workers across the country now have a safer workplace.

I ask all members to join me in remembering her tireless advocacy and activism.

* * *

GOVERNMENT POLICIES

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, more of the 100 days of shameful hypocrisy.

Number 11, dismissing the Kelowna accord.

Number 12, stalling progress on aboriginal issues by snubbing the aboriginal affairs committee.

Number 13, stalling the implementation of the residential schools agreement.

Number 14, reneging on his election promise to include the Métis in the residential schools agreement.

Number 15, undermining the procurement strategy for aboriginal business by allowing non-native companies to bid on contracts.

Number 16, refusing to uphold $400 million in extra funding for water treatment on reserves.

Number 17, announcing its own first nations water strategy with not one dollar attached to it.

Number 18, insulting aboriginal groups by ignoring their work at creating an independent first nations auditor general.

Number 19, scrapping $1.8 billion for aboriginal education programs.

Number 20, completely ignoring Canada's north by neglecting to implement the Liberals' northern strategy, and breaking the Conservatives' own promise to the north by cancelling icebreakers in deep water ports.

One hundred days of shameful hypocrisy.

* * *

WORLD NO TOBACCO DAY

Mr. Steven Fletcher (Charleswood—St. James—Assiniboia, CPC): Mr. Speaker, World No Tobacco Day was created by the World Health Organization. It aims to draw global attention to the negative health effects of tobacco use. This year's theme is "Tobacco: Deadly in any form or disguise".

I am proud to say that Canada has always been a world leader in tobacco control. Over the past 40 years, the percentage of Canadian smokers has been reduced to 20%, its lowest point in 50 years.

Provincial governments continue to enact smoke-free legislation. World No Tobacco Day marks the addition of Ontario and Quebec to the growing number of provinces and territories that are restricting smoking in public places.

Despite the great progress we have made this year, smoking continues to be the number one preventable cause of disease and premature death in Canada, responsible for more than 37,000 premature deaths annually.

For more information on Health Canada's tobacco control program or for tools to help quit smoking, I ask Canadians to please visit www.gosmokefree.ca.

* * *

[*Translation*]

WORLD NO-TOBACCO DAY

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, today is World No-Tobacco Day 2006, sponsored by the World Health Organization. The purpose of this day is to encourage governments to move toward stricter regulation of tobacco products.

Smoking is a global epidemic which is claiming more and more lives all over the world, particularly in developing countries. It is said that tobacco is still the only legal product that kills, when consumed as intended by the manufacturer.

Everything possible must be done to put a stop to this scourge which is the cause of some 13,000 deaths per year in Quebec alone.

This year, World No-Tobacco Day is of particular significance in Quebec for it coincides with the coming into force of certain amendments to the Tobacco Act. As of today, smoking is prohibited in the great majority of public places in Quebec, including all bars and restaurants. These measures will protect the population from smoking and from exposure to second-hand smoke.

● (1415)

[*English*]

CRYSTAL METH

Mr. Rob Merrifield (Yellowhead, CPC): Mr. Speaker, I rise today to convey my great appreciation for the citizens of Yellowhead in the battle against crystal meth.

When crystal meth first appeared in Alberta, Drayton Valley was one of the communities hardest hit, but instead of sitting by and letting the drug destroy lives, the people of Drayton Valley took action. In a coordinated effort, social services, education providers, local politicians and enforcement officers joined with concerned citizens to provide solutions.

Law enforcement officers were added. The community's officers were brought into a partnership with community mobilizers to conduct prevention programs in schools and in the community. It took a couple of years and a lot of hard work, but Drayton Valley's struggle has become a success story, with Drayton Valley having experienced a marked drop in crystal meth addictions and related crimes.

Its success was so notable that the mayor of Drayton Valley, Diana McQueen, was asked to join the premier's task force on crystal meth. Drayton Valley's success can now be duplicated around the province and across the country. I would like to say good job, Diana, and great job, Drayton Valley.

* * *

[*Translation*]

CONSERVATIVE GOVERNMENT

Hon. Robert Thibault (West Nova, Lib.): Mr. Speaker, over 100 days of Harpocrisy!

Number 21: keep ministers and caucus members quiet.

Number 22: suggest imprisoning journalists.

Number 23: quash the Public Servants Disclosure Protection Act.

Number 24: have committee chairs selected by Prime Minister.

Number 25: keep cabinet meetings secret.

Number 26: use favouritism in allocating funding for infrastructure.

Number 27: get rid of Public Appointments Commission if our friend is not elected chair.

Number 28: appoint a former unilingual Conservative minister to the highest bureaucratic position in Prince Edward Island.

Number 29: allow the Minister of the Atlantic Canada Opportunities Agency to threaten members from Atlantic Canada.

Number 30: only allow participants of a round table in Calgary to be heard if they received permission beforehand.

[*English*]

It has been 100 days in the life of a shrub, a little bush.

Statements by Members

CHILD CARE

Ms. Helena Guergis (Simcoe—Grey, CPC): Mr. Speaker, parents of young children in my riding of Simcoe—Grey want our government's universal child care plan. They want it because our plan recognizes that parents need real and meaningful choices in care for their preschool children.

It is true that day care centres provide a valuable service for many working parents. That is why our plan will provide incentives to encourage business, community and non-profit organizations to create more flexible child care spaces, but parents need other alternatives as well.

In Simcoe—Grey we have a lot of farmers and families who work shift work at Honda and the many other parts plants that serve Honda. Whether parents choose to raise their children at home or get assistance from a relative or another trusted caregiver, our universal child care benefit of $1,200 for every child under six will broaden the options for all Canadian parents.

We offered it. Canadians chose it. We will deliver it.

* * *

THE ENVIRONMENT

Ms. Catherine Bell (Vancouver Island North, NDP): Mr. Speaker, many people in my riding are very unhappy with the government's actions on climate change and Canada's commitment to the Kyoto protocol.

Daniel Greene of Comox wrote:

> I now think of this [Conservative] government as The Great Leap Backward.... There is no excuse to walk away from Kyoto and the rest of humanity, instead valuing greed and ignorance.
>
> This is not Canada and by any polls not what Canadians want to see.

Curtis Scoville of Black Creek e-mailed:

> This kind of outdated thinking is unacceptable to me personally and is shameful to me as a Canadian citizen in the global effort to promote energy solutions that are safe for the environment and for human health.

Canadians want a government that is willing to protect the environment with real measures, not a fantasy solution and a tax credit. In my riding and across this country, Canadians are more than willing to do their part. I am willing to work with them and my NDP colleagues to propose concrete solutions to reduce greenhouse gas emissions and honour our Kyoto commitments.

* * *

[*Translation*]

CONSERVATIVE GOVERNMENT

Ms. Raymonde Folco (Laval—Les Îles, Lib.): Mr. Speaker, over 100 days of Harpocrisy!

Number 31: reject the Kyoto protocol.

Number 32: attempt to undermine the Kyoto protocol by asking Canadian officials to block any consensus on the next phase.

Number 33: drop Project Green.

Number 34: announce late one statutory holiday that 15 programs on climate change will be cancelled.

Number 35: promise $2 billion to fight climate change without any budgetary measure.

Number 36: attempt to join the Asia-Pacific Partnership despite the absence of penalties or rules for greenhouse gas emissions.

Number 37: intend to be part of the Asia-Pacific Partnership when the U.S. Congress has pulled out all its funding.

Number 38: eliminate a made-in-Canada solution that would have resolved 80% of the problem.

Number 39: reject popular programs such as the one tonne challenge and EnerGuide.

Number 40: discourage the production of renewable and wind energy by cancelling support for such production.

One hundred days of Harpocrisy!

* * *

● (1420)

JACQUES PARIZEAU

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, on May 22, during the Souper des Patriotes, Jacques Parizeau was awarded the Louis Joseph Papineau prize, which honours a member of Quebec's National Assembly for political action in support of Quebec sovereignty.

Former Quebec premier and a minister many times over, he helped create the quiet revolution and modern-day Quebec. A learned man, he dedicated his talent to one single passion: Quebec.

With uncommon determination and intelligence, he has worked tirelessly to this day to give Quebeckers the only tool that will enable them to express themselves and reach their full potential as a people: national independence.

He constantly reminded us that we must not merely repeat the message, we must renew it. He once said that we should re-examine every premise of the argument. Some ideas will prove more useful, others must be reanalyzed, and many new ideas must be introduced to convince a changing society.

The Bloc Québécois salutes Jacques Parizeau, a great patriot and a great sovereignist.

* * *

[*English*]

GOVERNMENT POLICIES

Ms. Tina Keeper (Churchill, Lib.): Mr. Speaker, we have more of the 100 days of "harpocracy".

Number 41, increased the lowest tax rate from 15% to 15.5%.

Number 42, added 200,000 low income Canadians to the tax rolls.

Number 43, GST cut for the wealthy from the pockets of the lowest income Canadians.

Number 44, knowingly raised the personal income taxes of Canadians and tried to pass it off as a tax cut.

Number 45, promised to cut capital gains tax but did not do a thing in the budget.

Number 46, pitted province against province in the equalization debate.

Number 47, misled Canadians by saying their income taxes are being lowered.

Number 48, promised to fix the fiscal imbalance and did nothing in the budget.

Number 49, replaced billions of dollars in post-secondary assistance with a single $80 textbook credit.

Number 50, gave tax credits to hockey parents but not music parents.

It has been 100 days of "harpocracy".

* * *

ATLANTIC CANADA OPPORTUNITIES AGENCY

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): Mr. Speaker, I have spoken on several occasions about the apparent spread of amnesia through the Liberal caucus. I have since talked to several experts in the field. They have concluded that it is not amnesia. It is hypocrisy.

This is made clear with the hon. member for Dartmouth—Cole Harbour serving as the Liberal critic for ACOA. That member likes to give the impression that he is a defender of ACOA. However, in the race for Stornoway, and members did hear me say Stornoway, he is supporting the member for Kings—Hants, yet that very member wants to scrap ACOA.

Do members see a pattern? Is this Liberal policy? Is this a trend to abandon regional development and an important organization like ACOA? Or is it just more blatant political partisanship on the road to Stornoway?

ORAL QUESTIONS

[*Translation*]

CANADA-U.S. RELATIONS

Hon. Bill Graham (Leader of the Opposition, Lib.): Mr. Speaker, the passport issue shows the point to which this government regularly and consistently gives in to American demands. After he met with President Bush, the Prime Minister told us that it is a fait accompli and so we should just accept it. Fortunately, the provinces do not give in as easily as the Prime Minister.

Will he listen to the provincial premiers or will he leave it up to the provinces to fly the Canadian flag and defend our rights against President Bush's administration?

● (1425)

Mr. Jason Kenney (Parliamentary Secretary to the Prime Minister, CPC): Mr. Speaker, obviously we will be working together, with all the provinces, to meet this challenge.

I would remind the Leader of the Opposition that it was the Liberal government that failed to defend Canada's interests on the passport issue with the Americans. The present Prime Minister and the Minister of Public Safety have made progress with the Americans. We are having success with the United States Congress in solving this problem as soon as possible.

Hon. Bill Graham (Leader of the Opposition, Lib.): Mr. Speaker, as usual, the facts have nothing to do with the answer we have been given. The American ambassador was at least honest with Canadians: he does not think that the Prime Minister's wishful thinking will become reality and that one way or another enforcement of this policy can be pushed back to the last minute. The western premiers have told us that the implementation of this unnecessary legislation will have a disastrous impact on trade and tourism.

Is there no one in this government who is prepared to defend Canada's interests, or will it be left to the provinces to do that?

Mr. Jason Kenney (Parliamentary Secretary to the Prime Minister, CPC): Mr. Speaker, I am so glad to see that the Leader of the Opposition is concerned about this matter. When he was part of the previous government, he did nothing to solve the problem.

The Americans have passed the bill. They have brought these new regulations into effect, and that will cause problems for trade between our two countries. However, this Prime Minister, on behalf of the present government, is making progress in Washington in defending Canada's interests.

[*English*]

Hon. Bill Graham (Leader of the Opposition, Lib.): Mr. Speaker, the parliamentary secretary will have to face the embarrassing fact that the Ontario legislature recently endorsed a motion condemning the policy of his government and saying that this plan of the Americans will cause unnecessary damage to our economy. The hon. parliamentary secretary and his party might like to know that this motion was introduced by the leader of the Conservative Party.

Some members will recall the Prime Minister having turned his back on the premier of Ontario when he went to dine with him. Would the Prime Minister listen to the premiers, the tourism industry and his own Conservative colleague and stand up to the Americans on this issue? Or is going to he lead us to his own—

The Speaker: The hon. Parliamentary Secretary to the Prime Minister.

Mr. Jason Kenney (Parliamentary Secretary to the Prime Minister, CPC): In fact, Mr. Speaker, the Prime Minister is en route right now to meet with the western premiers as well as American governors on this very important issue. The real question is, why is it that the previous Liberal government left us to inherit the problem of the western hemisphere travel initiative without having done anything to defend the interests of Canada?

Our public security minister is working through our embassy with American governors, with Canadian premiers and with the business sector on both sides of the border and, because of that, we have seen progress in the American Congress.

This government will stand and deliver, unlike the Liberals.

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, I am glad the member opposite is staying in practice for opposition.

This question is for him and specifically relates to the passport issue. The reality is that the government has abandoned Canadians on this issue. Yesterday, four of the western premiers, along with the Ontario legislature, stated that the Prime Minister is not being aggressive in dealing with the United States on this issue.

It is becoming obvious that the vast flow of goods and people across the border is simply not one of the government's priorities. What is shameful is that the government is leaving it up to mayors and the premiers to do the work of the Prime Minister. When is the Prime Minister going to act on his responsibilities and stand up for Canada?

Mr. Jason Kenney (Parliamentary Secretary to the Prime Minister, CPC): Mr. Speaker, let us look at the record. The Liberals allowed that law to come into place. They effectively did nothing to combat it.

Within 100 days of this Prime Minister taking office, we managed, working with our partners in the United States, to secure a very important amendment through the United States Senate. Our diplomatic officials continue to work with the ministry of public security along with the department of homeland security in Washington.

After 13 years of failure in bilateral relations, we have 120 days of success in defending Canadian interests.

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, the real record is this. The only thing the government opposite has done on this issue is send a star-struck foreign affairs minister who looked dreamily into the eyes of the U.S. Secretary of State.

The Prime Minister wants to wait now until July to visit Washington, when all the people whom he needs to convince in the U.S. Congress will be away on break.

When are the Prime Minister and his cabinet going to stop gawking at their American idols and actually start standing up for Canada?

● (1430)

Mr. Jason Kenney (Parliamentary Secretary to the Prime Minister, CPC): Mr. Speaker, this is another example of Liberal diplomacy, the likes of which we saw this week when a Liberal senator shamefully attacked the elected president of Afghanistan as "an American stooge", insulting two countries at the same time.

We understand that we do not make progress for Canadians, defending Canadian jobs, by attacking foreign countries. We do it by working with them. That is why we achieved the historic softwood lumber agreement. That is why we are achieving concrete progress on the western hemisphere travel initiative. This is why we have a government that finally is standing up for Canada, not just uttering empty rhetoric.

[*Translation*]

SUPPLY MANAGEMENT

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, during the election campaign, the Prime Minister promised Quebec farmers that he would make it a priority to protect the entire supply management system. Yesterday in parliamentary committee, the Minister of Agriculture and Agri-Food sang quite a different tune, implying that protecting supply management at the WTO negotiations was no longer a sustainable position for his government.

Is the Prime Minister not going back on his promise to Quebec farmers during the last election campaign?

Mr. Jason Kenney (Parliamentary Secretary to the Prime Minister, CPC): Mr. Speaker, I would like to thank the hon. member for his question.

Canadian farmers understand very well that there is an important balance between the supply management system and access to foreign markets. That is why our representatives are extremely active in the current negotiations in Geneva. We are working on solutions that are good for Canada's entire agricultural sector.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, last November 22, there was a motion here supporting full respect for supply management. Since that time, the balance has changed. There was, in fact, a letter from three western ministers asking the Minister of Agriculture and Agri-Food to revise his position on supply management because it might hamper their farmers' access to other markets.

Are we to understand that this change of position, the government's new balance in regard to supply management, resulted from pressure from the western provinces to the detriment of Quebec? Is that not what happened?

Mr. Jason Kenney (Parliamentary Secretary to the Prime Minister, CPC): Mr. Speaker, the Bloc leader is mistaken. There has been no change in Canada's position at the current talks in Geneva. Quite the contrary, we are working in the interests of the entire Canadian agricultural industry to secure access to foreign markets and also protect the important supply management system.

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, the day after the unanimous vote on the Bloc motion reaffirming the members' desire to defend supply management at the WTO, the Canadian negotiator in Geneva stated that he did not feel bound by the vote.

Apparently, instead of the government imposing its view of things, it is the negotiator who is imposing his line of thinking on the government.

In order to dispel all uncertainty, what is the government waiting for to make the nature of the mandate it gave to the negotiator public?

Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, we cannot discuss our negotiating tactics and strategies in public day after day, but one thing is clear: Canada must remain at the negotiating table in the best interests of our agricultural industry as a whole, which includes the supply managed sectors, and orient it toward exports.

It is important for our negotiator to be at the table. That is the reality.

● (1435)

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, with what we just heard today and yesterday in committee, what is clear and public is that supply management is in danger. This government's approach is becoming ever more obvious.

In the environment, it is abandoning Quebec in favour of the western oil companies. In agriculture, it is abandoning supply management to satisfy the interests of western farmers.

How does the Minister of Agriculture and Agri-Food intend to explain to Quebec farmers that he is abandoning supply management to make it easier for western farmers to sell their wheat?

[*English*]

Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, obviously the member has not been to my riding. There is one big industry in my riding and that is supply management. We are not neglecting supply management. It is very important to the government.

However, at the negotiations, when the votes go 148 to 1 against us, we can abandon and leave it or we can get in there and fight for the interests on behalf of supply management. We are in there fighting on behalf of the interests of supply management and the rest of the export industry as well.

* * *

[*Translation*]

EMPLOYMENT INSURANCE

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the UN published a report condemning Canada's neglect of its unemployed workers. The report indicates that two out of three unemployed persons cannot receive EI when they need it. Those most affected by this are women and youth. This Sunday, a pilot project to improve the situation for unemployed people in regions with high unemployment will end.

The Liberals had a tendency to abandon the unemployed, but will this government do the same or will it extend this important program?

Mr. Jason Kenney (Parliamentary Secretary to the Prime Minister, CPC): Mr. Speaker, I thank the hon. member for his question. We are committed to ensuring that the EI system continues to serve Canadians quickly and well. Of course, the Canadian government is in favour of an effective program that supports all unemployed workers.

[*English*]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, if one is an unemployed worker wondering whether the program will continue as of Sunday, I do not think that person has an answer from the government. What we are looking for is a clear answer.

Perhaps the member should spend some time in the regions of the country that are suffering high unemployment or he can even take a look at the situation in Toronto. We have a report from the Toronto City Summit Alliance saying that only 22% of the people who pay into employment insurance are able to get help when they need it. That is one in five. No wonder we see poverty rising in our cities and across the country.

In a country as rich as Canada, which can give billions to oil companies, why can we not help out the unemployed the way we should? How is the member going to explain that?

Mr. Jason Kenney (Parliamentary Secretary to the Prime Minister, CPC): Mr. Speaker, it is not difficult to explain that Canada has an extraordinarily generous system of employment insurance that assists workers in transition, people who have lost their jobs. I would ask the leader of the NDP to stand by for perhaps some very interesting news later on.

* * *

[*Translation*]

PASSPORTS

Hon. Robert Thibault (West Nova, Lib.): Mr. Speaker, on the issue of the border with the United States, this government has abandoned Canadians. The Maritimes depend on American and Acadian tourism. American families have to spend more than $500 —the price of passports—to enter Canada. Americans will avoid the Maritimes, and our tourism industry will suffer further. Canadian exporters who must travel to the United States have the same problem.

Why is this government abandoning Canadian communities on the passport issue?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, our Prime Minister made this issue a priority in Cancun, and he continues to make it a priority. Just since the initial visit, we have reached an agreement with the Americans to determine the documents that will work for Canadians. As well, in the U.S. Senate, we have seen an amendment to the American bill, thanks to the efforts of our Prime Minister, our officials and our MPs who made this issue a priority.

[*English*]

Hon. Robert Thibault (West Nova, Lib.): Mr. Speaker, this answer will not pay the bills for businesses in border communities.

The tourism industry in my province has been hit very hard by 9/11 and the rise in the Canadian dollar. It is the same for U.S. states. American governors are reacting but not our Prime Minister.

Will our government not represent us on this vital question or do we have to depend on U.S. governors to defend our interests? This is bush league leadership. Once again, the Prime Minister shows himself to be a shrub, a little bush.

● (1440)

[*Translation*]

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, insults like that created a lot of problems for the Liberal regime.

We have worked with the Americans, with the chambers of commerce, with the governors and now with the premiers of other provinces. We have solutions, and we have already received confirmation from the United States that we have a program that will work and that will produce solutions.

[*English*]

Mr. Blair Wilson (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.): Mr. Speaker, the government is clearly abandoning Canadians. First, it abandons the voters of Vancouver Kingsway. Then it abandons our forestry workers. Now it is abandoning our tourism industry and threatening the very economic viability of our Vancouver 2010 Olympics.

Western premiers are demanding that the U.S. passport law be delayed. The only thing the Prime Minister is telling Canadians is to "just get used to it".

My question is for the Minister of Foreign Affairs. When will the government come to the aid of premiers? When will it stop working for George Bush and start working for Canadians?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, instead of hysterics I would think they would come forward with some positive ideas, as we have proposed.

Here is a quick chronology. Since the Prime Minister went to Cancun and made this the priority, we have an agreement with American officials in terms of alternative documents being acceptable from Canadians. We never had that before. We have seen an amendment now passed in the Senate that asks for this whole issue to be deferred.

We have made some great advancements. We have worked with governors and with chambers of commerce.

This issue is in the process of being resolved, but not because of any help from former Liberals or present Liberals. They have given no help on this.

Mr. Blair Wilson (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.): Mr. Speaker, excuses like that might fly in Washington, but they sure will not work in British Columbia.

My question is for the Minister of Foreign Affairs. In a recent November 2005 news article in the New Glasgow *Evening News*, the Minister of Foreign Affairs wrote, "Moving to a rigid 'passport-only' requirement will almost certainly harm cross-border travel, hurting tourism" and resulting in tourism losses on the Canadian side that "would amount to nearly $1 billion" a year.

Will the minister now eat his words or will he continue to con Canadians?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, we appreciate these questions because it gives us one opportunity after another to show how effective the Prime Minister has been and how effective we have been in meeting with chambers of commerce, governors and premiers.

He can choose to insult the President of the United States if he wants. There was better action a week ago when the President of the United States raised concerns about this issue and how it needed to be deferred. We can thank our Prime Minister for putting that kind of pressure on the situation.

* * *

[*Translation*]

CULTURAL DIVERSITY

Mr. Maka Kotto (Saint-Lambert, BQ): Mr. Speaker, at present two items are under negotiation at the World Trade Organization: supply management and services. The stated positions of Quebec and Canada maintain that culture must not be covered by an agreement on services. The government now seems to be adopting a fallback position on the issue of supply management.

Can the government reaffirm here that it is standing by its position defended at UNESCO, a position that clearly states that culture is not negotiable at the WTO?

[*English*]

Hon. David Emerson (Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, cultural industries and cultural protection are not a negotiable item for the Government of Canada. We are committed. We continue to live by that commitment and we will continue to do so.

[*Translation*]

Mr. Maka Kotto (Saint-Lambert, BQ): Mr. Speaker, the behaviour of this government is becoming increasingly worrisome. On the issue of the environment, it is blatantly following in the footsteps of the American administration. According to our sources, this is also the case for culture, which Americans want to treat as a simple commodity at the WTO.

If the Conservative government wants to show that it is acting in good faith, will it agree to actively promote ratification of the Convention on Cultural Diversity in order for it to come into effect as soon as possible?

● (1445)

[*English*]

Hon. Bev Oda (Minister of Canadian Heritage and Status of Women, CPC): Mr. Speaker, I want to be clear to the House and to all Canadians. The government has supported in the past and will continue to support the UNESCO declaration for the maintenance of diversity in cultural expression.

I am proud to say that I have met with the Coalition for Cultural Diversity and we have just authorized more funding so it can continue the work. As well, I will do what I can with the other countries as I meet them.

* * *

[*Translation*]

AFGHANISTAN

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Mr. Speaker, General Gauthier says that Canadian soldiers serving in Afghanistan do not have to follow the Geneva Convention with respect to individuals who are taken prisoner because the conflict in Afghanistan is not—or is no longer—the result of a state of war between conflicting nations.

Can the Minister of Defence guarantee that Afghan combatants who are taken prisoner will receive the same treatment they would have been entitled to as prisoners of war?

[*English*]

Hon. Gordon O'Connor (Minister of National Defence, CPC): Mr. Speaker, that is a standard procedure for our military no matter what operation it is on throughout the planet. When it takes prisoners, it will always follow the rules of the Geneva Convention. There is no lower standard than that. That is in every case whether the operation is under the Geneva Convention or not.

[*Translation*]

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Mr. Speaker, under these conditions, can the minister explain why Canada did not follow Holland's example and sign an agreement with the Afghan government to allow continued contact with prisoners for constant information on their fate? What is the government waiting for to renegotiate this agreement?

[*English*]

Hon. Gordon O'Connor (Minister of National Defence, CPC): Mr. Speaker, the agreement we had with the Afghan government fulfills the needs that we have from the point of view of security of the prisoners. The Red Cross or the Red Crescent is responsible to supervise their treatment once the prisoners are in the hands of the Afghan authorities. If there is something wrong with their treatment, the Red Cross or Red Crescent would inform us and we would take action.

* * *

[*Translation*]

CANADA-U.S. BORDER

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, every year the largest minor hockey tournament in the world takes place in Quebec City.

Teams from across the United States take part in this peewee tournament. Now it is up to young Quebeckers to fight the passport issue on their own. The Minister for la Francophonie, who is a member for Quebec City, could not care less about them.

Why should our young hockey players and Canadian minor hockey fans have to count on the American Senate rather than the Conservative government and the member for Quebec City?

[*English*]

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, it does not seem to matter how we say it or to whom we say it on the Liberal side, they just do not understand. They do not understand how many people we have engaged to work on this issue. They do not understand.

I am pleased to tell Canadians that they can cross the border right now without a passport if they have their driver's licence and some other document. Alternative documents are also going to be acceptable. We are already seeing at the senate and now in the White House that it looks like there could even be a deferral from the date of 2008 on this issue. I wish the Liberals would pay attention and help us get the message out too.

[*Translation*]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, no matter how hard I pay attention and listen, I cannot hear any answers.

This tournament, the largest in the world, attracts over 200,000 fans every year. With the Quebec Winter Carnival, this tournament makes Quebec City a winter tourist destination par excellence. The economic benefits from these two events are huge, but the Conservatives and the Conservative members from Quebec City do not care.

Why should Quebeckers have to rely on the Americans instead of the Conservatives to protect the tourism industry in Quebec City?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, this tournament will continue, and I hope the Canadian teams will win.

It is important to realize that we are not just concerned about passports. We have done other things. For example, we have made large grants to the Quebec City airport.

This is but one example among many others, showing that the government is prepared to support tourism in Quebec and across Canada.

● (1450)

[*English*]

Mr. John Maloney (Welland, Lib.): Mr. Speaker, the government has abandoned Canadians to fend for themselves on passport requirements by the U.S. The government does not appreciate the integration of Canada and U.S. border communities. We never consider the border to be an obstacle when deciding where to work, go for lunch, visit friends, or enjoy culture and recreation. Not only is this a way of life for Niagara region and western New York residents, it is the cornerstone of our local economies.

The real work of finding solutions and lobbying is coming from everyone but the government. Why is it being left up to governors, provinces and our mayors to stand up for Canadian border communities?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, I am delighted again to explain that our Prime Minister made this issue a priority at Cancun. For two years the Liberal regime had absolutely ignored it. Now we have an agreement with the Americans that alternative documents will be acceptable for Canadians. We are working on those standards right now.

I have some good news for the Liberals and all Canadians. One of the very successful programs called NEXUS, which facilitates travel and business and tourism back and forth across the border, has already been accepted as an acceptable alternative and there is more to come. I cannot wait for the questions.

Mr. John Maloney (Welland, Lib.): Mr. Speaker, let us not forget the Prime Minister's position in Cancun when he said it was a done deal and we should live with it.

The busiest land crossings between Canada and the U.S. are in southern Ontario: the Ambassador Bridge in Windsor, the Peace Bridge in Fort Erie, the Blue Water Bridge in Sarnia, and the Queenston-Lewiston Bridge at Niagara-on-the-Lake.

Why is the government leaving it to the chambers of commerce in the United States and the Canadian Tourism Commission to fight for Canadian interests on cross-border travel? Why does it not stand up for Canada?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, I appreciate the opportunity to speak about some other programs that have already been negotiated and are working well in terms of cross-border travel.

I wonder if the member realizes that there are 65,000 truckers in this country who have the ability to cross the border rapidly because of the adoption of a program which has been accepted by the United States.

I wonder if the member is aware that not only in the senate in the United States and not only in the department of homeland security but now we are hearing from the White House itself that this program is problematic in the United States, as our Prime Minister has indicated. The Americans are working with us and we with them to solve the problem and we are making headway.

* * *

EMPLOYMENT INSURANCE

Mr. Fabian Manning (Avalon, CPC): Mr. Speaker, a pilot project extending employment insurance expires on June 4. This project extended EI benefits an additional five weeks in areas where the unemployment rate was over 10%. This is a very important issue in my riding of Avalon and throughout our country. This program is used by many workers and they are wondering about the fate of the program.

Can the minister tell the House what decision the government has made regarding this pilot project?

Mrs. Lynne Yelich (Parliamentary Secretary to the Minister of Human Resources and Social Development, CPC): Mr. Speaker, the minister has asked me to inform the House that EI pilot project No. 6 will expire June 4 and will be replaced by an increased week of employment insurance benefits pilot project for a period of 18 months. This is good news for seasonal workers and—

Some hon. members: Hear, hear!

The Speaker: Order, please. The honourable member for Windsor West.

* * *

TOURISM INDUSTRY

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, I congratulate the government for once again following the advice of the NDP.

I agree with the Conservatives that the Liberals did nothing with regard to the passport laws and the WHTI. I agree with that.

However, what I cannot agree with is that if this is a strategy, it is not enough of a strategy as Canadian jobs and tourism are being put at risk right now. Five studies have shown the injurious effect and it is happening now.

Why has the minister responsible for tourism not stood in this chamber and outlined his plan to deal with this issue, and what is the Prime Minister going to give the premiers today in terms of an official strategy?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, my colleagues and I recall that when we were in the opposition and we raised this issue, the Liberals were absolutely inactive on this file. We brought it to a debate in the House and our Prime Minister has made it a priority.

We hear the broken record that is coming from the Liberals now being picked up by the NDP and here is why we hear that broken record. The Liberals did not just break the record in terms of non-action. They broke faith with Canadians in not taking action on this file.

We have taken action. We have made it a priority. There is great progress and we are delighted that the premiers, the mayors, the governors, and the congressmen in the United States are all involved.

● (1455)

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, in a previous question in this chamber, I asked the Prime Minister about this issue and he asked the NDP for ideas. We did so. We have a national tourism strategy that affects Canadian jobs right now by putting in investment to combat this issue.

Why will the Minister of Industry not get up and answer a question on this issue as he is the responsible member for tourism? Where is he? Where is the plan? Table it in the House of Commons right now.

Hon. Maxime Bernier (Minister of Industry, CPC): Mr. Speaker, I am very pleased—

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. member for Windsor West is not going to be able to hear a word from the minister unless there is some order in the chamber. The minister has the floor to answer.

[*Translation*]

Hon. Maxime Bernier: Mr. Speaker, as my honourable colleague knows, if he read the latest budget from the new Conservative government carefully, he should know that we have invested $303 million in the tourism industry. This is a lot more than was allocated in the previous Liberal Party budget.

What I would like to say to him is that the Canadian Tourism Commission is currently working on the development of an action plan to promote tourism throughout Canada, both foreign and Canadian, in preparation for the 2010 Olympics.

[*English*]

THE ENVIRONMENT

Hon. John Godfrey (Don Valley West, Lib.): Mr. Speaker, on April 26 the Minister of the Environment said, "We've been looking at the Asia-Pacific partnership for a number of months now", but yesterday I had to point out to her that the Republican dominated House of Representatives had just terminated all funding, $46 million, for the Asia-Pacific partnership. The Americans have abandoned AP6, just as surely as the government has abandoned Canadians in the fight against global warming.

Having had 24 hours to reflect, does the minister still think Canada should align itself with an American inspired organization which has just lost all American funding?

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, in fact, I have had three months to reflect. what I have decided, and what this government has always claimed to be true, is that we are focused not on what is happening in the U.S. Congress, not on what is good for the Americans but we are focused on what is good for Canada. We have developed a Canadian plan with Canadian priorities, investment in Canadian communities and Canadian technology.

Yesterday the western premiers endorsed our made in Canada plan. Canadians are supporting it, the United Nations is supporting it, our international partners are supporting it, and I expect the hon. member to support it.

[*Translation*]

Hon. John Godfrey (Don Valley West, Lib.): Mr. Speaker, two weeks ago, the Prime Minister discussed joining the Asia Pacific Partnership with his Australian counterpart. In Australia, the respected Climate Institute affirms that, with this plan, global emissions are going at least to double by 2050.

Does the Minister still think that Canada should join this partnership?

[*English*]

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, what we do know clearly is that the Liberal Party of Canada turned its back on the Kyoto protocol without coming up with any plan. It did nothing to reduce greenhouse gases. Now it is criticizing another global movement to reduce greenhouse gases, which is the Asia-Pacific partnership.

I would like to ask the hon. member a question. Will he stand in his place and tell the House that he does not support another global effort to reduce greenhouse gases?

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, yesterday was another smog alert day in Toronto, just another lead-in to a difficult summer. While Torontonians are rushed to the hospital, the Minister of the Environment was busy promoting a program, the budget of which was slashed by 30% without her even knowing. By abandoning Kyoto, the Conservative government has clearly abandoned Canadians.

Meanwhile, the government has killed funding that would have allowed Ontario to close several coal plants in favour of cleaner energy. Why is the Prime Minister preventing Ontario from closing coal plants and why is the government promoting more smog days?

● (1500)

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, the only party that turned its back on the Kyoto protocol was the Liberal Party of Canada, which never put forward any sort of implementation plan to reach the targets that the Liberals even set for themselves.

When it comes to pollution, under the Liberal watch Canada has fallen behind on pollution control in every industry sector. Our government is acting. We are introducing legislation to bring us up to speed on pollution control across every industry sector and I expect that party to support it.

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, more talk. We will see how long it takes to see some action.

It is evident that the environment is not on the government's radar and not one of the government's five priorities. Instead of taking the lead on an issue that affects all Canadians, the Conservative government is marching to the beat of a different drum, like *Hail to the Chief* instead.

Why does the health of Canadians come second to that of Americans?

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, why is it that under the Liberals' watch they allowed Canada's pollution control and Canadians' health to fall below the American standard? Americans now surpass us on greenhouse gas emission reductions and all pollution control across every industry sector.

Our government is acting. We will be cutting greenhouse gases immediately. We will be introducing our target for renewable fuels, biodiesel and ethanol. We are also introducing legislation for pollution control.

* * *

[*Translation*]

BANKRUPTCY

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, last November, just before the election campaign began, this House pushed through Bill C-55, a bill to protect the wages of individuals whose employers go bankrupt.

Can the Minister of Labour tell us when he plans to bring this legislation into force and, specifically, when he plans to establish an assistance program for workers whose companies have gone bankrupt?

Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, as we all know, during the last session, this House adopted Bill C-55, which enables the government to establish a program to protect the wages of employees of a company that goes bankrupt. Despite unanimous support from parliamentarians, we are not in a position to bring this legislation into effect immediately without making some major housekeeping and technical changes.

That said, an interdepartmental committee is currently working on this issue and I would say we are making rapid progress.

Oral Questions

BICYCLE INDUSTRY

Mr. Robert Vincent (Shefford, BQ): Mr. Speaker, although the Canadian International Trade Tribunal recommended that the government apply safeguards to protect the bicycle industry, workers at the Raleigh bicycle company run the risk of losing their jobs.

Does the Minister of International Trade realize what he is doing? The possible closing of the Raleigh bicycle plant and the ensuing loss of jobs will be caused primarily by his refusal to intervene on behalf of this industry, as permitted by the WTO and as recommended in the ruling by the Canadian International Trade Tribunal.

Hon. Maxime Bernier (Minister of Industry, CPC): Mr. Speaker, I am pleased to answer this question. I am pleased to announce to the House that this new government decided today that it will not penalize Canadian consumers by applying a 30% tariff on bicycles. I believe that this is good news in Canada. We do not want Canadian buyers to pay an additional $67 for a bicycle.

* * *

THE ENVIRONMENT

Ms. Raymonde Folco (Laval—Les Îles, Lib.): Mr. Speaker, Quebec had to establish its own plan to reach the Kyoto targets because the Conservatives rejected the made in Canada plan that was already in place. The Prime Minister confirmed that Quebec cannot count on financial support from the Conservative government. The Quebec Minister of the Environment was clear: if Quebec does not meet its Kyoto targets, the Conservatives will be to blame.

Why is this government abandoning the provinces instead of assuming those responsibilities that, clearly, should be taken care of by the federal government?

[*English*]

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, the only party in this House that failed Quebec's opportunity to reach its Kyoto targets is the Liberal Party of Canada. It never put in place any national plan with the provinces. In fact, it agreed to targets without even consulting with the provinces years ago on how to put that implementation plan in place.

Our government is working with the provinces, including Quebec. When I was in Quebec, Minister Béchard told me that the highest cause of greenhouse gases in Quebec was transportation, which is why this government has invested in public transportation.

* * *

● (1505)

CANADA POST

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): Mr. Speaker, Canada Post's rural customers are facing the possibility of a further reduction in services. Canada Post says that the service is temporarily being limited due to safety concerns of their drivers. This will pose a significant hardship for many rural residents.

Could the Minister of Transport tell us what his plans are to help resolve this issue?

Hon. Lawrence Cannon (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I want to inform the House that I, along with the Prime Minister, will be meeting with the head of Canada Post to discuss the issues and, obviously, the options that will be put forth for rural residents and drivers.

We are very sensitive to the problems raised by our colleagues, not only on this side of the House but our colleagues on the other side of the House.

* * *

THE ENVIRONMENT

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, the government is doing nothing to tackle climate change in Canada and now we learn that the Minister of Finance has called for imports of one of the highest polluting forms of energy, liquefied natural gas, from Russia no less.

Could the minister explain how importing gas from Russia is part of the made in Canada solution to reducing greenhouse gas emissions?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, I think the member is referring to discussions at the G-7 meeting in Moscow in February where there was some discussion of negotiations and potential agreements between Petro-Canada and one of the Russian gas companies. Those are private negotiations between those entities.

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, the government is so confused. On the one hand it says that it is wrong to buy carbon credits overseas and, on the other hand, it says that it is okay to spend money overseas for one of the highest polluting forms of energies.

Could the minister tell us how importing liquefied natural gas from Russia will do anything to clean the air that Canadians are breathing or does the government just expect Canadians to buy the government's hot—

The Speaker: The hon. Minister of the Environment.

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, what will clean the air Canadians breathe is an investment in renewable fuels. Last week we had a historic meeting where all the territories and provinces came out in agreement that we need to move forward on a 5% target for biodiesel and ethanol. That is cleaning the air Canadians breathe.

Mr. Lloyd St. Amand (Brant, Lib.): Mr. Speaker, the government has abandoned Canadians to fend for themselves on climate change. For months now, the government has been proposing that Canada join the Asia-Pacific partnership and that that organization be the focus of our climate change efforts.

On May 25 the United States Congress adopted a resolution terminating funding for AP6. In one stroke, fully 30% of the budget vanished. Why did our government abandon Kyoto and sign on to a partnership whose budget is slashed at a whim by the United States?

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, the only party that abandoned the Kyoto protocol is the Liberal Party of Canada. It never put a plan in place, it never took any measures to reduce greenhouse gases to reach the target and now it is criticizing a partnership that includes four of our Kyoto partners in that partnership.

The hon. member might like to know that the former environment minister for the Liberal Party actually looked for membership in Asia-Pacific but, guess what, the party was not welcome.

The Speaker: The Chair has notice of a question of privilege from the hon. Minister of Finance and we will now hear from the minister.

* * *

PRIVILEGE

MEMBER FOR AJAX—PICKERING

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, I rise today on a question of personal privilege.

On May 18, 2006, the member of Parliament for Ajax—Pickering stood in the House and accused me of using my position as Minister of Finance to benefit a family member. The member stated as fact that I had adopted a capital cost allowance for forest bioenergy in the 2006 budget in order to benefit Dorset, a small industrial chemical company that is owned by one of my brothers.

Referring to environment programs, the member for Ajax—Pickering said:

> It is time for the government to listen to Canadians. Instead of slashing valuable programs like EnerGuide and keeping only the program that benefited the finance minister's brother, the government needs to focus on the priorities of Canadians, honour our Kyoto commitments—

I call upon the member to apologize. I would table the letter from the Ethics Commissioner declaring that there is no conflict of interest.

ROUTINE PROCEEDINGS

● (1510)

[*English*]

CANADIAN FORCES PROVOST MARSHAL REPORT

Mr. Russ Hiebert (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, pursuant to Standing Order 32(2), I have the pleasure to table, in both official languages, copies of the 2004-05 annual report of the Canadian Forces Provost Marshal.

INTERPARLIAMENTARY DELEGATIONS

Mr. Russ Hiebert (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, I also have the honour to table, pursuant to Standing Order 34, reports from the Canadian Branch of the Commonwealth Parliamentary Association regarding the Commonwealth Parliamentary Association United Kingdom Branch Seminar on "Restoring Faith in the Political Process: Tackling Corruption, Upholding Human Rights, the Role of the Media", held in London, England, January 22-28, 2006.

I have an additional report from the 55th Parliamentary Seminar at Westminster Palace held in London, England, March 16-17, 2006.

* * *

POINTS OF ORDER

DOCUMENT QUOTED FROM DURING ORAL QUESTIONS

Hon. Rob Nicholson (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, this refers to a point of order that was raised yesterday at the conclusion of question period.

The member for Nunavut asked the Minister of Indian Affairs and Northern Development to table a document from which she indicated the minister was reading.

I can inform the House that the minister will be tabling that document tomorrow as soon as it has been translated into both official languages.

* * *

JUDGES ACT

Hon. Vic Toews (Minister of Justice and Attorney General of Canada, CPC) moved for leave to introduce Bill C-17, An Act to amend the Judges Act and certain other Acts in relation to courts.

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

* * *

JUDICIAL COMPENSATION

Hon. Vic Toews (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, as I was saying only a moment ago, our government today is introducing a bill to implement the May 2004 recommendations of the Judicial Compensation and Benefits Commission. Two of those recommendations will be implemented in modified form.

Some members will recall that the previous government introduced Bill C-51, which would have implemented all but one of the commission's recommendations, including an increase in judicial salaries of 10.8%, but as was typical of the previous government, it did nothing to move the bill forward and it died on the order paper when the election was called.

When Canadians voted for a change on January 23, they voted for a government that is willing to recognize its responsibilities, make tough decisions and implement them.

There are a number of constitutional principles which guide governments in establishing judicial compensation, both from Supreme Court case law and the Constitution itself. The Constitution

specifically provides that it is the role of Parliament to set judicial salaries and benefits. This is accomplished through amendments to the Judges Act.

Judges are prevented from negotiating directly with governments. Instead, independent commissions are established to examine and make recommendations on judicial compensation.

These commissions are an integral part of the process of establishing judicial compensation. Their deliberations and recommendations must be taken seriously, but decisions about the allocation of public resources ultimately belong to legislatures and governments. Governments can reject and modify the recommendations of these commissions, but they must provide legitimate, factually based reasons.

Earlier this week our government released its response to the commission's response. The response addresses the substances of the commission's recommendations fairly and objectively. It is consistent with promoting the effectiveness of the commission process, depoliticizing the establishment of judicial salaries and preserving judicial independence.

The bill introduced today reflects the response. The bottom line is that this government is prepared to accept all of the commission's recommendations, with two modifications. First is the recommended salary increase. Second is the proposal on legal costs for the judicial organizations. On that issue, the government's bill takes the same approach as Bill C-51.

The government has decided to depart from the commission's recommendation of a 10.8% salary increase. Instead, the government is prepared to support a salary increase of 7.25%, or $15,700 retroactive to April 1, 2004 plus the annual cost of living increment.

There are two main reasons that we believe 7.25% is an appropriate increase, which are fully explained in the government's response.

First is the overall economic and financial position of the federal government. This is one of the statutory factors that the commission is required to consider under the Judges Act. The government's view is that the commission gave insufficient consideration to this factor in determining the adequacy of judicial compensation. Because judges are paid from the public purse, judicial compensation must be understood in relation to other legitimate demands on public resources and the economic and social priorities of the government.

Second is the need to attract outstanding candidates to the judiciary, another statutory factor that the commission is required to consider.

In summary, our view is that too much attention was paid to the salaries of lawyers in private practice and in particular, those who practise in large urban centres. There are a significant number of appointees from outside private practice and from outside those large urban centres. This fact needed to be given more weight.

I want to thank the members of the commission for approaching their task in a thoughtful and diligent manner.

Under our Constitution, it is not the government that sets judicial compensation; that is Parliament's job. We therefore call on parliamentarians to carefully discharge their important constitutional responsibilities in an informed and respectful fashion in light of the constitutional and statutory principles that are engaged.

Given the need to move forward on this matter, we will be referring the bill without delay to committee for its immediate consideration.

● (1515)

Hon. Sue Barnes (London West, Lib.): Mr. Speaker, section 100 of the Constitution Act, 1867 requires that the salaries and allowances of federally appointed judiciary be established by Parliament.

The Supreme Court of Canada has established a constitutional requirement for an independent, objective and effective commission. The commission's purpose is to depoliticize the process of judicial remuneration. The statutory mandate of the Judicial Compensation and Benefits Commission must consider: one, the prevailing economic conditions in Canada, including the cost of living and the overall economic and financial position of the federal government; two, the role of the financial security of the judiciary in ensuring judicial independence; three, the need to attract outstanding candidates to the judiciary; and four, any other objective criteria that the commission considers relevant.

Earlier this week the current government responded to the commission's latest report in a different manner than the former government had in some areas, notably by introducing the commission's recommendation on the salary increment over the four year period.

It should be noted that the government's response is reviewable in a court of law and must meet the legal standard of simple rationality.

Now the government will present a bill, we are told, knowing that it can ask Parliament for approval. It also knows that Parliament has no ability without a royal recommendation from the government to increase the financial aspects in this bill.

We know the commission has already gone through a challenging process. Also included in that process were two days of public input. We thank the commission for its hard work.

The government is telling us in its reasoning that it is taking into account the overall financial and economic position of the federal government. I would remind the minister that our former government left his government with a $12 billion surplus and the best economic situation in all G-8 countries.

The respect in which Canada's judiciary is held is a key factor in the strength and stability of our nation of Canada. Our tradition of judicial independence is not only an important element in this country's democratic framework, it also provides a model from which others can take hope and from which they can learn.

The government must understand that constant attacks on the independence of the judiciary, however they may come, whether they are from the member for Saskatoon—Wanuskewin or any other government member, do not make for acceptable public policy.

An independent judiciary is a fundamental part of Canadian democracy. This independence must be respected.

● (1520)

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I am pleased to take the floor today on this new matter of judges' salaries.

I must confess, however, that I am discouraged. It is my impression that the Conservative government is continuing on the same path as the previous Liberal government in choosing to assign an independent commission authority for setting judges' salaries, while at the same time not hesitating to act against those recommendations to suit the mood of the moment.

In 1999 we had found a solution, which was supposed to be definitive, to the problem of setting the salaries of members of Parliament and judges. To avoid bursts of demagoguery and ensure that salaries and other monetary benefits are equitably adjusted, parliamentarians chose to link the salaries of parliamentarians to those of judges, the latter being set by an independent commission every four years.

This solution, developed by all the parties represented in the House of Commons, seemed to us to be reasonable.

The commission was required by law to propose a reasonable salary, taking into account the state of the economy, the government's financial position, the role of the financial security of judges in preserving judicial independence, and the need to recruit the best candidates to the judiciary.

The Prime Minister was going to earn the same salary as the chief justice of the Supreme Court; ministers, three quarters of that salary; MPs would receive an annual sessional allowance of 50% of the yearly salary of the chief justice of Canada, and so forth. The solution was simple and fair. It preserved the independence of the judiciary and ensured that parliamentarians did not have to set their own salary.

Everything was fine until the Judicial Compensation and Benefits Commission proposed an inordinate increase in 2004. In a panic, the Liberal government and the Conservative opposition chose to play petty politics and unlink the salaries of MPs and judges, instead of calmly analyzing the situation and proposing a review of the remuneration suggested by the commission.

It appears that the Conservative government has decided to continue the tradition of hypocrisy and simplistic populism of the Liberal government in this matter, by continuing to separate the salaries of parliamentarians and judges.

Admittedly, setting the salaries of parliamentarians and judges is still an extremely difficult and thankless task, for one simple reason: these are people who are well compensated, even very well compensated. The citizens who pay these salaries often find them to be out of all proportion. That brings me to the solution which the Bloc is proposing to the government as a way out of this mess.

Because it is necessary to establish an arms-length salary-setting mechanism for parliamentarians as well as for judges, the Bloc Québécois is calling for the government to reintroduce a legislative obligation to link the salaries of parliamentarians to the salaries of judges.

Also, because the indexing of the salaries of judges and parliamentarians has to be reasonable, the Bloc Québécois is asking that the salaries of judges be based on the same indexing mechanism as the salaries of parliamentarians, so that their salaries increase each year in step with those of unionized employees of big corporations and the private sector.

That seems to us reasonable and equitable.

● (1525)

[*English*]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, what we have from the minister's statement today is another reflection of the contempt that the government holds toward our judiciary and another chink in the wall of judicial independence in our country. We export our judicial independence as a model to the rest of the world. We are currently showing a number of countries our experience in judicial independence, and the government at the same time is undermining that judicial independence.

The Minister of Justice is trying to justify this conduct on the basis that his party won the last election, but I am sure Canadians did not vote for them to break down the role of our independent judiciary. I can assure the House this was not part of the mandate that came out of the last election.

I heard him also trying to justify this by saying the government had to make tough decisions. The tough decision here is really a very simple one, and that is to support the system as it is.

Historically, we have fought the issue of how we pay our judicial appointments in the provincial and federal courts. This has been dragging on for the better part of 20 years. We finally resolved it in 1999 by appointing, through legislation, an independent commission that would review the salaries of judges and their status. That has worked well in most cases.

The Supreme Court of Canada has made it very clear that the commission's report is to be adopted by the House unless there are extraordinary circumstances.

Today the minister is trying to justify extraordinary circumstances. First, he said that we had to look at our financial circumstances. These compensation packages would cover 2004-05. The federal government had surpluses of $10 billion to $12 billion in both of those years, yet the minister tries to justify that the government does not have the money. Try to sell that to a judge some time in the future, which is likely what will happen if we proceed with the legislation as recommended.

The second point the minister has tried to argue is that somehow the government did not take into account the fact that lawyers in private practice got paid differently in small communities as compared to those in large communities. The commission did take that into account. It looked at this very closely, and it is recorded right in the commission's report.

There is no justification for this legislation or for the position taken by the government other than a straight attack on our judiciary. It is unforgivable that the government would do it at this period of time in particular, given some of the statements made by the Prime Minister during the election, given some of the statements made by my colleague from Saskatchewan, which had such notoriety, and given some of the statements the Prime Minister made when he was in opposition.

We have to stop attacking the judiciary and treat them with the independence they are entitled to under our Constitution and in the way we should handle our judiciary in general.

* * *

COMMITTEES OF THE HOUSE

HUMAN RESOURCES, SOCIAL DEVELOPMENT AND THE STATUS OF PERSONS WITH DISABILITIES

Mr. Dean Allison (Niagara West—Glanbrook, CPC): Mr. Speaker, I have the honour to present, in both official languages, three reports of the Standing Committee on Human Resources, Social Development and the Status of Persons with Disabilities.

The first report, entitled "Summer Career Placement Program", is the same as the one adopted by the standing committee in the 38th Parliament. The first session requires a response from the government.

The second report, entitled "Restoring Financial Governance and Accessibility in the Employment Insurance Program", was also adopted by the standing committee during the 38th Parliament. The first session requires a comprehensive response from the government.

The committee has also adopted a third report entitled "Pilot Project on Increased Weeks of Employment Insurance Benefits (Pilot Project No.6)".

[*Translation*]

FINANCE

Mr. Brian Pallister (Portage—Lisgar, CPC): Mr. Speaker, I have the honour to present, in both official languages, the first report of the Standing Committee on Finance concerning the main estimates for the fiscal year ending March 31, 2007.

● (1530)

[*English*]

FISHERIES AND OCEANS

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): Mr. Speaker, I have the honour to present, in both official languages, the second report of the Standing Committee on Fisheries and Oceans entitled "Small Craft Harbours".

* * *

NATIONAL ENVIRONMENTAL STANDARDS ACT

Mr. Mario Silva (Davenport, Lib.) moved for leave to introduce Bill C-315, An Act to provide for the harmonization of environmental standards throughout Canada.

He said: Mr. Speaker, I rise today to table my private member's bill, an act to provide for the harmonization of environmental standards throughout Canada.

With rising temperatures, incredible climate change and smog-related sickness affecting things across the country, we must act to protect our wildlife and our environment before it is too late.

Having had the opportunity to speak with representatives from organizations such as the Canadian Boreal Initiative and Nature Canada, I have come to believe that harmonizing national environmental standards must be set and met in order to protect the air we breathe, the water we drink and the land we are so fortunate to live upon.

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

* * *

HAZARDOUS MATERIALS INFORMATION REVIEW ACT

Hon. Greg Thompson (for the Minister of Health) moved that Bill S-2, An Act to amend the Hazardous Materials Information Review Act, be read the first time.

(Motion agreed to and bill read the first time)

Hon. Keith Martin: Mr. Speaker, I seek the unanimous consent of the House for the following motion: In the opinion of this House under existing crimes against humanity legislation that the Government of Canada support the indictment of Zimbabwe's President Robert Mugabe for crimes against humanity.

This is in response to the humanitarian catastrophe that Mr. Mugabe has inflicted upon the civilians of his country. He is using state-sponsored rape, murder and torture to kill the civilians of his population.

The Speaker: Does the hon. member have unanimous consent to propose the motion?

Some hon. members: Agreed.

Some hon. members: No.

* * *

PETITIONS

CITIZENSHIP AND IMMIGRATION

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, I am rising once again to speak on the issue of undocumented workers. I have a petition signed by many people across the country.

The petitioners call upon Parliament to immediately halt the deportation of undocumented workers and to find a humane and logical solution to their situation.

Last Saturday, several rallies and protests were held in various cities across Canada. These people ask the government to have a moratorium on this issue and to find a humane solution.

I was fortunate to participate in one of the protests on Saturday that took place in Toronto. Many people who attended were very much concerned about what would happen to their families, relatives and friends. It is about time that we find a humane solution to their situation.

CHILD CARE

Mr. Jim Abbott (Kootenay—Columbia, CPC): Mr. Speaker, I have the pleasure of presenting a petition, four pages with 33 names, primarily from residents in the city of Revelstoke.

The petitioners call upon the government to provide the provinces and territories with annual funds of at least $1.2 billion to build a high quality, accessible, affordable, community-based child care system and to ensure fair and effective income support programs for Canadian families.

TRANSPORT

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, I am honoured to present three sets of petitions.

The first set of petitions has five pages and is from many citizens from Toronto. Recently there have been several cyclist deaths involving big trucks. A coroner's report in 1998 into the death of a Toronto cyclist noted that 37% of the conditions resulting in cyclist deaths involved big trucks and that the U.K. and Europe all reduced injuries to cyclists and pedestrians by installing side guards in trucks.

The petitioners ask for an amendment to the Motor Vehicle Safety Act so there would be side guards installed on big trucks in Canada.

● (1535)

CHILD CARE

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, the second and third sets contain 56 pages of petitions, with hundreds of names of citizens across Canada.

Whether it is Chatham, Ridgetown, London, Belle River, Windsor, Duncan, B.C., Cobble Hill, Ladysmith, Tecumseh, Belleville, Toronto, et cetera, these parents ask the House of Commons to create affordable, high quality child care spaces, adopt a Canada child care act and ensure the Canada universal child tax benefit would not be taxable and have it delivered under the child tax benefit.

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, like the two members before me, I too have a petition calling upon the government: first, provide provinces and territories with annual funds of at least $1.2 billion to build a high quality, accessible, affordable community-based child care system; and second, to ensure fair and effective income support programs for Canadian families.

The petition is signed by over 50 of my constituents and represents their desire to see the Government of Canada reinstitute the previous government's plans with respect to a child care agreement.

Mr. Ken Boshcoff (Thunder Bay—Rainy River, Lib.): Mr. Speaker, I also present a petition, containing several dozen pages, with regard to early learning and care. People continue to sign the petition now that they know what the serious implications of losing the program are in the province of Ontario.

[*Translation*]

WILBERT COFFIN

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Mr. Speaker, I have the honour to present another petition from the people in the riding of Gaspésie—Îles-de-la-Madeleine. This petition of approximately 1,000 signatures concerns a very important matter. It is asking the federal justice minister to push for a judicial review in the matter of Wilbert Coffin who was sentenced to death in 1954 and hanged on February 10, 1956.

[*English*]

CHILD CARE

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, I present on behalf of the people of Cape Breton—Canso a petition that has been echoed in this chamber, evidenced by a number of similar petitions that have been presented. It is with respect to the cancellation of the agreements struck across the country for the benefit of young families in early education and child care.

The petitioners call upon the government to honour the agreement that was struck between the Government of Canada and the Government of Nova Scotia on early learning and child care.

The petition is signed by a great number of residents from Cape Breton—Canso who are very concerned about the cancellation of that agreement.

* * *

QUESTIONS ON THE ORDER PAPER

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I ask that all questions be allowed to stand.

The Speaker: Is it agreed?

Some hon. members: Agreed.

* * *

MOTIONS FOR PAPERS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I ask that all Notices of Motions for the Production of Papers be allowed to stand.

Hon. Raymond Chan (Richmond, Lib.): Mr. Speaker, I rise on a point of order. Notice of Motion No. P-7 asks for a document to which the Parliamentary Secretary to the Prime Minister claimed to be referring to in question period almost a month ago. If the parliamentary secretary were telling the truth, the government must have the document at the ready. I cannot understand why the government is not prepared to deal with this matter now.

Mr. Tom Lukiwski: Mr. Speaker, the response we gave originally still stands. I am sorry if I did not catch the hon. member's prelude to his question. If he is referring to the tabling of document question referred to today, I believe the hon. House leader has said that he would produce that document tomorrow.

Points of Order

● (1540)

The Speaker: Is it agreed that all Notices of Motions for the Production of Papers be allowed to stand?

Some hon. members: Agreed.

The Speaker: I wish to inform the House that because of the ministerial statement, government orders will be extended by 14 minutes.

* * *

PRIVATE MEMBERS' BUSINESS

The Speaker: With the indulgence of the House, since we are about to take up private members' business for the first time in this session later this afternoon, and indeed in this Parliament, I wish to make a statement regarding the management of such business, particularly with regard to how it has evolved over the past few years.

In March 2003 the House adopted provisionally a series of new procedures for the conduct of private members' business. I need not go into all the details here except to say that one of the main principles of this reform was that, over the course of a Parliament, each eligible member would have the opportunity to have an item debated and voted upon. These rules have since been made permanent. While it can be argued that such a system creates more opportunities for private members, it is important to note that such possibilities are not limitless. Certain constitutional procedural realities constrain the Speaker and members insofar as legislation is concerned.

[*Translation*]

At the beginning of the last Parliament, on November 18, 2004, I reminded all hon. members about the new procedures governing Private Members' Business and the responsibilities of the Chair in the management of this process. One procedural principle that I underscored in that statement, and in others over the course of the 38th Parliament, concerned the possibility that certain private member's bills may require a royal recommendation.

[*English*]

While it may seem that this preoccupation of the Chair is new, in fact it is grounded in constitutional principles found in the Constitution Act, 1867. The language of section 54 of that act is echoed in Standing Order 79(1), which reads:

> This House shall not adopt or pass any vote, resolution, address or bill for the appropriation of any part of the public revenue, or of any tax or impost, to any purpose that has not been first recommended to the House by a message from the Governor General in the session in which such vote, resolution, address or bill is proposed.

[*Translation*]

Any bill which authorizes the spending of public funds or effects an appropriation of public funds must be accompanied by a message from the Governor General recommending the expenditure to the House. This message, known formally as the royal recommendation, can only be transmitted to the House by a Minister of the Crown.

This provision protects a fundamental element of responsible government. While all spending must be authorized by Parliament, only the Crown, that is to say the government, may initiate requests for funds.

The government is subsequently held accountable for the spending of such funds.

[*English*]

Recent changes in House procedure have resulted in more attention being paid to the royal recommendation. Until a few years ago, a private member could not even introduce a bill which involved spending provisions. Since 1994, such bills may be introduced and considered right up until third reading, on the assumption that a royal recommendation would be provided by a minister. If none is produced by the conclusion of the third reading stage, the Speaker is required to stop proceedings and rule the bill out of order.

The reforms adopted in 2003 have resulted in more private members' bills being votable, thereby increasing the number of bills with the potential to reach the third reading stage. In addition, as members have only one opportunity to sponsor an item over the course of a Parliament, the Chair wishes to provide members with ample opportunity to address possible procedural issues in relation to their bills. For these reasons, a number of new practices have been instituted.

Where it seems likely that a bill may need a royal recommendation, the member who has requested to have it drafted will be informed of that fact by the legislative counsel responsible for drafting the bill. A table officer will also send a letter to advise the member that the bill may require a royal recommendation.

Should the member decide to proceed with the bill and select it for inclusion in the order of precedence, then, at the beginning of the second reading debate, the Speaker will draw to the attention of the House concerns regarding the royal recommendation. Members may then make submissions regarding the royal recommendation and, if necessary, the Chair will return with a definitive ruling later in the legislative process.

[*Translation*]

As is stated in *House of Commons Procedure and Practice* at page 712,

> The Speaker has the duty and responsibility to ensure that the Standing Orders on the royal recommendation as well as the constitutional requirements are upheld. There is no provision under the rules of financial procedure which would permit the Speaker to leave it to the House to decide or to allow the House to do so by unanimous consent.

● (1545)

[*English*]

There are a number of bills on the order of precedence which cause the Chair some concern. At first glance, certain provisions of these bills raise questions about the need for a royal recommendation.

These bills are as follows: Bill C-292, standing in the name of the right hon. member for LaSalle—Émard; Bill C-257, standing in the name of the hon. member for Gatineau; Bill C-293, standing in the name of the hon. member for Scarborough—Guildwood; Bill C-286, standing in the name of the hon. member for Lévis—Bellechasse; Bill C-284, standing in the name of the hon. member for Halifax West; Bill C-278, standing in the name of the hon. member for Sydney—Victoria; Bill C-269, standing in the name of the hon. member for Laurentides—Labelle; Bill C-295, standing in the name of the hon. member for Vancouver Island North; Bill C-303, standing in the name of the hon. member for Victoria; and Bill C-279, standing in the name of the hon. member for Burlington.

[*Translation*]

While these bills cause me concern, I am not prepared at this point to make a definitive ruling on them. As always, the Chair remains open-minded on these questions. If members wish to present arguments as to why they feel these bills do or do not require a royal recommendation, I certainly would be prepared to hear them. I would then return to the House at the appropriate time with a final decision.

[*English*]

In closing, let me say that while I have no doubt that it is my responsibility as Speaker to uphold the requirements of the Standing Orders and exceptionally, in cases such as these, the Constitution, the duty of reviewing private members' bills for spending provisions is an increasingly onerous one. For this reason, I would welcome any suggestions from the House, House leaders or, indeed, from the Standing Committee on Procedure and House Affairs, on how to improve our process in relation to this aspect of the management of private members' business.

I thank all hon. members for their attention.

[*Translation*]

The hon. member for Hochelaga on a point of order.

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I would first like to thank you for calmly and diligently expressing your wish to ensure that all members who introduce a private member's bill can complete the process. However, I must say that during the last session, this question also arose on the floor of the House. We would have appreciated it had your statement suggested a minimum list of criteria.

Would it be unreasonable for a humble servant such as myself to ask the Speaker for a certain number of criteria to serve as reference points? For example, one of your predecessors allowed the former member for Montmorency—Beauport to introduce a bill giving additional powers to the Canada Mortgage and Housing Corporation with respect to a redistribution of funds to the provinces.

Thus, if the Speaker would like to direct us toward a certain number of criteria, it would be appreciated. You said, in fact, that it would not be a question of infringing upon the right of any member of this House to table a private member's bill, especially since it has taken so long to get this process going. If you could possibly give us any clarification in terms of guidelines, reference points and criteria, we would be most grateful.

The Speaker: It would certainly be a pleasure for the Speaker to deliver another statement to the House on this matter, but the hon. member knows full well that there is a list of elements of this kind in Marleau and Montpetit, which I quoted in my ruling today. He can consult this book and he will have many opportunities to consult people who prepare bills for presentation in the House because he is well aware of the rules on this. The hon. member could be advised of the problems with his bill or the wording therein that might cause some problems with the Chair later.

I can certainly consider the idea of making a presentation, but there is truly only one principle and I quoted it in my ruling. I have it here in English; I am referring to Standing Order 79(1), which reads as follows:

● (1550)

[*English*]

> This House shall not adopt or pass any vote, resolution, address or bill for the appropriation of any part of the public revenue, or of any tax or impost, to any purpose that has not been first recommended to the House by a message from the Governor General in the session in which such vote, resolution, address or bill is proposed.

[*Translation*]

I think that is the important point. Perhaps we could create a list, but the standing orders are quite clear to me. It is simply a question of determining whether a bill or motion proposes spending any money and, if so, a royal recommendation is needed before passing it in the House.

[*English*]

Is the hon. member for Mississauga South rising on the same point?

Mr. Paul Szabo (Mississauga South, Lib.): Yes, Mr. Speaker, and I want to thank the Speaker for reminding the House of this matter.

It causes me some concern. I think the member who just spoke has raised some interesting points with regard to criteria and guidelines. I would suspect that a number of members are not familiar with what basis, rules, criteria or timelines they have with regard to arguing a case in terms of whether a royal recommendation is required.

Further, Mr. Speaker, as you pointed out, there is only one opportunity in a Parliament for a member of Parliament to do a private member's bill. Many members find themselves in a position where, because of the draw, they find themselves on the order of precedence and have already had to select a bill. By the time they get this letter, they may find themselves with a bill that in fact will not be votable and unfortunately puts them in an adverse circumstance relative to those who are not on the order paper at the time.

Consequently, I wonder if there would be unanimous consent of the House to have the matter covered by your statement today referred to the procedure and House affairs committee to address the questions that have been raised by the member for Hochelaga—Maisonneuve and by me.

Some hon. members: Yes.

Some hon. members: No.

The Speaker: It does not appear that there is consent, but hon. members can appear before the procedure and House affairs committee at their whim and ask the committee to consider matters at this time and come back with a report to the House at the committee's leisure. We know the procedure and House affairs committee is a particularly industrious group of members and "at their leisure" is often very quickly. I have a feeling that we may hear from them, if necessary. I have suggested the same thing in the statement I just gave the House.

[*Translation*]

The hon. member for Hochelaga has the floor again.

Mr. Réal Ménard: Mr. Speaker, did I understand correctly that the list you gave of the bills that cause you some concern included the bill presented by our colleague from Gatineau? Is that a mistake, or does it relate to an anti-scab provision? I do not understand, because this is a bill that has been introduced several times. However, I may have misunderstood. Are you concerned about that bill?

The Speaker: I merely said that in my opinion, there are potential problems with these bills. I invited members who are wondering about this or who are asking for a ruling from the Speaker on this question to speak up before third reading. As the hon. member well knows, there can be debate at second reading, in committee and at the report stage. However, at third reading, if spending is proposed and, in my opinion, the bills do not meet the requirements of rule 79.1, they may not be voted on in this House.

The hon. member for Hochelaga has the floor once again.

Mr. Réal Ménard: Mr. Speaker, I do not want to waste the time of this House, but I would like to understand this better. The bill in question adds provisions to the Labour Code. It has been introduced and debated in this House on several occasions already. In strictly parliamentary terms, it would be difficult to understand why it was acceptable in the past and now is not, when its content is virtually identical. Can you provide us with some further explanation on that point?

The Speaker: Yes, the difficulty is very clearly explained in the ruling I gave the House on this entire matter. There is a procedure in place. Bills may be introduced in the House and they may be debated, but a ruling will be given only once they reach third reading. I am sure that the bill to which the hon. member refers has not been voted on at third reading. That is the important thing. Votes may be held before that, but it is only at that stage that there will be a problem.

I encourage the hon. member, and all other hon. members, to read the Speaker's ruling that I have just given here, in the House, so that he understands it better, because I realize that it is somewhat technical.

GOVERNMENT ORDERS

● (1555)

[*Translation*]

CRIMINAL CODE

The House resumed from May 29 consideration of the motion that Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment) be read the second time and referred to a committee.

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I am pleased to rise in connection with Bill C-9, introduced by the Minister of Justice in April as part of the government's so-called reform of criminal justice. Let me speak frankly; this bill has a very clearly avowed objective, which is to shift our justice system to the right.

What is even more worrying—and this will definitely not be the last time I have occasion to say so in this House—is that the government has an ideological approach to justice that can in no way be supported by statistics, rigour or documented analysis.

Furthermore, when the Minister of Justice, a former attorney general in his province, Manitoba, appeared before our committee to defend his interim supply, I had an opportunity to ask him a few questions about conditional sentences and sentencing in general. I have to say I did not get my intellectual fill. In fact, I was left hungry for answers.

What is it about? Bill C-9 wants to limit the use of conditional sentences. It would mean that all crimes—the crimes, not the people being sentenced—punishable by 10 years in prison... Since I have the privilege of addressing this House for 20 minutes—and this will go by very quickly as the member for Longueuil—Pierre-Boucher knows—I will have a chance to say more about the details of offences punishable by more than 10 years.

Let us begin with some background. I do not wish to revive bad memories for the House, but it was the former Minister of Justice, Allan Rock, today a diplomat and spokesperson for Canada at the United Nations, who introduced a bill in 1996. At that time, I had been in this House for three years, since I was elected in 1993.

Actually, in 1996, the government and various organizations responsible for law enforcement realized that Canada was one of the countries that had most recourse to imprisonment. Of course, the U.S. was also among these countries. We know that the prison population in the U.S. is about 700 per 100,000 inhabitants. Canada's prison population at that time was about 133 or 134, and then dropped to 123 or 122, depending on the year. As we know, the U.S. does not hesitate to resort to imprisonment.

In 1996 therefore, Allan Rock, Minister of Justice and Solicitor General, tabled a bill to allow an alternative to imprisonment. It provided for the possibility of conditional sentences in certain circumstances: for crimes punishable by less than two years in prison, for individuals who did not pose any danger to society, and in cases in which there was no minimum sentence.

I repeat this because I have often heard analysts and journalists say that conditional sentences were always totally discretionary. That is not true. Our fellow citizens and parliamentary colleagues must know that when a judge wants to impose a sentence to be served in the community, certain criteria must be met. I remind the House because it is important to be aware of them: the offender must be guilty of an offence for which there is no minimum sentence, it is a crime punishable by less than two years in prison, and of course, there cannot be any threat to public safety. It is a question of secure communities. The judge must be convinced that accused who serve their sentences in the community do not pose any danger.

● (1600)

Finally—and this is important—according to section 718 of the Criminal Code, the judge must be convinced that a conditional sentence is consistent with the principle that sentences must be proportionate.

I say again and hope I do not have to repeat it: everything pertaining to sentencing is related to section 718 of the Criminal Code. There is still the proportionality principle. Obviously, if there is a petty thief and a first-degree murderer, it is expected that they will be sentenced accordingly. This is the very basis of our criminal justice system.

Conditional sentences of imprisonment are not discretionary. They were first proposed by the justice minister at the time, Mr. Allan Rock. They appeared at a time when too many people were being jailed. According to the statistics for 1996 and previous years, 50% of these people were imprisoned because they did not pay their fines. The social question that arises is: how much does it cost society to send someone to jail? I have a few statistics here that I will discuss a little later, although I will not keep members waiting long because I know how interested everyone is in these matters.

In 2002-03, what was the average annual cost of incarcerating an inmate in a provincial institution? We must remember that a sentence of two years or less is served in a provincial institution, while a sentence of two years or more is served in a federal institution. What was the average annual cost to incarcerate an inmate in a provincial institution? Do my colleagues have an idea?

An hon. member: $75,000.

Mr. Réal Ménard: The hon. member for Trois-Rivières says $75,000. She is not very far off. The cost is $51,450.

Conversely, what is the cost to society when an offender or accused person is on mandatory supervision in the community? That costs the government $1,792.

In debating these matters, it is important to keep safety imperatives in mind. No one wants people released into our communities who might pose a threat. There is a consensus on this. However, we realize that there is a very big difference here.

In 1996, the following question was asked: how can we adopt and implement custodial alternatives which help relieve the congestion in our prisons while curtailing the offender's freedom? Canada was one of the western countries that made the most use of incarceration, particularly for unpaid fines.

Still, one can acknowledge that there was a degree of defensible rationality to this alternative to imprisonment. I repeat—it is not easy to be constantly repeating the same thing, but it is necessary for educational purposes—that conditional sentences of imprisonment apply to terms of under two years.

The problem with the minister's bill, which in any case is a very bad bill, is that the minister is still under the illusion that this bill is going to be passed in committee in speedy and expeditious fashion. I must regretfully inform you that, in committee, all the necessary questions will be asked and all the necessary witnesses will be called. There will be no question of acting in haste, which would be alien to our duty of thorough investigation and analysis, a duty which the Bloc has never shirked.

The bill is being proposed by the Minister of Justice, a man with an ideological bent and a friend whom I respect because he is motivated to serve. However, we shall not let the Minister of Justice don the garb and shoes of George W. Bush, as if there were no difference between Canadian society, Quebec society and the United States.

● (1605)

This idea that the principle of conditional sentencing has to be restricted was imported from the United States. The minister seems to want to follow the same line as the Americans, and he thinks that what is good for them is good for Canadians or for Quebeckers. I think he is wrong.

Let us not get off topic and get away from what the bill proposes. Clearly, just because an offence carries a 10-year prison term under the Criminal Code, that does not mean that the sentencing judge—or the jury in the case of a jury trial—will sentence the offender to 10 years. This is obvious. But the minister's bill will mean that a conditional sentence cannot be imposed for any Criminal Code offence that carries a 10-year prison term.

Clearly, this does not pose a problem for the worst crimes, the most horrible or heinous offences. I am the last person who would be soft on someone who committed criminal negligence causing bodily harm. We understand that that is an act that carries a very serious consequence, although we believe in the principle of rehabilitation, of course.

What does pose a problem is that, without making any distinction, the minister took or had his officials take the list of offences punishable by more than 10 years in prison and, in every single case, without any sort of qualification, said that there would be no more conditional sentences. I have some examples. Theft of $5,000 is deplorable, of course. People should not steal from their neighbours. Nonetheless, we cannot say that someone who has committed theft is, by definition, a threat to people's safety and that a conditional sentence is never warranted.

We understand that cattle rustling is problematic too, especially for ranchers, whose livelihood is affected. But can we equate this with an offence causing bodily harm or this type of crime? I do not think so. We could also talk about unauthorized computer use, mail theft or things like that.

What bothers me about this bill is its lack of nuance. This is probably its most dreadful flaw, and it is consistent with the government's ideology. It is as if the government did not trust the judiciary, those elevated to the rank of judge. The golden rule in administering justice should always be to individualize the sentence. Who better than the judges, or juries in trials by jury, can appreciate the evidence and sequence of events and determine what took place?

Are studies available? In the amicable tone I am known for, when the minister was in front of me at the Standing Committee on Justice, I asked him whether his department had any studies suggesting that judges were not handing down appropriate sentences or that they abused conditional sentencing. I asked where this attitude of suspicion toward the judiciary came from. I must say that the minister was not particularly eloquent; in fact, he did very poorly. I mean no disrespect, but he was incredibly boring. All in all, he said nothing. I cannot understand that a bill as essential to the administration of justice as this one has been put forward without some well-documented and scientifically sound studies to support it.

Should it be demonstrated to us when the bill is considered—and I am sure that the hon. member for Châteauguay—Saint-Constant will work with me with a similar mindset, because we in the Bloc are not dogmatic—that the use of conditional sentences has become excessively widespread, we will be prepared to reconsider. This does not appear to be the case, however.

In fact, when I met with senior public servants, I was rather surprised to hear some of the things they had to say. As for as sentencing goes, conditional sentences—where time is served in the community—come with conditions, as their name suggests.

● (1610)

Quite often one of the conditions is to be at home. This was established by the Supreme Court.

This is punishment and loss of liberty we are talking about.

Again, it seems easy to understand why this is not an option for the most heinous crimes. Nonetheless, it is this generalization of the 10-year rule that scares us.

In the administration of justice, the use of conditional sentencing is quite limited. During the years being considered, it seems that 5% to 10% of the people who ended up in court had to serve their sentence in the community.

I will give you some statistics that I got from the deputy ministers when I spoke with them at the briefing session we attended when the bill was tabled. The deputy ministers said, "The most recent statistics estimate that roughly a third of the 15,493 conditional sentences in 2003-04 could not have been handed down could not have been handed down if there were 10-year maximum terms of imprisonment".

I understand that more recent data was not available.

We see that it is limited, but the bill is still quite worrisome, especially since Quebec's public safety minister, Mr. Dupuis, member for Saint-Laurent and deputy premier of Quebec was worried about the bill. If we do not allow the use of conditional sentences for people who are sentenced to at least two years, where will they end up? They will end up in Quebec's penitentiaries and prisons.

Has anyone asked the minister about this? Does his department have enough money to transfer to the provinces to fulfill this new obligation? Of course not.

We are quite worried. Allow me to say they will be long in getting this bill. We will call in witnesses, we will ask questions and we will do a thorough job of it because there is a limit to accepting ideological debates. We all have ideologies in this House, but when ideologies supersede responsibility and bills are tabled that are not backed by studies, we have to wonder.

In short, I will have the opportunity to talk about Bill C-10 when it arrives. I spent my summer reading up on sentencing. I would like to thank my leader for making me responsible for justice issues. I have read the literature on sentencing; there are no Canadian studies showing a correlation between sentencing and deterrence.

We know quite well that the sentence is not as great a deterrent as the fear of being caught.

The member for Marc-Aurèle-Fortin is an individual whom I consult on a regular basis as a former justice minister. I have discussed this matter with him and he has confirmed my convictions: we were of like minds on this issue. It is always reassuring to know that I share the beliefs of the member for Marc-Aurèle-Fortin in matters of justice.

In the minute remaining, I would like to conclude with the following four statements: this is a bad bill; it is a bill that is not well thought out; the minister cannot don the garb and shoes of George W. Bush without being accountable to this House for the consequences of Bill C-9; the Government of Quebec is not in agreement with this bill nor are those who believe in social rehabilitation.

I invite all colleagues in this House to reject this bill. I believe that we must continue to advocate, when warranted, for placing our trust in the judiciary, in the judges who are in the best position to decide the sentence. Nothing would make me happier than to have this bill defeated.

● (1615)

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, first, I tip my hat to the members from Quebec for the Memorial Cup win by the Quebec Remparts. I would point out, however, that their goalie comes from New Brunswick.

I thank the members for their comments. I believe that the government has another goal in mind in introducing this bill. It is not motivated by justice, as the member said. I believe that there is a political goal. The John Howard Society—which is not an admiration society for the Prime Minister of Australia, but another society by the same name—has denounced this bill. In the press, it said that a political party like the Conservative Party was pursuing a political goal by giving the public the impression that there has been an increase in crime. And that is not the case.

I would like to know whether the member believes that this may be the government's motive.

Mr. Réal Ménard: Mr. Speaker, on behalf of my colleague, the member for Québec, and all members in this House, I am pleased to accept the good wishes of our colleague for the extraordinary win by the Remparts. We know that it was not easy. In the circumstances, one might have hoped that this would be contagious, and would be caught by the Montreal Canadiens. But that is all in the past now.

The member is correct. There is something extremely wrong—is that parliamentary language? I am of course using it without implying any malice. But there is indeed something very wrong with this bill, because it is guided by ideology. It is not based on meaningful and conclusive data.

That is why it is important that we be able to deal with it in more detail in committee. The member talked about the John Howard Society, and I know that there are other groups that want to appear before the committee. It is very important that we provide a forum for these people to speak. Once again, I would call attention to this idea that the criminal justice system must be modeled on what is done in the United States, without giving it any further thought, and without understanding what kind of society American society is and what impact that has on incarceration rates.

Our colleague is well advised to share our concern. I know that we will be able to work together on this matter in committee.

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, I would like to congratulate my colleague from Hochelaga for his very clear speech.

I would just like to ask him the following question: Does he know, or has he considered what will happen the day we have to incarcerate more people, more youths and more women? Why more women? Allow me to explain.

In my former life—I have been around for a while—I was an architect and I designed prisons. At the time, there was no talk of remission of sentence. Judges offered convicted individuals the option of serving their time on weekends only, so that women in particular could stay home and look after their children during the week.

Then what happened? We had to create huge spaces, almost as big as this one, to house all of the people who served their time on weekends. This way of doing things was very costly for prisons, because the facilities were not used during the week.

Will the hon. member for Hochelaga share his thoughts on the relationships youths and women establish and maintain in prison? We know how and where groups of friends develop. I would like to know whether he thinks that in this type of situation, groups of friends develop that are not necessarily desirable.

● (1620)

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I thank my colleague for sharing this with us and for his very good question, which brings me to the following two comments: first of all, the member seems to be asking whether prison itself is not a good school for crime. Clearly, those who proposed in 1996 that sentences be served in the community had concerns similar to those described by the Bloc member for Brome—Missisquoi, which will remain a Bloc Québécois riding.

Furthermore, there are others, such as Professor Marie-Ève Sylvestre at the University of Ottawa who is doing her doctoral thesis on such matters. Who ends up in prison? Often, it is the most marginalized groups. Unfortunately, aboriginals are often over-represented in prison compared to their numbers in the general population. This is also true for the less privileged.

The member is entirely right to say that, apart from this general use of incarceration, there are social concerns that must be considered before adopting bills such as the one proposed by the Conservative government.

[*English*]

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I will be splitting my time with the member for Moncton—Riverview—Dieppe.

The previous speaker, the member for Hochelaga, hit the nail on the head when he said that the bill was based more on ideology than on facts. I think that is to be expected from the government with the orders coming out of the PMO, from one individual, and, as we have seen, the facts do not get in the way of a good story.

It is pretty dangerous to play politics with the criminal justice system and the impact that can have on society, which is what we are seeing from across the way, exaggerating or even talking about facts that really are not facts at all.

The bill seeks to amend the Criminal Code of Canada by mandating that a conditional sentence no longer will be an option for anyone convicted of an offence prosecuted by indictment that carries a maximum prison sentence of 10 years or more.

We in the Liberal Party take the safety and security of Canadian communities very seriously, which is why we introduced Bill C-70 in the last Parliament to address their concerns. Our bill focused on preventing those who were convicted of crimes causing serious personal injury from receiving conditional sentences.

We do not believe this Parliament should play politics with the Criminal Code. We want to see a balanced approach that does not create unnecessary hardship or expense where it is not warranted. Our critics will certainly be proposing constructive amendments at committee when that opportunity comes forward.

Conditional sentencing does have a role and an important role. Society must have a balance. Individuals who commit crimes must pay the full penalty for the crime but we must also give the best opportunity for rehabilitation while redressing the consequences of those crimes and the cost to Canadian society. However, Bill C-9, in my opinion, casts that net far too wide.

As a former solicitor general, I have had the opportunity to visit a lot of prisons and halfway houses. I have looked fairly constructively at conditional sentencing. When we compare our system to the American system, I sincerely believe our system is better because it has moved more toward reducing crime than the American system. Bill C-9 would move us in a direction of Americanizing our system.

Barb Hill, the director of policy with the John Howard Society, said that the bill would restrict the use of conditional sentencing. I am sure no one in this House would disagree with that. She also said:

> The 10-year maximum cutoff includes "the vast majority" of all crimes in the Criminal Code.

She goes on to say:

> (Conditional sentencing) has been working. It is an alternative. It does work. It is targeted at relatively low-risk people.
>
> Incarceration does not work. We have to get Canadians off that mindset that the only way we can manage offenders is to put them in jail. That may be the worse thing we can do for many offenders. You're going to make them worse. It is really going to increase the likelihood of reoffending.

She went on to say:

> We are supportive of those things that are alternatives to incarceration and allow people who can be safely managed in the community to remain in the community.
>
> Conditional sentences permit offenders to continue with their jobs and provide for their families.

She concludes by saying:

> Jail is not effective. In some cases it is the opposite of being effective.

● (1625)

The government's strategy, though, is to put forward a position that is not evidence based. The previous speaker said that when the minister was before the committee no analysis and no facts were brought forward to justify the government's position. When the Minister of Justice was in opposition, we heard some of his outrageous statements relating to crime. Let me say to the government and the Minister of Justice that they are in government now, and in a democracy, government is called responsible government for a reason.

In terms of the decisions and proposals being put forward by the minister, they need to be put forward in a responsible way. It is part of the conditions of being in government. Good policies must be based on fact and on evidence. They should not be based on a perception that is out in the general community. Good policy, then, has to be based on good facts.

As we saw during the election, government members tend to try to scare people on the crime issue and exploit the latest headlines. Yes, crime is a very serious matter and, especially for those people who are affected personally, it is an emotional issue, but on issues like this when we are dealing with the justice system, it must be based on good analysis. What is needed is good analysis. What we need are decisions that are based on facts. The government has not brought that analysis forward.

As I said a moment ago, I believe Bills C-9 and C-10 are somewhat of an Americanization of the Canadian justice system. I do not believe that is appropriate. Let us look at Canada and the United States. Which do members think has a higher rate of crime? I do not think there is anyone who would not say that it is the United States. That is where the crime rate is higher.

Let us look at the incarceration rate in Canada under our criminal justice system. Two years ago, it was about 107 per 100,000, whereas in the U.S. it is around 600. What it clearly shows is that building more jails, throwing people in jail and forgetting about the rehabilitation of those individuals so that they can contribute to society in a positive way, is not the answer, but this is the approach that the government opposite is taking.

Conditional sentencing is not easy time. I would like to refer to what our justice critic said earlier, and I think these points need to be reinforced:

> In almost all the cases, the conditional sentence orders contain restrictive conditions of a house arrest and/or curfew, often both; often community service; mandatory treatment and counselling; and often other conditions are tailored into the sentence and can be very effective in preventing repeat offences while still having the person exist safely inside the community with the deterrence of having the house arrest, et cetera. It is not about being hard or soft on crime. It is about a sense of effective, just sentencing in Canada for those who go outside our law.

This is the approach that I think we have to take overall.

It will be really important at committee to have witnesses come forward. We certainly will be supporting the bill going to committee. It will be very important for witnesses to come forward to talk about the analysis that has been done and the facts that are out there. The bottom line is that building more prisons is not going to lessen the crimes, and this bill places the net very much too wide.

● (1630)

It would be far better to spend money on policing and on crime prevention. That is the best way to prevent crime. The best way is to have the police forces out there, have the crime prevention policies in place and deal with rehabilitation in terms of individuals who have gone astray. That way, we build a social and economic base in our society in order to continue to prosper as a nation. I believe this bill does not cut it in terms of us getting there. It will have to be changed at committee.

Mr. Anthony Rota (Nipissing—Timiskaming, Lib.): Mr. Speaker, as I was listening to the hon. member, I noted that a lot of the points he brings up are awfully good. They make a lot of sense and they are very logical. When we look at this, we wonder what we want to do with people who have done something wrong. Do we want to punish them or do we want to rehabilitate them?

It seems that the party opposite is more interested in retribution than it is in rehabilitation. Locking someone up is not exactly the ideal way of helping them get out of their situations.

I have a question for the hon. member, who alluded to a couple of differences. For example, let us look at what is going on in U.S. states that have adopted a "three strikes and you're out" policy, which is very similar to what the party opposite wants to look at, where people are just thrown in jail and warehoused. Warehousing human beings does not rehabilitate them.

How does that compare to what our friends on the other side, the Conservatives, want to do to our society and our people who are having trouble and causing some problems?

Hon. Wayne Easter: Mr. Speaker, in response to the question on punishment and rehabilitation, certainly what is required is a combination of both, but the member talked about the system in the United States, in states that do have a policy of three strikes and the people are out. Sometimes that third strike is based on petty crime.

In my remarks, I spoke about having the opportunity, as a former solicitor general, to look at our system closely and to see the prisons. The party opposite used to talk about "club fed" in terms of our jail system. When we look at the jails and prisons in this country, we see no club feds in our jail system.

Also, let us look at the work of the John Howard Society and some of those NGOs that are working with people who have fallen on hard times in life and who, not necessarily all through their own fault, did in fact get into crime. These groups work with those individuals. They can rehabilitate them. They can make them productive individuals. They can give them an opportunity in life again.

That is what our criminal justice system should be all about. Let us give them an opportunity. Yes, they have to pay a penalty for the crime, but we need to give them the opportunity to be productive members of society again. That is what our system has, which the American system really does not have to any great extent. I think that is why our system is much better.

However, the party opposite is talking about the latest crime statistics, looking at the latest sensationalized issues and avoiding doing the analysis. It really is playing politics with a system that we should not play politics with.

● (1635)

[*Translation*]

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, first of all, let me say that Canada's judiciary is under attack.

[*English*]

The new sheriff and his deputy, the Minister of Justice, rode into town and in a few short months have insulted, or have allowed their posse to insult, the Chief Justice of Canada. They infer that she felt her direction came from God, when everyone knows that it is the Conservative Party that takes its advice from God, or so those members would see it.

They publicly and privately accuse judges and justice officials of being liberal and unworthy.

They have just rejected an arm's length committee report on long overdue judicial remuneration.

Finally, they have introduced legislation like this, which is aimed at taking away judicial discretion and making judges readers of meat chart sentencing tables, disregarding the time-honoured legal principle that cases do not stand for grand propositions, but turn neatly on their facts.

[*Translation*]

Each case is different and our judges have the tools required for dealing with each one of them.

As a rule, judges are nominated following a rigorous process, involving committees comprising presidents of bar associations, chief justices and attorneys general of the provinces.

[*English*]

Before that, there is a rigorous peer review process. Most members of the House will agree this was the case with respect to Justice Rothstein. If so for him, why this attack on the integrity, humility, remuneration and, above all, discretion of our federal judges? It is a question I cannot answer.

I can say that the assault on conditional sentencing is a piece of that puzzle. I can agree with parts of the bill but not others. Coupled with reforms to mandatory minimums, street racing minimums and amnesty for illegal gun owners, this is a general attitude of contempt for justice shown by the Conservative Party.

The point is that law reform and the Criminal Code itself, which I admit was written by a very good Conservative Prime Minister, Sir John Thompson, who has since passed away, are organic processes adapting to times changing and the different instruments that work to keep our society safe. They are always however under the guiding hand in the trenches of our judges, prosecutors, probation officers, defence lawyers and the whole legal team.

It is important to underline that we have a safe society. From 1994 to 2004 the crime rate fell by 12%. It is the perception that has changed. The media sensationalizes crime and, following an American trend, politicians pander to the fear that crime brings in the community.

The problem is, as the Liberal leader said the other day in the House, that Conservative legislation lately seems like it is written on the back of napkins and railroaded through the House. Bill C-9 is one such case. Let me illustrate how.

[*Translation*]

The current system of conditional sentencing was adopted in response to criticisms that Canada was imprisoning too many of its citizens.

It was thought that too large a share of taxpayers' money was going to prisons, when the funds could have been spent on constructive crime prevention programs.

Conditional sentencing is one important aspect of sentencing. This type of sentence plays a major role in the rehabilitation and social reintegration of offenders. Unfortunately, the money saved by reducing the number of prison sentences was not reallocated to enough programs. For example, there is a clear need for additional money to increase the number of officers who supervise conditional sentences.

Conditional sentences obviously require supervision. People serving conditional sentences are in our communities. So, supervision is required. The sad reality is that the resources of the people who supervise this type of sentence are strained to the limit.

● (1640)

[*English*]

The program was good; the delivery was not. In the Moncton area, for example, there is one full time supervisor for all conditional sentences. He is unable to ensure that everyone who is on a conditional sentence is in fact at the house when they are supposed to be. He cannot do it. It is a matter of resources and federal-provincial relations.

Many of the breaches of conditional sentences actually happen because the people are out doing other crimes and the supervisor is informed that the crime happened. The supervisor in the Moncton area does have assistance. The provincial jail helps out and calls for compliance. Unfortunately, after one contact is made, the offender will often breach knowing that his number came up and that he is free to go that night.

The largest pitfall, however, with conditional sentences has been the perception from the general public that offenders are not being punished for their criminal actions. This is particularly true of offenders who have committed offences of violence or serious breaches of trust.

[*Translation*]

When the Criminal Code was amended to include conditional sentences, no offences were excluded.

What had to be determined was whether a person found guilty of an offence was liable to a minimum prison term. If not, the person could receive a conditional sentence as long as the sentence was less than two years.

[*English*]

Prior to these amendments, a person in New Brunswick convicted of dangerous driving causing death or impaired driving causing death would likely receive 6 to 18 months. Since the amendments, a person in New Brunswick is likely to receive a conditional sentence. That does not seem right.

Initially, public prosecutions opposed such granting of conditional sentences. However, following the Supreme Court of Canada decision in Proulx, it became clear that unless specifically exempted, a conditional sentence was available for any offence.

The public is losing confidence in the administration of justice in the area of sexual assaults. Offenders are receiving jail time for offences against children and for violent sexual assaults, but many are receiving conditional sentences as well.

[*Translation*]

The question now is how to achieve the legitimate goals of the sentencing process while preserving the integrity of the judicial system in the eyes of Canadians.

Bill C-9 is one of the attempts to answer the question. In response to the criticisms of the conditional sentencing system and in view of the fact that the public is demanding more restrictive use of this sort of sentence, the solution seems to be to get rid of conditional sentences for all offences punishable by indictment that incur a sentence of ten years or more.

[*English*]

Including all such offences will not work. This will not bring back the public's confidence. First and foremost the amendment is overreaching. The purpose of conditional sentences was to deal more effectively with non-violent offenders.

Take the case of financial crime offenders. If they were going to jail before, they were not able to make restitution to their victims. A conditional sentence regime works well and is not against the public interest.

Under the regime of Bill C-9, in the haste to get it passed, this will not be the case. There will not be a chance for restitution to widows, orphans and pensioner funds.

The amendment causes hardship for other victims and such is the case with sex offences. At present, a sex offender may receive a conditional sentence. This is not well received by the public. Bill C-9 does not respond to this. The perfect example is the case of summary sexual assault. For those members who are not lawyers and do not know lawyers, the victim of a sexual assault does not like to go through the process of a preliminary inquiry which is entailed in the indictment process.

That is what these victims are put through if there is no redress for it at committee. One factor is the expected sentence. We cannot fault prosecutors for choosing their venue to get a conviction if they have a victim of a sexual assault who is afraid to go both to the preliminary inquiry and to the trial. Nonetheless, if the offender should receive a jail term the Crown could proceed by indictment therefore taxing the resources and again putting the victim through the double peril. Historical sexual offences will also fall outside the scope of Bill C-9.

In conclusion, the only method to ensure the integrity of the conditional sentence regime would be to amend it, to take the time to examine it and amend it. In such a manner public confidence would be maintained and would allow for a greater flexibility in the laying of accusations. The bill is hasty and will not fix the problems. It misses some problems and creates new ones. We will be revisiting the bill at committee and in the future. The sheriff, the deputy and the posse did not hit the bull's eye this time.

● (1645)

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I would like to congratulate our colleague on his brilliant speech. I have two questions for him.

Did he get a chance to read the 2000 Supreme Court decision in the Proulx case, suggesting that there should be guidelines governing the whole area of conditional sentences? Could he tell this House whether he believes that conditional sentencing really promotes social rehabilitation? Could he share his thoughts on the matter with us?

Mr. Brian Murphy: First, Mr. Speaker, I want to thank the hon. member for his questions. I did read the decision rendered in the Proulx case. I know that this was a good decision. I do not totally agree with it because, of course, there is still a problem with certain aspects that would not be covered by the decision and amendments made prior to it.

I agree that the sentencing principle reviewed in that decision is clear and accurate. Conditional sentencing is a good system. It should not be thrown out entirely. It should be reviewed and amended so that we can have a conditional sentencing system that works for the communities. I totally agree with the hon. member, and I thank him for his questions.

[*English*]

Hon. Raymond Simard (Saint Boniface, Lib.): Mr. Speaker, I have been listening attentively to my colleague. There is a perception and reality when it comes to crime, and members opposite have been trying to convince Canadians that crime has actually increased in Canada over the last number of years.

I would like to ask my colleague from Moncton whether or not that is a reality? The reality is that over the last 10 years crime has actually diminished considerably. Maybe he could—

Mr. Dave Batters: Why ask him if you already know?

Hon. Raymond Simard: I would like him to clear it up for the member's information because it is very important that colleagues on the other side do not misinform Canadians about what is really happening with respect to crime during the last period of time.

Mr. Brian Murphy: Mr. Speaker, clearly, the evidence shows that crime is down 12% from 1994 to 2004. What has changed, however, and all of us on all sides of the House join in this regard, is that in many quarters the perception of the crime rate has changed. As I mentioned, in a somewhat partisan fashion, parties and politicians will exploit criminality.

Maybe all sides of the House could agree that the media sensationalizes crime. I think that is very true. It sensationalizes almost everything. That is another factor why crime is, in its appearance, on the rise.

I invite members to read the material from the John Howard Society. It is a habit of the Conservatives to pass a bill and then read the underlining material, but it is always good to read the material before passing a bill. That is the way we did it in law school. It is kind of the Maritime way.

I recommend members read this article in the John Howard brief. On page six of the brief, it is very clear that the perception is being run by political fearmongers, some of whom are on the other side even though there are many reasonable members on that side. The perception is also being run by the media. We have to combat that and deal with the statistics. We have to insert into the organic Criminal Code what will work to keep our society safe.

Mandatory minimums and conditional sentences are nothing new. They are Liberal policy. I have already conceded that the Criminal Code was a Conservative project from Sir John Thompson's time. Let us work together in committee and make this work. Let us review it and make it sensible for the coming generation.

● (1650)

[*Translation*]

The Deputy Speaker: Before moving to the next speaker, it is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, Price of gasoline; the hon. member for Don Valley East, Equalization payments; the hon. member for Skeena—Bulkley Valley, The Environment.

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): Mr. Speaker, I am pleased to join my colleagues in the debate on second reading of Bill C-9, which amends the conditional sentence provisions of the Criminal Code.

The Minister of Justice presented his bill in this House on May 4. Since this legislation was introduced, we have heard an impressive number of negative comments directed to the minister and the Conservative government. In fact, there is every indication that the government is going it alone, in what can only be described as a crusade whose true roots can be found in the Conservative Party's populist approach.

The Conservative ideology is based on the law and order mindset that characterizes a particular fringe element of Canadian society, especially out west. The Conservative Party is pushing a tough and extremely harsh approach to crime and punishment, and along that way it has rejected the principles of rehabilitation of offenders and alternatives to imprisonment.

Let us be clear: the Bloc does not advocate emptying the prisons or using imprisonment only for dangerous criminals; far from it. But a balance must be struck between the harshness of the sentence imposed and the seriousness of the offence, the risk of recidivism and public safety. This is where the impact of enacting the Conservative bill would be felt the most.

To be as clear as possible, I would note that the objective of the current version of Bill C-9 is to amend section 742.1 of the Criminal Code to provide that conditional sentences may not be imposed for offences prosecuted by way of indictment for which the maximum term of imprisonment is ten years or more. At least, that is what the minister claims.

There are major flaws in this bill that nothing has been said about, and whose consequences go beyond sentencing alone. They will directly affect not only the justice system in its entirety, but also, and most importantly, the prison system as a whole.

At present, section 742.1 of the Criminal Code provides:

> Where a person is convicted of an offence, except an offence that is punishable by a minimum term of imprisonment, and the court (a) imposes a sentence of imprisonment of less than two years, and (b) is satisfied that serving the sentence in the community would not endanger the safety of the community...the court may

In fact, however, that alternative to conventional imprisonment must comply with the purpose and principles set out in sections 718 to 718.2, including denouncing unlawful conduct and deterring the offender and other persons from committing offences. Consideration must be given to separating offenders from society, where necessary, keeping in mind the guiding principle of rehabilitating offenders and providing reparation for harm done to victims or to the community.

For example, expressions of remorse by offenders, or at least a genuine understanding of their responsibility, as expressed, for example, through recognition of the harm they have done to victims and to the community, are other factors that must also be taken into consideration in sentencing.

The court may then order that offenders serve their sentences in the community so that their behaviour may be supervised, provided that they comply with the strict conditions imposed.

The Conservative government wants to make the Criminal Code unnecessarily tough by eliminating the court's option of imposing a conditional sentence of imprisonment. The consequences of that approach are enormous.

We need to realize that the bill sponsored by the justice minister will greatly increase the number of crimes for which judges can no longer impose a conditional sentence. It is ironic that in getting tough on criminals, they are tying the hands of judges who might have decided, in light of all the facts, that this would have been the most appropriate sentence.

With its populist approach for clearly electoral purposes, the Conservative government is taking a dangerous backward step of ten years in our legal system. Conditional sentences were adopted in 1996 as an alternative method of incarceration for adult offenders.

Now, as at that time, the Bloc Québécois believes that it is extremely important for judges to have as broad an array of choices as possible at their disposal in determining appropriate sentences. The Bloc also believes that this approach is most conducive to the successful rehabilitation of offenders while ensuring public safety and the appearance of justice.

Prior to 1996, people found guilty of a criminal offence and sentenced to terms of just a few days were required in all cases to serve their time in prison. The primary objective of conditional sentences was to reduce incarceration and give the courts an alternative.

● (1655)

Since the adoption of conditional sentencing, judges can condemn a person who poses no danger to public safety to serve a sentence that is less than two years in the community.

When imposing a prison sentence, judges must consider the offender's degree of responsibility and the seriousness of the crime. Sentencing is therefore not a simple equation between a certain crime and a certain sentence. A multitude of factors have to be factored in, such as those I just mentioned.

The Bloc Québécois strongly advocates a justice system based on a personalized approach specific to each case in which conditional sentences are an essential option.

To do otherwise by eliminating the ability of judges to pass sentences that involve serving time in the community will impose a gigantic additional financial burden on Quebec and the provinces. If we consider the difficult financial situation that the provinces face and the astronomical cost of detaining offenders, it becomes self-evident that the money spent in this way would be much better used for the purposes of rehabilitation and prevention.

There are at present 15,000 individuals serving a conditional sentence. Those are 15,000 convicted criminals serving their sentence in society because they are considered very low risk, both to re-offend but also and above all for society itself. In other words, these individuals do not have to live, if I can put it that way, in a prison, and so the resulting financial burden is that much less.

In the opinion of Department of Justice officials one third of the 15,000 criminals on a conditional sentence will no longer be eligible for it if the government carries through with Bill C-9.

Imagine for a moment the need to incarcerate 5,000 persons all at once, all over Canada, for variable terms, certainly, but all the same at a time when the prison system is filled to capacity. I dare not even think of the colossal sum that this insane bill of the Conservatives is going to cost.

To satisfy a specific electoral clientele and firm up the support of the militant right-wing rank and file, the Conservative Party is prepared to embark on a legislative and social cul-de-sac, a veritable ideological dead end. The Conservatives' logic is baseless, and even contrary to their general vision of law and justice.

They argue for a toughening of the penal system on the one hand, and on the other they limit the powers of judges to formulate and determine the sentences to be imposed on offenders.

Conditional sentencing is a very attractive alternative for the courts, in that judges can impose a harsh sentence on someone, for example by ordering strict conditions to limit mobility and activities, without filling and overfilling prisons which are already overflowing. And I have not even raised here the issue of deterrence for the bulk of offenders, out of simple fear of possibly ending up in prison amidst a clientele that is rather intimidating, for lack of a better term.

With regard to the conditions that accompany conditional sentences of imprisonment, it is helpful to note that they vary from one person to the next, but are defined according to a mandatory legislative classification, and are discretionary since they are determined by the court. For example, when an offender breaches one of his conditions, he has to appear before the judge again, and if the judge is convinced that the offender has breached a condition with no reasonable excuse, he or she will issue an order for the rest of the sentence to be served behind bars.

Mandatory conditions are those which a judge does not need to record in the conditional sentence order, as they apply in all cases without exception. The other conditions are called "discretionary" since the judge has discretion to include them in the conditional sentence order and to amend them according to the particular situation.

These mandatory conditions include keeping the peace and being of good behaviour, going to court when required, and reporting to a criminal justice system supervisor regularly. The court must also ensure that the offender stays in a specified area by requiring the person to get written permission to travel outside this area. The offender must also tell the criminal justice system supervisor before moving or when changing jobs.

With respect to discretionary conditions, there are, in theory, an infinite number of them because a judge can apply any condition he or she deems reasonable.

However, house arrest and curfews have practically become a given. Courts have ruled that a person receiving a conditional sentence must, in principle, be under house arrest for the duration of the sentence. The judge may allow some exceptions to allow the individual to go to work or to school.

This last element seems to me to be quite sensible, and I am surprised that members of the Conservative Party do not consider it to be more important. It seems that their basic objective is to fill up the prisons with all kinds of criminals, to just put them away regardless of the seriousness of their crimes or even their risk to reoffend.

● (1700)

In closing, I urge my colleagues to reject Bill C-9, which would not only cost a fortune in correctional infrastructure, but would bring take our penal justice system one big step backward.

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, I wish to thank and congratulate my colleague, the member for Châteauguay—Saint-Constant, for her excellent presentation and her very clear speech demonstrating her great talent for everything to do with law and justice.

In her presentation, the member pointed out the populist approach of the Conservative government and its law and order approach. The people in this government are very keen on anything to do with law and order.

My question is for my colleague and concerns correctional officers working at detention centres, who have been without a collective agreement for four years. June 1, that is tomorrow, will mark the fourth anniversary. I don't know who will bring the cake, who will blow—

[*English*]

Mrs. Lynne Yelich: Mr. Speaker, on a point of order. There is no translation right now.

[*Translation*]

The Acting Speaker (Mr. Andrew Scheer): Could the interpreters tell me if the system is working?

It is working.

Will the member continue?

Mrs. Carole Lavallée: Mr. Speaker, I will start again, with your permission. I imagine that the clock has been reset for comments.

I am a bit embarrassed to congratulate my colleague again and repeat my thanks for her very clear speech. I am a bit embarrassed, but I will do it anyway.

There was no simultaneous interpretation, but I had mentioned, and I repeat, that she spoke so clearly because of her experience in and extensive knowledge of legal issues.

I also wanted to draw attention to one of her comments about this Conservative government's populist approach. For a few months, we have all noticed that the government's approach is highly populist and very much geared toward law and order, that is, anything that has to do with legal affairs and rather restrictive legislation.

Correctional officers, who work in detention centres, do extremely difficult work with the inmates in these centres.

Yet as of tomorrow, June 1, the Union of Canadian Correctional Officers will have been without a collective agreement for four years. Four years. They work in extremely difficult conditions, as you can imagine. The more experience they gain, the more stress they have.

Ordinarily, you and I should be less stressed by the work we do as time goes by. That is true of most workers in society. But correctional officers are increasingly stressed, because they know what their work involves. They have difficult working conditions and an inadequate pension. They are asking for a pension equal to 70% of their income after 25 years of service, at 50 years of age.

There is a striking dichotomy between what this government says and what it does with regard to correctional officers.

It is nonetheless surprising that the government wants to strengthen prison sentences and increase minimum sentences. I have a question for my colleague. Do studies show that crime is on the rise in Quebec or in Canada? Does repression work? Are there examples from other countries that show that by increasing maximum prison sentences—

● (1705)

The Acting Speaker (Mr. Andrew Scheer): I am sorry to interrupt the hon. member, but her colleague must be given the time to answer.

The hon. member for Châteauguay—Saint-Constant has the floor.

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): Mr. Speaker, I would first like to thank my colleague, the hon. member for Saint-Bruno—Saint-Hubert for her comments.

I would also like to congratulate my colleague for her courage in defending the officers of the Correctional Service of Canada. As she pointed out, these people are in a very difficult situation. As she said, as of June 1, they will have been without a contract for four years. We must commend her for all of her efforts to defend the Correctional Service officers.

I must also mention that the Conservative Party is constantly presenting us with right-wing bills that depart further and further from the fundamental values of Quebec and from our preferred approach to rehabilitation. In that regard, I must thank the hon. member for Saint-Bruno—Saint-Hubert for her comments. I agree with her that the Conservative Party and all of its right-wing measures are currently leading us nowhere.

[*English*]

Mr. Ken Boshcoff (Thunder Bay—Rainy River, Lib.): Mr. Speaker, a long time ago, I started my 22 year career in municipal government, working extensively on task forces. That was one of the first things on which they put me.

We worked on things like vandalism, property crime and crime prevention. As a community, we designed and implemented many anti-crime programs, again at a local or neighbourhood level. These included such things as community policing, neighbourhood watch, Child Find, block parents, Crime Stoppers, and implementing the 911 system. These efforts over the years allowed me to receive the honours of federal and provincial crime prevention awards.

In addition to being mayor, I served six years on the police commission so I believe I have some degree of understanding of this topic as it applies to those who now work in the field. I am not a lawyer so my points will reflect those of a community advocate and not those of a professional barrister.

The initial feedback on the proposed legislation comes from our citizens' intuitive responses. They hear of crime as top news items and consequently conclude logically that crime must be increasing. The strides made by community groups and programs such as I have mentioned, Crime Stoppers, neighbourhood watch, block parents, Child Find and community policing, have worked.

Each of us in the House are keenly aware of the success of all these in the field, or at the neighbourhood or community levels. The numbers, the facts and the evidence are clear. There are decreasing rates in most categories of crimes. Nonetheless, our society's culture of fear makes people feel less safe.

As elected representatives, we dutifully respond to address these concerns of the public. As parliamentarians, we must respect their tangible worries. The Liberal Party and its members represented here have long been notable champions of safe homes and safe streets. We have a long history of finding solutions to effectively deal with crime in its ever evolving creativity.

Bill C-9 seeks to amend the Criminal Code of Canada by mandating that a conditional sentence will no longer be an option for anyone convicted of an offence prosecuted by indictment that carries a maximum prison sentence of 10 years or more.

Are there miracle cures or silver bullets out there? After so many years of governments tackling this issue, federal Conservatives from 1984 to 1993, Liberals from 1993 to 2004 in majority situations and recently with minority governments, one would think there would be some glaringly obvious cure-all. As well, all types of community and professional advocates, whether it be in social work, the criminal justice system, rehabilitation, prison systems, legal professions or the judiciary, have been involved. Bill C-9 is presented as such a cure-all.

The bill's good intentions are regrettably flawed and need review and polishing in committee. This is the logical and reasonable approach to take. This would help take the strident politics out and replace it with improved wordings and effective legislative paragraphs. The question is whether it will actually reduce crime and act as a deterrent. The empirical evidence seems to say no.

We have heard many colleagues from all parties debate this issue and try to come up with numbers that effectively endorse their positions. After it has all been said and done, the thought that we can actually do something with a hammer, rather than improving on the existing and proposed legislation, I believe puts us in a situation where we will end up with something far worse than what we wanted to do in the first place.

● (1710)

Are we being deliberately confused by a law and order agenda that makes splashy headlines but poor public policy? We all want laws that protect the innocent, punish the guilty and compensate the victims. This is a volatile topic and engages people emotionally, which places even more duty upon us to act calmly and responsibly.

The Liberal Party takes the safety and security of Canadian communities very seriously. That is why we introduced Bill C-70 in the last Parliament to address these concerns. The bill was focused on preventing those who are convicted of crimes that cause serious personal injury from receiving conditional sentences.

We do not believe this Parliament should play politics with the Criminal Code. I believe we all want to see a balanced approach and should work together in committee to ensure that the bill does not create unnecessary hardship or expense where it is not warranted.

Bill C-70 would have created a presumption preventing court from using conditional sentences in at least four situations: first, serious personal injury offences as defined in the Criminal Code, such as all forms of sexual assault; second, terrorist activities; third, organized crime related offences; and, fourth, any other offence where the individual case is so serious that the need to condemn the act and not use the conditional sentence takes precedence over any other sentencing objective.

By comparison, Bill C-9 would simply restrict the use of conditional sentencing any time someone would be convicted of an offence prosecuted by indictment that carries a maximum prison sentence of 10 years or more. The implications of this are numerous.

Since the government has chosen to set the bar at 10 years, and only when prosecuted by indictment, there remains a possibility that Crown prosecutors will simply use summary convictions in place of indictment in an attempt to continue the use of conditional sentences. I believe many share the concern that the bill could result in an uneven application of justice.

There is also a difference in prosecution in each of the provinces. Some members already have heard the example that certain provinces charges are laid by arresting officers, whereas in other jurisdictions Crown prosecutors decide on which charges are to be laid.

Sentencing of an offender could sometimes create controversy in our wider communities, especially if the main source of information is through media reports. Conditional sentencing became available in the mid-nineties. Now we have had roughly 10 years' experience to analyze and draw some assessments.

A conditional sentence need not be of the same length as the sentence of incarceration. When someone receives a conditional sentence, it invariably is for a longer period. This is real punishment served outside of a costly prison system.

Again by way of comparison, Bill C-70 was drafted to create a presumption that the courts should not make a conditional sentence order when sentencing offenders convicted of serious personal injury as defined by section 752 of the Criminal Code. Again, I mention terrorism, organized crime and similar types of offences in terms of their severity.

As legislators, we are all aware now that our provincial and territorial counterparts have been expressing their concerns about additional costs that would be incurred if the bill goes through as presented. They would have to hire additional prosecutors, certainly additional court and correctional staff and build new prisons.

The government has not yet effectively or properly outlined its plans on what assistance would be provided to those jurisdictions. It is time to do evidence-based law. We should not play politics with the Criminal Code. We all know that it is simply too vital.

I believe the desire for safe communities is something that we all share. I had mentioned that we all want justice to be fair, but we also need it to be effective.

We should revisit this in committee, rethink it and come up with good legislation.

● (1715)

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, I am pleased to speak to this bill. I have a great deal of concern with the Conservatives' plan for getting rid of conditional sentencing for so many criminal offences, many of them not violent in nature. Many of them are of a kind that could be open to interpretation in the court as to their severity of impact on the general public.

Bill C-9 is what I call retail politics. The bill is a knee-jerk reaction. It will do nothing to rehabilitate criminals and it will not reduce crime. As far as we can see, it is based on not that much information. Not much information has been provided to the House to examine. In fact, due to the relatively recent introduction of conditional sentencing, there are few academic studies that have been completed on its impact on the criminal justice system. Furthermore, there is a dearth of sentencing statistics in Canada. Even Statistic Canada's adult criminal court survey lacks certain data. Therefore, we are not able to assess very correctly the nature of the impact of conditional sentencing on criminal justice.

In 2003 of the 104,000 sentences of custody imposed across Canada, 13,000 were conditional sentences of imprisonment. Of the people who were incarcerated or under supervision in 2003-04, four out of five were being supervised in communities. Many of them were on probation; 11% were on conditional sentences.

It has not been demonstrated to me nor to my caucus that this bill is going to work effectively to reduce crime or to improve the rehabilitation of criminals.

I come from the north. I have lived and worked in small northern aboriginal communities all my life. I worked in the municipal field as a mayor. For many years I had regular correspondence with the police on the types of offences that were present in our communities. As a member of a small aboriginal community, I was able to see the impact of sentencing on individuals over a long period of time and the types of results that came from incarceration versus sentencing that allowed the criminal to stay in the community.

Canada's aboriginal population will be particularly hard hit by this amendment. We see the statistic in Saskatchewan where 60% of the conditional sentences that were handed down in one year were handed down to aboriginal people. Jails in the Northwest Territories and Nunavut are already at peak capacity or overflowing and there is a very large percentage of aboriginal population in those jails.

Last year in Nunavut 200 offenders received conditional sentences and 275 were incarcerated. This is in a population base of about 28,000. One can see the impact that conditional sentencing will have on that small government and its ability to provide justice services to its people.

This month there were 73 prisoners packed into the Baffin Correctional Centre in Iqaluit, a jail designed to hold 40. At the start of this month, Yellowknife's North Slave Correctional Facility for adults, a new jail opened only two years ago, was full. Overflowing jails create environments which are dangerous to guards and inmates.

● (1720)

Also, because these jails are full, northern inmates, many of whom are aboriginal, are being forced into jails in the south, where they do not have access to appropriate cultural rehabilitation programs. They are separated from their families which increases the likelihood that they will not be rehabilitated and will reoffend.

When we look at what is happening right now in the north, we see that in many cases judges and the correctional system want the inmates to remain in the north and not go to the southern institutions, even though they may have received sentences greater than two years. They know that the result of sending these inmates into the higher grade of correction services is they more likely will reoffend.

Is creating situations where offenders are not rehabilitated and continue to commit crimes after release what the Conservatives want? It seems to be, because simply putting more people in jail will only create environments which breed repeat offenders.

Justice is not about throwing people into jail for the purposes of revenge. It is about getting people to return to society and no longer commit crimes.

Canada's north has been at the forefront of developing alternative sentencing arrangements. Many of the communities in my riding have community justice committees that deal with many offences which would normally go before a judge. These committees know the offender and the community and craft sentences to meet the needs of both. Sometimes the committees hand out what would be considered to be light sentences for serious crimes, but the effect is that many of those sentenced through this process do not reoffend.

The committees, also known as sentencing circles, have been copied across the country as an effective means of reducing the level of aboriginal incarceration and reducing the incidence of reoffending.

Eliminating conditional sentences will have a major impact on aboriginal communities across Canada and the north in particular. Already aboriginal people make up a disproportionate percentage of prisoners in our jails. The bill will do nothing but add to that sorry figure.

For aboriginal people, conditional sentences sometimes work better than jail sentences. Recently a Nunavut crown prosecutor said that the reality is that for some people it is more difficult to serve a sentence in their own community than it is to be flown to a jail in Iqaluit, as the community gets to see the punishment.

In many small northern communities there are celebrations when people return from jail, but when they stay in the community, they are seen every day and are forced to deal with their actions with their peers.

In the north, conditional sentences also allow offenders to attend culturally appropriate treatment for problems such as addictions, anger management, mental problems, et cetera. Many of the people in our correctional institutions for very many crimes, and very many violent crimes, likely suffer from fetal alcohol spectrum disorder. In some situations people are being incarcerated where in a more tolerant society we would recognize the actual mental condition that leads to the result that we see.

Every person involved in the justice system will agree that each case before the courts is different and must be tried and sentenced on its own merit. The bill flies in the face of this well-known fact. In order to deal with this fact, judges must be allowed the tools necessary to craft sentences that are most likely to result in rehabilitation.

From their words, it is clear that the Conservatives do not trust the judges in this country. Unlike the United States where anybody who gets enough votes can be a judge, this country chooses its judges from the most respected and knowledgeable members of the legal profession. These people do not operate in a vacuum. They see the reality of the criminal justice system. We should allow those who know best to craft sentences that work best.

We should not deny people the tools that are required to do the job effectively. Why would we deny judges the tools that could make their work correct? Why would we want to do that? Is it just a sense of punishing individuals? Is it a sense of revenge, that the only way we can deal with justice is an eye for an eye?

Sometimes judges get it wrong, but there are mechanisms in place to deal with these mistakes. Crowns can appeal sentences when they feel the sentences are too light. Or if a person commits another crime while serving a conditional sentence, the punishment for that crime will be even more severe.

The Acting Speaker (Mr. Andrew Scheer): Order. Questions and comments, the hon. member for Hochelaga.

● (1725)

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I thank my NDP colleague for his remarks and for sharing some personal information with us about his municipal involvement and his intimate knowledge of certain aboriginal communities.

He is quite right to make the connection with aboriginal peoples' reality. It reminds me of when I was a law student, although I cannot talk about that as if it were completely in the past. I took a course on aboriginal law, which was fairly new.

I am certain that the older members of this House who studied law did not take many courses in aboriginal law. For a few years now, aboriginal law has received a great deal more attention, and there is certainly a link between sentencing and aboriginal people. Why? Because, unfortunately, aboriginal people are overrepresented in our prisons.

The Supreme Court handed down a 60-page decision in the Gladue case, and I would like to thank my professor for putting it on the curriculum. This is an extremely interesting case that led legislators to include a final paragraph in section 718. This paragraph specifically requires that particular attention be paid to the circumstances of aboriginal offenders and to their history. Obviously, this has not been easy for the courts to interpret.

Does my colleague believe that there should be specific provisions requiring that the history and circumstances of aboriginal offenders be taken into account in sentencing?

● (1730)

[*English*]

Mr. Dennis Bevington: Mr. Speaker, the member's question is a difficult one. We want to ensure that the justice system is very fair. We want to ensure that cultural adaptation in the system is fair to the victims and to all those who have a part in the commission of offences and the subsequent delineation of their punishment.

I look for more weight being given to the judges because they are there to judge. They are there to interpret the law for the people in the communities. They interpret the law so that the people understand what the law is and that the return they get from the system is fair and adequate for every Canadian.

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, I have a question regarding the cost. The hon. member probably would know that the average cost of keeping a person in jail is anywhere between $52,000 to $100,000 per year depending if there are programs added on. The minimum is about $51,454 per year.

If this bill becomes law, a very minimal conservative estimate of the operating costs would be approximately $250 million. As a former mayor the hon. member could probably tell us if we have that kind of funding to provide support for young people to provide preventive work so that we can keep people out of jail and so that we can provide community support. If we have the funding, what are some of the programs we can support to reduce crime?

Mr. Dennis Bevington: Mr. Speaker, we have not seen that side of the government's response to criminal justice. We have not seen the warm side of dealing with people in their environment to reduce crime and prevent crime from happening. We need youth centres all across the country. We need opportunities for young people to integrate into their communities and their societies comfortably.

To me, alienation from their community is one of the greatest causes of criminal activity for young people and once they are into criminal activity, it can lead them into more serious offences in the future. We need to work more with our young people. That requires money.

We have a real need for youth centres across the north. I have requests on my desk right now to work with people from Inuvik right through to Yellowknife along with smaller communities to get money into youth centres so that we can prevent some of this expensive criminal—

● (1735)

The Acting Speaker (Mr. Andrew Scheer): Resuming debate, the hon. member for Welland.

Mr. John Maloney (Welland, Lib.): Mr. Speaker, I am pleased to speak to Bill C-9 this evening.

Conditional sentencing allows for sentences of imprisonment to be served in the community, rather than in a correctional facility. It falls at a point between imprisonment and sanctions such as probation or fines. The conditional sentence was not introduced in isolation, but as part of a review of the sentencing provisions in the Criminal Code.

These provisions included the fundamental purpose and the principles of sentencing, namely, that a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender. The principles apply to conditional sentences as well.

The primary goal of conditional sentencing is to reduce the reliance upon incarceration by providing an alternative sentencing mechanism to the courts. In addition, the conditional sentence provides an opportunity to further incorporate restorative justice concepts into the sentencing process by encouraging those who have caused harm to acknowledge this fact and to make reparation. Achieving these objectives is beneficial to society.

At the time of their introduction, conditional sentences were generally seen as an appropriate mechanism to divert minor offences and offenders away from the prison system. Overuse of incarceration was recognized by many as problematic while restorative justice concepts were seen as beneficial. In practice, however, conditional sentences are sometimes viewed in a negative light when they are used in cases of very serious crimes.

Concern has been raised that some offenders are receiving conditional sentences of imprisonment for crimes of serious violence, sexual assault and related offences, driving offences involving death or serious bodily harm, and theft committed in the context of a breach of trust.

While most people would agree that allowing persons not dangerous to the community, who would otherwise be incarcerated and who have not committed a serious or violent crime, to serve their sentence in the community is beneficial, some consider that in certain cases the very nature of the offence and the offender require actual incarceration.

The fear is that to refuse to incarcerate an offender can bring the entire conditional sentence regime and hence the criminal justice system into disrepute. In other words, it is not the existence of conditional sentences that is problematic, but rather their use in cases that seem clearly to call for incarceration.

Often it is an inciting headline and media reports that raise calls of outrage. However, had one sat through the criminal trial, heard submissions on sentence and the reasons for judgment, it is not unusual that a reasonable individual would support the decision.

The provisions of governing conditional sentences are set out in sections 742 to 742.7 of the Criminal Code. They set out four criteria that must be met before a conditional sentence can be considered by the sentencing judge. First, the offence for which the person has been convicted must not be punishable by a minimum term of imprisonment. Second, the sentencing judge must have determined that the offence should be subject to a term of imprisonment of less than two years. Third, the sentencing judge must be satisfied that serving the sentence in the community would not endanger the safety of the community. Fourth, the sentencing judge must be satisfied that the conditional sentence would be consistent with the fundamental purpose and principles of sentencing as set out in section 718 of the Criminal Code.

Insofar as the fourth criterion is concerned, among the objectives of sentencing are the denunciation of unlawful conduct, the deterrence of the offender and others from committing offences, the separation of the offender from the community when necessary, the rehabilitation of the offender, the provision of reparation to victims or the community, and the promotion of a sense of responsibility in the offender.

The foregoing criteria were designed to ensure that the most severe cases would not be dealt with by a conditional sentence. In addition to meeting the criteria set out, conditional sentences involve a number of compulsory conditions as set out in section 742 of the Criminal Code.

These conditions compel the offender to keep the peace and be of good behaviour, appear before the court when required to do so, report to a supervisor when required, remain within the jurisdiction of the court unless written permission to go outside the jurisdiction is obtained from the court, and notifying the court and a supervisor in advance of any change of name or address and promptly notify the court or the supervisor of any change in employment or occupation.

Optional conditions are designed to respond to the circumstances of the individual offender. Such conditions may include an order that the offender abstain from the consumption of alcohol or drugs, abstain from owning, possessing or carrying a weapon, perform up to 240 hours of community service, or any other reasonable condition that the court considers desirable for securing the good conduct of the offender and for preventing a repetition by the offender of the same offence or the commission of another offence.

As an alternative to the possibility of imposing a conditional sentence, a court may suspend sentence and impose a probation order. Section 731 of the Criminal Code indicates that, where a person is convicted of an offence, a court may, having regard to the age and character of the offender, the nature of the offence, and the circumstances surrounding its commission, suspend the passing of sentence and direct that the offender be released on the conditions prescribed in a probation order.

● (1740)

This possibility is open to the court only if no minimum punishment is prescribed by law. In many cases, conditional sentences are preferential alternatives to a suspended sentence or probation order, as I have just elaborated.

In a Queen's University study that concentrated upon the victims of crime and their attitudes toward conditional sentencing, the following benefits of conditional sentencing were cited and I find these most interesting: most rehabilitation programs can be more effectively implemented when the offender is in the community rather than in custody; prison is no more effective a deterrent than more severe intermediate punishments, such as enhanced probation or home confinement; keeping offenders in custody is significantly more expensive than supervising them in the community; the public has become more supportive of community-based sentencing, except for serious crimes of violence; widespread interest in restorative justice has sparked interest in community-based sanctions. Restorative justice initiatives seek to promote the interests of the victim at all stages of the criminal justice process, but particularly at the sentencing stage; and the virtues of community-based sanctions include the saving of valuable correctional resources and the ability of the offender to continue or seek employment and maintain ties with his or her family.

The most important case to consider conditional sentencing is the decision of the Supreme Court in Regina v. Proulx. Here, the Supreme Court examined the issue of conditional sentences in a case that concerned a charge of dangerous driving causing death and bodily harm. Prior to this decision, judges had little guidance on when it was appropriate to impose a conditional sentence, outside of the criteria set out in the Criminal Code. The Supreme Court made it clear that a number of changes needed to be made to the way in which the sanction was used. But the judgment also consists of a strong endorsement of conditional sentencing.

The key result of the Proulx decision was that there is no presumption against the use of a conditional sentence if the crime does not have a mandatory period of incarceration.

Objections have been raised to the use of conditional sentences for certain crimes. One example is that of impaired driving. The organization Mothers Against Drunk Driving, MADD, Canada has circulated a petition asking Parliament to eliminate the availability of conditional sentences for those convicted of impaired driving causing death or impaired driving causing bodily harm.

MADD believes that for violent crimes in which persons have been killed and/or injured, a conditional sentence does not adequately address the severity of the crime. There is a perception that the justice system is tilted towards concern for the offender and not enough is said about the value of the human life that has been taken away. These are positions that must be considered as well.

The previous Liberal government introduced Bill C-70, an act to amend the Criminal Code with respect to conditional sentences, to further clarify the appropriate limit to the use of conditional sentences. We took the safety and security of Canadian communities very seriously.

Mr. Speaker, you are indicating to me that my time is over, and I—

Some hon. members: More.

Mr. John Maloney: Maybe we could have unanimous consent for me to continue, Mr. Speaker.

The Acting Speaker (Mr. Andrew Scheer): It being 5:44, the House will now proceed to the consideration of private members' business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

CRIMINAL CODE

Mr. Ed Fast (Abbotsford, CPC) moved that Bill C-277, An Act to amend the Criminal Code (luring a child), be read the second time and referred to a committee.

He said: Mr. Speaker, it gives me great pleasure to rise in this House today to speak on Bill C-277. This is a bill which would toughen up prison sentences for those who lure children over the Internet for sexual purposes.

As members know, the proliferation of the Internet has opened up a whole new world for Canadians. The Internet has delivered the potential for tremendous good and has created an information explosion. Unfortunately, as with many other good things in life, the Internet also has its seedy side.

Canada is the most Internet-savvy nation in the world. Almost all Canadian children either use the Internet regularly or have easy access to it. Communicating over the Internet has become commonplace to the point where millions of children spend countless hours every day sending e-mails to each other, participating in news groups and message boards, and engaging in public and private discussions in chat rooms.

It is also true that most Canadian parents mistakenly believe that their children are entirely safe when surfing the Internet. Sadly, nothing could be further from the truth. Many parents have no idea where to place computers in their homes or how to apply parental controls to protect their children.

For all the good the Internet has brought to life on earth, it has also caught the attention of people who sexually exploit children. The Internet allows sexual predators to hide behind false names and false ages as they bring innocent children into their confidence. Their methods are many, but their goal is always the same: to get children to trust them, to slowly but surely engage them in sexual banter, and eventually to encourage them to leave their homes to meet the predator, where it is the predator's intention to sexually exploit and abuse the child.

I cannot imagine a more horrific act than the callous abuse of a vulnerable, unsuspecting child.

Prior to 2002, Canada had no means of prosecuting the sexual predators who were enticing our children to meet them off line. This meant that these criminals, in order to be convicted of an offence, would have to physically meet with the child and engage in a sexual offence as defined by the Criminal Code. Essentially, a child had to be physically victimized before a crime took place.

What was the previous government's response? I want to be fair and give credit where credit is due. In July of 2002, the former Liberal government responded to the ever-increasing threat of children being lured over the Internet. It enacted section 172.1 of the Criminal Code, which makes it a crime to use interactive, online communication to lure a child for the purpose of sexually exploiting him or her. The offence does not require an offender to actually abuse the child. Simply communicating with that child with the intention of luring the child is enough to be convicted of that offence. That was clearly a bold new step.

Since the proclamation of the luring law, there have been numerous convictions under section 172.1, some with prison terms of up to three and a half years. The problem, however, is that when offenders receive sentences of less than two years, the judge has the discretion of imposing a conditional sentence.

In layman's terms, a conditional sentence means that the offender serves the sentence either in the community or often in the comfort of his home. Sadly, there have been a number of cases in which convictions resulted in conditional sentences, where offenders were permitted to serve their sentences at home or otherwise in the community. Let me tell members about one of those cases.

The case involved a 35 year old man who communicated with a person he believed to be under the age of 14. He used a false name. The Internet chat conversations became sexual as the man suggested that this girl engage in sexual acts and meet him at a predetermined location.

He told the girl they could get in trouble for what they were about to do because of her age, a clear indication that he knew what he was doing was against the law. He then drove 22 kilometres to meet the girl and was arrested at the meeting spot. The man received an 18 month sentence. However, that sentence was to be served in the community—house arrest.

● (1745)

To me it is incomprehensible that a sexual predator of this nature would be allowed to serve his sentence in the community, where he could have potentially unrestricted access to the Internet and to children if he desired to break the conditions of his sentence.

There is something else compounding the apparent inconsistency in sentencing. That is the fact that the courts have not yet had to deal with repeat offenders due to the short history of this luring offence. It is highly likely that in the future there will be those who will become repeat offenders for this crime, yet the maximum sentence currently available is only five years.

The weight of scientific and medical literature indicates that many sexual predators, especially pedophiles, are not treatable and represent a lifelong threat to our communities. Allowing these offenders to serve their time in the community, with relatively easy access to computers and children, represents a grave danger to our young children.

That is where Bill C-277 comes into play. This bill changes the law by increasing the maximum prison sentence for a child luring offence from 5 years to 10. On the face of it, it is quite simple. However, that is not the end of the story. As we know, the government has tabled another criminal justice bill, Bill C-9, which would remove the availability of conditional sentences, including house arrest, for serious crimes. Clearly, luring is a serious crime.

Typically, serious crimes have been defined as crimes for which the maximum sentence is 10 years in prison or more. Increasing the maximum sentence for child luring to 10 years will also trigger the provisions of Bill C-9, if enacted. This will ensure that those convicted of luring a child will spend hard time in jail and not have a cushy existence in the comfort of their homes.

Protection of the most vulnerable people in our society, our children, is the objective of Bill C-277. The threat to our children who use the Internet is rising, so much so that the Government of Manitoba has implemented a program called Cybertip, an Internet and telephone tip line for suspected sex offences against children.

This program allows citizens who suspect that children are being targeted by online predators to notify the authorities, either by registering a tip on the Internet or by telephoning Cybertip. It also educates parents in the dos and don'ts of Internet usage by children and on how to protect their children against Internet luring. The program compiles statistics and data to assist governments, criminologists and police authorities in cracking down on the sexual exploitation of children.

During its first two full years of operation, Cybertip received over 1,200 reports of child exploitation, 10% of which involved the sexual luring of children. The program has been such a resounding success that it has now become our national tip line.

A number of different studies reveal some shocking statistics. Fourteen per cent of children surveyed admitted that they had chatted with strangers while online. Parents reported that 4% of their children had had an off-line meeting with someone they had first encountered on the Internet. In fact, in a survey of 300 Canadian youth, one in five admitted meeting face to face with people they had first met on the Internet.

Other nations with high Internet use rates have also found it necessary to enact legislation to deal with child luring over the Internet. The United States, for example, has a federal child luring law that is broader in scope than our own. It criminalizes luring that occurs in any form, not just via a computer system, and it places a mandatory minimum sentence of five years on the offender, with a maximum sentence of 30 years' imprisonment.

The United Kingdom has a luring law which was enacted in 2002 and targets adults who meet a child they have contacted over the Internet for sexual purposes. This law enables police to conduct sting operations and apprehend sex offenders who show intent to meet with an underage child. The maximum penalty for that offence is 14 years in prison.

In Australia, the law against luring is captured by a new "grooming" offence. It makes it an offence for adults to target children over the Internet or through any form of telecommunications and attempts to show that this country is going to become tough on crime. The maximum penalty is 12 years' imprisonment. However, if the child is under the age of 16, the maximum penalty increases to 15 years.

● (1750)

As we can see from these three comparative jurisdictions, Bill C-277, even with a maximum sentence of 10 years, is still the least severe of all of them.

The gravity of this problem of luring cannot be understated. Sexual predators are engaging in grooming techniques where they first gain the child's trust, empathize with their home situation and gradually acclimatize the child to further sexual situations and eventual meetings with the predator. It is widely reported that children with depression, low self-esteem and difficult home lives are especially vulnerable to the attention of adults on the Internet who pretend to care.

This makes the act that much more repulsive.

Sexual predators who seek out and target the most vulnerable children in our society deserve severe sentences in jail, not in the community. Raising the maximum penalty for their crimes to 10 years in prison is fully justified and is necessary in order to deter these offenders and send a clear message that luring a child over the Internet will come with swift and certain justice.

Clearly Canada needs the most effective legislation possible on luring in order to prevent it and condemn it in the strongest terms.

What does the bill achieve? It does three things.

First, by raising the maximum sentence for luring to 10 years in prison, the bill sends a stronger message to our community that we as a society will not tolerate the exploitation of our children.

Second, the bill ensures that those convicted of an indictable offence under the luring section will spend hard time in jail, away from the community and from those who are at risk from the offender.

Third, Bill C-277 brings the penalties for luring in line with most of the other sexual offences listed in part V of the Criminal Code. Most of those provide for maximum sentences of at least 10 years and up to life in prison. I think all of us can agree that the luring of a child for sexual purposes is no less an offence.

Does Bill C-277 completely address the problem of sexual exploitation over the Internet? Of course not. I want to close by challenging parents to take ownership of their children's computer time, to learn about parental control programs on their computers, to place their child's computer in a highly visible area where supervision is readily available and to spend time learning how to make their child's Internet experience a safe one. Above all, they should get to know their children better and share their personal struggles and challenges with them.

When the Liberals enacted section 172.1 of the Criminal Code, it was a good start. Bill C-277 is another step in the right direction. It is my hope that this legislation will be enacted quickly on a multi-partisan basis. Our children truly are worth it.

● (1755)

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I would like to begin by thanking our colleague who took the trouble to introduce a bill. Also, as an aside, I want to note how sad I am that private members' business had such a slow start. I hope that the boards of internal economy will look into the matter, because we private members are owed at least 20 hours to make up for lost time.

When I read the bill introduced by our colleague, I realized how important it was. It is true that, on the good side, modern technology allows children to be brighter intellectually and more informed. But it is also true that this comes at a price, and the risks are those described by our colleague.

Still, I am not comfortable with this bill because I get the feeling that we are trying to lump together two debates on matters that would be better addressed separately, each on its own merits. The Criminal Code contains provisions concerning child luring as well as child sexual abuse.

I would like to ask our colleague if there is any indication that these provisions are not being used by the courts. The hon. member uses child luring as a premise for a debate on conditional sentencing.

The Bloc Québécois is not in favour of making piecemeal changes to sentencing. It is not our policy to vote in favour of bills providing for mandatory minimum sentences. But that does not reflect in any way on the seriousness, importance and merit of the bill. The hon. member is right to want to rise in this House to speak on child luring. He even recognized that the previous government legislated on that issue. This is therefore not a partisan issue.

As a member of Parliament, I believe that we ought to refrain from automatically wanting to base the debate regarding sentencing on existing provisions of the Criminal Code.

So, since you seem to be getting impatient, Mr. Speaker, and that this is not really like you, I would like to hear the hon. member on that.

● (1800)

[*English*]

Mr. Ed Fast: Mr. Speaker, I am not sure I fully understood the question. I believe the member is asking why the bill and my comments are trying to address two different issues at the same time. In fact, the bill does not address two issues at the same time. The bill simply doubles the sentence for luring from five years in prison to 10 years in prison. That is a maximum sentence.

We are not dealing with mandatory minimum sentences, and I think the member understands that.

If Bill C-9 passes, and I hope it does, the side benefit will that the luring offence will now have a maximum of 10 years in prison. It also means perpetrators, under that section, will spend hard time in jail as opposed to house arrest or some other form of community sentencing.

I hope that answers the member's question. I know he has given it a lot of thought. I appreciated his earlier comments as he addressed the conditional sentencing reforms that our party has brought forward.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I have no hesitation at all in praising my colleague for the intent behind his bill. However, as legislators, we have a responsibility to understand all the circumstances and facts on which we base amendments. That is a particularly onerous task on our part when we deal with the criminal justice system.

I appreciate some of the research he has done, particularly with the comparative jurisdictions in Australia, England and the United States. Has he done any research on what the experience has actually been in Canada? This section is a relatively new section to the code. For instance, are there any cases where judges have said that they would like to impose a more severe penalty than five years, but they cannot do it because of the existing subsection 172.1?

Similarly, what has been the experience in those other three jurisdictions? Have they come anywhere close to imposing sentences, whether it is 10, 12 or 15 years in the examples that he gave? My belief, from the limited research I have done, is that in the vast majority of cases it is the separate section of a summary conviction offence that is laid by the prosecutor and the police and no consideration is given to a sentence longer than two years.

Mr. Ed Fast: Mr. Speaker, the member asked whether I understood all the facts. I think the member will understand that I have done a considerable amount of research on this subject. In fact, I have a list of eight very recent specific cases in 2005 that highlight the problem of luring.

With respect to the member's question as to whether judges have indicated a willingness to sentence for more than five years, that is difficult to say. As the member knows, it is rare. In fact, I cannot think of an example where the courts actually have sentenced someone to a maximum sentence, other than life imprisonment for the most serious of crimes. Typically, when there is a 10 year maximum sentence, the sentence will likely be less than that. That is the way the process works. It is very rare that someone actually gets the maximum sentence imposed.

My response to the member is that we have indication that there is a willingness to sentence for at least three and a half years. Given the fact that we do not have examples of repeat offences being sentenced, I believe there will be incredible pressure in the future to provide for more room in the sentencing structure. I hope that answers his question.

● (1805)

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I am pleased to participate in this first debate of a private member's business item in this new Parliament. As my colleague earlier mentioned, it is great to have the private members' business underway. I know the quality and content of debate in the House will improve immeasurably with this new content added to that of the government's orders.

First, I do not feel I can support the member's bill and not because I do not support the objective of protecting children. However, it is not clear to me, and I will try to explain in the few minutes I have. The bill probably will not achieve the objectives.

The member has explained that he wants to bring the punishment within the threshold contained in the bill that would revise the conditional sentence legislation before the House. I understand that part. However, simply doubling the penalty, if that were his objective, with a view to ensuring that the convicted person would do hard time, does not in my view accomplish his objective.

All the sentencing options on convictions still remain within the section with which he is dealing. He has simply increased the indictable provision from five to ten years. He has not addressed the summary conviction provision which allows a judge to convict or a prosecutor to proceed on summary conviction. Summary convictions are punishable by a prison term of up to six months only and a fine of $2,000. By doubling the penalty, does not get the member and his colleagues to where they want to go.

Let me state right off the bat as well that I do not agree to doubling sentences just for the heck of it. We could double the sentence for all kinds of offences and say that we are being tough on crime. Going to the list of all the offences in the Criminal Code and doubling them for the sake of doubling it, is not going to get us anywhere. What about the parent or guardian procuring sexual activity of the child? The maximum penalty there is two years. Maybe we should double it, triple it, quadruple it or maybe have a life sentence. We could do that.

Then there is the householder permitting sexual activity on the premises of that person. That is a two year maximum penalty. What about corrupting children? There is a term not exceeding two years if one is convicted of carrying on activity that corrupts children.

The hon. member, while he is justifiably concerned about the new luring risks on the Internet, has missed a whole lot of other sections, about 100 of them, where the penalties are all in a range within which we have lived for many years. I do not have to go through the whole code. I know the member, if he has done his research as he has said, would have looked for the offences of disorderly conduct, nudity in a public place, causing a disturbance, interfering with a minister from carrying on his or her religious duties, obstructing a minister, trespassing at night and vagrancy. All these things have penalties punishable on summary conviction or penalties of two years to five years.

In addition to that whole piece of what is an appropriate sentence for a particular criminal offence, this provision will not remove the other sentencing options that are available to the court, for example, probation. That option is still available to a sentencing judge. I am not saying that is the sentence he or she is going to give, but it is still there even though the member is trying to get rid of the conditional sentence option.

I would say a conditional sentence is often superior to a probation, but conditions can be attached to both, or a fine. The fine option has not been removed either as a sentencing option.

● (1810)

I was going to talk a little bit about the new government's attempt to make Canadians feel like there is a whole lot more crime than there used to be and that the only way we are going to be secure in our homes and neighbourhoods is if we throw everybody in the slammer and increase all the sentences. However, on listening to the member it appears to me to be fairly clear that was not his intention, that he is really just trying to bring this sentence within a range so that it could be dealt with under the new conditional sentencing provisions.

I will not go into my diatribe on what I would call the neo-con politics of fear. However, if all of these sentencing options are available to judges now, then in order to accomplish his broader objective of deterrence and denunciation, which I believe are part of his objective, then this bill and the provisions that he is urging upon us are going to have to be tweaked two or three different ways.

I suggest to him respectfully that this whole process of trying to use the Criminal Code as a means of reducing crime is a much more complex piece. Simply doubling penalties, creating mandatory minimum penalties across the board and great big wholesale reforms is not a method that I can accept as one that is going to achieve the objective we seek of denunciation and deterrence to crime and dealing with criminals in a way that achieves the various objectives that society has. By the way, all those objectives are set out in the Criminal Code now. Thanks to the sentencing bill that was passed here in the early 1990s, there is a whole regime of sentencing objectives.

The member may wish to urge upon us some new sentencing objectives. That would be quite rational and it may be that we could tweak this. But I know that the sentencing provisions deal with the whole issue of child victims. As far as I can recall when the House dealt with it, nothing was left out of the sentencing prospectus that we urged upon the court.

Please remember that prior to that point in time in the early 1990s, there was no sentencing provision. All the sentencing guidelines had been developed by the courts themselves. That was the first time Parliament in this country said to the courts, "When you sentence, Mr. or Ms. Judge, here are the criteria," and they were listed in an order. In fact we changed the order as the bill moved through the House and through the Senate.

I accept the member's objective. I and every member of the House want to do what we can to protect children from predators, on the streets, in the schools, on the Internet, wherever they are. I am sure every member in this place wants to do that. This bill has adopted a method which I just do not think is going to get us to where the member would like to be. Therefore, my preference as a private member is not to support the bill but to urge him to continue focusing on this envelope of public policy with a view to improving it. We will probably be doing that into infinity because the Criminal Code always has to be adjusted to adapt to current conditions.

● (1815)

The Acting Speaker (Mr. Andrew Scheer): Questions and comments, the hon. member for Edmonton Centre.

Mr. Laurie Hawn: Mr. Speaker, before I ask a question I would like to address the neo-liberal fearmongering about—

The Acting Speaker (Mr. Andrew Scheer): My apologies. There are no questions and comments during private members' business. I can sense the disappointment from all members of the House, but those are the Standing Orders. My apologies for getting mixed up on that. Resuming debate, the hon. member for Hochelaga

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, like my hon. colleague who just spoke, I am very pleased to take part in this first hour of debate on private members' business.

I have often raised this issue in caucus. I am a great believer in private members' business. I hope that the House leaders will study how we can catch up. Parliament met for the first time on April 4, and I think that at least 20 hours of catch-up time should be allotted to members who tabled bills. I am going to pressure my leader, the hon. member for Roberval—Lac-Saint-Jean, and I hope that all members will do the same. For it is in private members' business that the real task of the members here in the House of Commons becomes apparent.

I congratulate the member on his bill. Although we usually hold free votes on private members' business, I regret to tell him that I do not think the Bloc caucus intends to support piecemeal changes in the direction of either minimum sentences or maximum sentences. We feel that any approach to sentencing must have a coherent framework. I do not think that the objectives the member is pursuing in regard to the luring of children are better served by a maximum sentence and by doubling it from five to ten years.

Let us start at the beginning. I think we should be happy that the previous government added provisions on the luring of children to the Criminal Code. We are not starting from a situation in which the law needs to be created; there is already a Criminal Code offence. The people taking part in the debate this evening or listening to us at home might appreciate it if I share with them the substance of section 172.1 of the Criminal Code, because that is the provision which the member's bill aims to amend. It says in subsection 172.1 (1):

> Every person commits an offence who, by means of a computer system within the meaning of subsection 342.1(2), communicates with:
>
> (*a*) a person who is, or who the accused believes is, under the age of eighteen years, for the purpose of facilitating the commission of an offence under subsection 153(1), section 155 or 163.1, subsection 212(1) or (4) or section 271, 272 or 273;

These are all Criminal Code provisions that address exploitation, sexual relations with children and so on.

Furthermore, subsection 172.1(2) also stipulates:

> (2) Every person who commits an offence under subsection (1) is guilty of:
>
> (*a*) an indictable offence and liable to imprisonment for a term of not more than five years; or
>
> (*b*) an offence punishable on summary conviction.

If I understood the member correctly, he repeatedly drew a link with Bill C-9, which we discussed this afternoon. That bill, introduced by the justice minister, proposes to restrict conditional sentences.

In an effort to make this very clear for our fellow citizens, I would mention that the conditional sentence is a measure that was introduced by the former justice minister, Allan Rock. I do not wish to arouse any good or bad memories for members of the House, depending on how we remember Mr. Rock. In any case, he was the Minister of Justice at the time. The minister and the government suggested that there were alternatives to imprisonment. Thus, section 242 of the Criminal Code provided that all sentences under two years in length administered by the courts could be served in the community.

I would remind the House that section 242 also set out specific measures with respect to supervision.

● (1820)

Conditional sentencing was possible for sentences of less than two years and in cases where there was not a mandatory minimum sentence. Conditional sentencing was also possible if the judge was convinced there was no danger to the community. The matter of safety had to be taken into consideration. Of course, the seriousness of the sentence, thus the principles that apply to section 778, and the whole question of restorative justice and the matter of deterrence also had to be taken into account.

This went to the Supreme Court, in the Proulx decision, in 2000. A condition was added to conditional sentencing, namely that of house arrest.

It is very important to understand that conditional sentencing is not the same thing as detention with probation conditions. Conditional sentencing is a punishment, a sentence. The court has even said that there may be circumstances in which it might be harder to serve a sentence in the community than to serve it in a penal institution. Conditional sentencing is closely associated with the notion of restorative justice. This is why conditional sentencing entitles someone to a number of restitution and rehabilitation programs.

Our colleague says that, when someone has been found guilty of luring children on the Internet, they should not be able to serve a sentence of less than ten years and they should not be able to serve their sentence in the community. Perhaps our colleague is right and his premise has its merits.

What he did not tell us, however, in his speech when he introduced his bill, was whether there are indications that this is not already what the courts do. This is a major difference between the Bloc Québécois and the government. There is a trust deficit where the judiciary is concerned.

Let me be clear, we are not saying that luring children is not important. We thank our colleague for taking an interest in the matter. But where does this conviction that the courts of justice and the judiciary are not doing their job properly come from? Where does this conviction that we will achieve our goals by making sentences heavier come from?

This is one of the major distinctions between the Bloc Québécois and the Conservative Party and the former members of the Canadian Alliance, who before that belonged to the Reform Party. Then the Canadian Alliance got together with the Reformists. I watched all this with interest.

Obviously it is acceptable in democratic terms for there to be a right-wing party in Canada, since this is the wish of a segment of the population. I hope that this segment does not become too large, but clearly there is room for a right-wing party in a democracy.

Once again, let me be clear. It is not that the member's bill concerning the luring of children is not important. In fact, it is so important that we supported it when it was introduced by the previous government. We cannot, however, agree with the idea of increasing the sentence from five years to ten so that people who are found guilty of luring children under the Criminal Code cannot serve their sentence in the community, as if this were a widespread practice.

● (1825)

I think the member is confusing two debates that should be considered separately.

[*English*]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, most members in the House will know that when it is a private member's bill, the NDP does not press anyone to vote other than according to their own beliefs. That of course will apply to this bill should it ever get back here for a final vote.

When I am faced with a bill like this, I always raise this issue because it is really important. The Liberal government would not do it and I do not see any particular inclination by the current Conservative government to do it either.

However, this country badly needs a total revamp of our Criminal Code. We probably needed it for the better part of 20 years. So when I see a bill like this that is dealing with a very minute part of the Criminal Code, I get on my soap box and push for that once again. We badly need to do it.

In the course of doing that this would be one of the sections under consideration, whether the penalty of five years for luring children is adequate and appropriate, whether it is in line with judicial decisions up to this point, and whether the charter is of any concern to increasing it from the 5 to 10 years as proposed.

This is a good example of why we need that omnibus bill because when we are looking at making a decision in this regard of doubling a penalty, as is being proposed in Bill C-277 by the member for Abbotsford, we would have to put that in the context of the entire Criminal Code. Certainly, when our courts look at this and we have heard this from other speakers, they look at proportionality.

The proportionality issue takes into account other offences of a similar nature. If we have a number of other offences where the penalty is still low, in the range of the five years or perhaps even less, then the reality is that the charter will kick in and our courts will have a tendency to strike this down as not being proportional.

Dealing specifically with this section and the crime itself, the justice committee spent a great deal of time dealing with the issue of child pornography in the last Parliament. As part of that, we looked at the crime of luring of young children and some of the evidence that came out was interesting. I want to say to the member for Abbotsford that we took extensive evidence about pedophilia and there is no way of classifying the luring offence other than as a crime of pedophilia.

One of the things that was very clear from the evidence which came from some of the highest trained psychologists and psychiatrists in this country who deal with chronic offenders in this area, and we also heard it from the police and the prosecutors, was the great difficulty of dealing with these individuals and that traditional concepts of deterrence and penalty had no meaning to them.

On one occasion they described an offence where there had been a fairly extensive investigation of three separate individuals at three different addresses. They broke into two of the addresses and apprehended the individuals, but one of them was able to get a warning off to the third one.

In spite of that warning, when they arrived at the third residence which was several hours later, the individual was still on the computer. He was so, as they put it "hard wired" in terms of his needs, if I can put it that way, that he would not shut the computer down. He did not flee. He simply stayed there and was apprehended.

That is the kind of deep psychiatric and psychological mental illness that we are dealing with. If we were to say, as my colleague from Abbotsford said, that we should double the penalty, it would not be a deterrent. The reality is that with this type of criminal there is no deterrent factor. We could make it 50 years or we could make it life, and it would still not make a difference.

● (1830)

What came out of the evidence that we took over that extended period of time, which was several months, was that the only successful way of dealing with this was, of course, through prevention. I know the member made a very good point about the computer program where people are, in effect, monitoring. That was first introduced by the Government of Manitoba. It has now been copied by three other provinces. In fact, Manitoba picked it up from England.

Specifically, it is a monitoring process. We are asking everybody who is on the Internet to, in effect, be part of the prevention system. If people identify a site, they can get it to the police immediately or, which happens rarely, if they can identify the individual children who are being targeted, they can pass that information to the police. It has been extremely successful in England, as it has been in Manitoba. It is just beginning to be effective in some of the other provinces that have implemented it.

I do not in any way want to demean the sincerity with which the member for Abbotsford approaches this problem and I am sure that every member in the House feels the same way. Our absolute first responsibility as members of Parliament and legislators is to protect our citizenry and, in particular, to protect those who are most vulnerable, our children.

If the government is really serious and if the member really wants to maximize the protection that we provide to children from these types of criminals, there is another route we can go. I have raised this a number of times in committee and several times in the House.

We have very sophisticated technology. I am being told that because of some of the work that I do in public security. We have some of the best in the world in terms of tracking people who use the Internet for criminal activities. That technology is being used now by Canada and by a number of its allies in fighting terrorism.

That same technology, which is available in this country and could be deployed in fighting this type of crime, whether it is child pornography or child luring over the Internet, is a great tool that we could be using with our police forces to fight this crime and to prevent it from ever happening.

If we were to talk to victims of crime, whether it be the parents or the children in this type of crime, and give them a choice between the crime never happening or sentencing the perpetrator to an extended period of jail time, they would always take the first one because they do not want to be victims. They do not want to have to live with the psychological scars that come from this type of crime in particular. If we could get the justice minister and the finance minister on side, plus our public security people, there is another methodology and we could be doing much more to intercept.

One of the interesting things we learned is that Bill Gates and his company have donated a substantial amount of money and services to begin to develop these types of tracking programs where in fact we can both intercept and track back to the source this type of communication.

The reality is that our security services have even better developed technology, much more effective technology both in identifying and tracking, so that we could get to the perpetrators before they get to their victims.

I have not decided whether I am going to support this bill or not, but I would urge the member to take into account some of my comments and press his colleagues in cabinet to consider spending money to develop a system for the purposes of fighting child pornography and child luring.

● (1835)

Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I would like to take a few minutes this evening to speak about a blight that is affecting our global society. It is a scourge upon all countries where the widespread use of the Internet is common. It is the online victimization of children. In Canada we know this as Internet luring.

I would like to commend the member for Abbotsford for his efforts and the introduction of this important private member's bill.

The government is committed to protecting our children from the harmful affects of sexual abuse and exploitation. The predation of children for sexual purpose is not a new phenomenon, but the Internet has made it easier for pedophiles to reach potential victims.

New technology, including the Internet, has created new opportunities for Canadians and for the most part they have been extremely positive. However, they have also created new and harmful opportunities for would-be child sex offenders to anonymously and secretly enter into our homes through the Internet with a view to sexually exploiting our children.

In 2002 a new offence was added to the Criminal Code that criminalized such behaviour. Under section 172.1 it is now a criminal offence to use a computer system, such as the Internet, to communicate with a child for the purpose of facilitating a child's sexual exploitation or abduction. In other words, since 2002 it has been an offence to use the Internet to lure or groom a child for the purpose of exploiting that child.

To highlight the seriousness of this offence, I would like to speak briefly about a typical Internet luring case. For those who would doubt the seriousness of these cases, I would urge them to look at some of the recent case law and some of the recent cases. It is extremely disturbing what some people are doing in order to lure children.

Imagine a man who is 42 years old but portrays himself as a 17-year-old youth. Imagine that the victim is a 13-year-old girl. Internet lurers and their victims typically meet online in a topic-based chat room. They form an online relationship and then start to meet in private chat rooms where the talk turns to a more intimate personal and eventually a sexual nature.

This can escalate to telephone calls, video conferencing, and eventually the proposal of an in-person meeting. Hopefully, children become uncomfortable with the development of the relationship and either end it or inform their parents. Unfortunately, all too many times they do not. This example highlights a couple of key points that I want to note.

First, this type of online exploitation of children and youth is more common than we might think. Canada has one of the highest broadband connectivity rates in the world. This means that while our children benefit from all that the Internet has to offer, they are also at risk whenever they go on the Internet.

Second, this example illustrates the insidious nature of Internet luring. It shows how online predators systematically groom and condition children over long periods of time to gain and then betray their trust so that they can sexually exploit them.

Since its enactment in 2002, section 172.1 has served as a useful and effective tool for law enforcement and has resulted in convictions. In a recent Nova Scotia case, Kevin Randall was convicted of Internet luring as a result of engaging in explicit online communications with a person that he believed was a 13-year-old girl, but who was in reality an undercover police officer. This offender, who had a pocketful of condoms, had arranged to meet that 13-year-old girl at a coffee shop. He was apprehended by police.

Clearly, section 172.1 is an important tool for law enforcement. It is being used to successfully secure the conviction of offenders. However, our obligation as parliamentarians must be to ensure that our criminal laws remain effective and responsive.

This is what I understand to be at the core of Bill C-277. It seeks to ensure that existing penalties for Internet luring adequately reflect the serious nature of this type of crime and the serious weight that we as parliamentarians should give these types of crimes.

Last year Parliament enacted Criminal Code reforms that did exactly this. These reforms strengthened the criminal law responses to child sexual exploitation and abuse by increasing maximum penalties for some offences. The effect of these reforms was to underscore the importance of ensuring that sentences in these cases reflect the serious nature of the offences. The practical effect of imposition of a mandatory minimum penalty is also to prevent the use of conditional sentences. There has been much discussion around conditional sentences. It is also known as house arrest.

● (1840)

One of the issues highlighted by these important reforms is that the penalty for the Internet luring offence is less now than what is now available for the contact child sexual abuse offences. In other words, the maximum penalty for Internet luring remains five years' imprisonment, while the maximum penalty for child specific sexual offences as well as for the general sexual assault offences is 10 years' imprisonment on indictment. As well, conditional sentences are no longer available for the child sexual abuse offences that now include mandatory minimum penalties but continue to be available for Internet luring offences.

This bill highlights for me the following questions. Does the existing penalty for Internet luring adequately reflect the serious nature of this offence, particularly in comparison to other contact child sexual offences? Would the proposed new maximum penalty be consistent with the penalty for contact child sexual offences? Would it be consistent with the other measures that are currently before this Parliament, including in Bill C-9, which proposes Criminal Code reforms to prevent the use of conditional sentences for offences that carry a maximum of 10 years' imprisonment or more?

This bill highlights the importance of doing more to safeguard our children from the dangers that we know to exist on the Internet. As parliamentarians, we are duty bound to do everything we can to protect children from those who would prey on them.

I know that Canada in recent years has taken a multi-pronged, comprehensive approach to countering the perils of the Internet for our children by promoting prevention and national public awareness. We are promoting partnerships among government, law enforcement and the private sector, including Internet service providers. The federal government's national strategy to protect children against sexual exploitation on the Internet, led by the Minister of Public Safety, is doing exactly this, including through the RCMP's National Child Exploitation Coordination Centre and through the January 2005 national expansion of Cybertip.ca. This is Canada's national non-governmental 24-7 tip line for reporting the sexual exploitation of children on the Internet.

The use of the Internet by predators to develop a relationship of trust with a young person and then to shatter that trust is a serious issue. We will have to monitor the decisions of our courts to determine whether further action on the issue of Internet luring is necessary, but it is incumbent upon us as parliamentarians to closely examine Bill C-277 and to consider strongly the value of protecting our young people and the most vulnerable in society from those who would prey on them.

The Acting Speaker (Mr. Andrew Scheer): The time provided for the consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedence on the order paper.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*Translation*]

PRICE OF GASOLINE

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, I am pleased to rise in this House today to pursue the question I asked on April 24, 2006, about the price of gasoline. For a few years now we have seen the price of gasoline increase significantly and this has had a negative impact on the economy not just because of the increases, but because of how quickly and how much the price goes up and down. This has a major impact on the manufacturing industry and contributes to creating a dual economy in Canada. On one hand the economy is doing quite well in terms of the price of energy, but on the other hand the increases in price have a significant negative impact, on manufacturing jobs in particular.

At the Standing Committee on Industry, Science and Technology we recently welcomed the Governor of the Bank of Canada. He told us that the manufacturing industry was suffering a great deal because of this problem. It is important for the federal government to realize that in this industry, laissez-faire is not a path for the future. It is not a matter of regulating the price or of saying there is collusion between the companies. That is not the issue. However, we have to recognize that one sector of the economy is holding the rest of the economy hostage. This has harmful effects on the entire economy and on consumers.

This is especially true for the less fortunate in our society, seniors, people living alone or people who have to travel to work and need a vehicle to get to their work. They do not necessarily earn a big income. When the price of gas increases significantly, this automatically affects someone earning minimum wage and it almost becomes a disadvantage for them to work. Something absolutely needs to be done about this.

That is why I am pleased to question the government today. I will do so tomorrow, an opposition day on the issue of gas prices. We must ensure that the government has a plan of action to deal with the reality. We must examine the situation and stop hiding our heads in the sand like ostriches. We must have an action plan, just like the United States that decided to develop one. The President of the United States, the Senate and the House of Representatives felt that it was an important issue, particularly everything that concerns the refining of oil products. In North America, the refining under-capacity has lead to speculation, in turn driving up the price of gas.

Today I attended an information session given by the Departments of Natural Resources and Industry and the Competition Bureau. Many questions went unanswered.

Tomorrow I hope to have considerable support for the Bloc Québécois position from this House, and I hope that the parliamentary secretary—or the government—will adopt our position, especially with regard to the unchecked increase in profits. We must find a good way of distributing wealth. It is the responsibility of government. Currently, some people are making large profits from oil and it is important for the rest of society to benefit also. Current behaviour is weakening our manufacturing industry.

I hope that the government is aware of this, that it has more than just a short-term vision, that it will listen to our arguments and that it will go ahead with our proposals.

● (1845)

[*English*]

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Industry, CPC): Mr. Speaker, it is interesting that this question has come up tonight, given that we will be discussing the subject all day tomorrow in the Bloc opposition motion on gas prices, which is also in the name of the member for Montmagny—L'Islet—Kamouraska—Rivière-du-Loup.

The federal government does not control the price or distribution of most goods and services sold in Canada. This includes gasoline. Regulation of retail gasoline prices is under provincial jurisdiction. Where prices are not regulated, they are determined simply by market forces.

The issue of gasoline pricing has been studied numerous times. Since 1986, gas prices have been studied over 20 times. Since 1990, the Competition Bureau has conducted six investigations into allegations of collusion in the gasoline industry. It has consistently found no evidence to suggest that periodic price increases resulted from a conspiracy to limit competition in gasoline supply. Instead, it has always found that market forces, such as supply and demand and rising crude oil prices, caused the price spikes. In fact, after each increase, prices fell to normal levels.

The price of crude oil drives the prices of refined petroleum products. Canadians cannot escape the effects of this global market. We enjoy the benefits through our exports and we pay the world price for the energy we use.

As I mentioned, gasoline prices are largely determined by the effects of supply and demand forces on the price of crude oil, which has been rising due to cuts in production by OPEC.

In a free North American market, fluctuating prices at the pump show signs of a healthy competition among retailers. Consumers can and should take advantage of this competition to force retailers to keep their prices as low as possible. Factors like competition and the cost to transport the gasoline from the refining plant to retail centres also make a difference in the prices.

While there is an obvious link between recent retail increases and the record levels we are witnessing with crude oil prices, it is important to clarify the fact that the price of crude is not the only determinant for what Canadians pay at the pumps.

There are four principal components that make up the pump price. The first of these components is crude oil, the raw material from which gasoline is made. It accounts for about 42% of the retail price. Then there are taxes, federal, provincial, and in some cases municipal, which on average account for 32%. Third is the refining margin, the difference between the cost of the crude oil and the wholesale price of gasoline. This margin, which represents roughly 20% of the pump price, covers the cost of refining the crude oil and provides a profit for the refiner. Finally, we have the retail or the marketer margin which, in essence, is the difference between the wholesale price and the retail price of gasoline.

In actuality, the retail margin represents the smallest component, accounting for less than 5% of the pump price. The hon. member may be surprised to learn that the retailers' profit margin has actually been relatively stable at the 5¢ per litre range for the last three years.

A bit of context might be useful at this point. We have established that gasoline prices are driven by the principle of supply and demand. Our current situation is that we have factors impacting both sides of the equation.

Canadians cannot escape the realities of the global market. We enjoy the benefits through our exports and we pay the world price for the energy we use. With market forces at play, both supply and demand and speculation surrounding the 2006 hurricane season, it is realistic to expect that gasoline prices will continue to be volatile throughout the 2006 driving season.

● (1850)

[*Translation*]

Mr. Paul Crête: Mr. Speaker, it says a lot that the government claims to have no role to play, not to be there to take its responsibility as a government, but only to repeat that the market forces are at play and that the market will regulate itself.

We are proposing that a surcharge be imposed on profits made by big oil companies. No reasonable person can fail to notice that oil companies are generating excessive profits right now. A portion of these profits ought to benefit the economy one way or the other.

The petroleum monitoring agency would not be established to control gas prices, but to identify how exactly the market works, so that it can then report to the House.

It is necessary to strengthen the Competition Act. The competition commissioner herself testified before us that its current mandate and powers do not allow the competition bureau to conduct market studies in relation to anything other than conspiracy. This is the broader mandate we would like it to have. The government will be presented tomorrow with a motion asking for just that. I hope that it will listen to our arguments and eventually put in place an adjustment plan.

[*English*]

Mr. Colin Carrie: Mr. Speaker, it is easy for the Bloc to play armchair critic when it has no hope of forming the government. To suggest that the federal government get into the game of price regulation at all is just plain wrong.

The hon. member once suggested that his province was somehow held hostage and a victim of high gas prices. The party opposite really needs to question its role in the chamber. We have to look at the big picture on the supply side.

North American refinery production right now is temporarily limited by routine maintenance, much of which was delayed last year in the wake of hurricane Katrina. We are seeing temporary closures as many refineries install new equipment to meet new sulphur content regulations for diesel. As well, distribution systems are being adapted for the use of two new products this summer. In addition to the introduction of lower sulphur diesel fuel in the U.S. and Canada, the U.S. is also phasing out the use of much of the gasoline additive MTBE from many markets.

In both cases distribution systems have to be drained of the old product before it can be replaced by the new product. It is inevitable that there will be reduced inventory levels and potential supply shortages during this transition.

EQUALIZATION PAYMENTS

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, I must convey the disappointment expressed by many of my constituents of Don Valley East, following the release of the first Conservative budget. It is unfair to Ontario because there is not one mention in the budget about honouring the $6.9 billion Canada-Ontario agreement signed last year between the province and the federal government.

Although the Prime Minister promised to fix the fiscal imbalance in the last election, there is absolutely no substance or evidence in terms of the proper financing for the province of Ontario to be found in the budget.

I know we can expect that the member opposite will rise in her seat and mention that the Prime Minister is in Manitoba this week to meet with the premiers in order to reach a deal, but the fact remains that the deal was already signed last year. All we can expect is to see the federal government doing everything it can to make it sound as though Ontario is getting its fair share. Where will the federal government find the money to make it appear as though it has honoured the agreement? As we can guess, it will come directly out of the pockets of taxpayers.

According to the budget of the Conservatives, they will hit low income Canadians the hardest. Effective June 1, those earning the least in the country will face a tax increase from 15% to 15.5%. This will effectively put hundreds of thousands of low income Canadians, many of them seniors and single parents, back on the payrolls that the Liberals removed in the previous budgets.

The Conservatives will also decrease the basic personal amount that Canadians can earn tax free by $400, effective July 1. Again, this tax measure will hit low income Canadians the hardest and even more low income earners will find themselves back on the tax rolls.

Canadians and my constituents are asking, why Conservatives are so meanspirited? Why are targeting the hard-working immigrants, the marginalized and people who are trying to make ends meet? Why have they turned their backs on the first nations? Why have they cancelled the Kelowna accord, an accord that would have started to close the gap between the native peoples and the rest of Canadians?

Why have the Conservatives cancelled the early learning and child care plan that created 14,000 child care spaces in Ontario alone in the first year? Why did the Conservatives insult hard-working parents by promising to give parents $1,200 for children under six and yet tax it back? Why are they so set on this new Conservative ideology to fend for oneself, an ideology that has totally failed in previous experiences?

Why has the government cancelled Canada's commitment to reduce greenhouse gases through the Kyoto agreement? In fact, I would be interested to know just how many vital programs and international agreements of which the federal government plans to back out. Why is the government deliberately going out of its way to embarrass Canada on the world stage?

● (1855)

Ms. Diane Ablonczy (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, I guess the hon. member is still in the fear and smear mode of the Liberal campaign, which thankfully failed. Canadians know that the party opposite was the author of so many of the misfortunes that befell our country under its decade of misrule and misgovernance. There is so little of truth in the allegations that were just cited in the House.

I always find it sad when instead of real debate about real issues, we simply have misrepresentation.

The agreement between the governments of Ontario and Canada will be fully honoured by the government. The Minister of Finance has indicated this many times in the House. The government will fully meet the financial commitments of the May 2005 Canada-Ontario agreement. The Minister of Finance has been clear. Budget 2006 sets aside comprehensive funding for this agreement.

The Minister of Finance communicated this commitment directly to the Ontario minister of finance. There can be no ambiguity about our commitment and no confusion about our intent. We have made it clear time and time again in the House, in speeches outside the House and in communications with the province of Ontario.

We have to wonder what is there about a clear and repeated, yes, that the member opposite does not understand. In fact, not only are we committed to funding the original five year agreement, plus an additional year, which was not agreed to, for a total of $6.9 billion over six years.

The government is delivering on the full financial commitment in an open, fair and principled manner. The Minister of Finance has clearly identified mechanisms for disbursing the first $4 billion of these funds. Therefore, past inequities inherited from the federal Liberals are now being addressed.

Some of the areas in the agreement are Ontario specific. For example, with respect to infrastructure, an incremental top-up will be provided to the Canada strategic infrastructure fund for projects in Ontario to restore the province's per capita share of national funding under existing infrastructure agreements.

Other elements of the agreement, including immigration settlement, labour market training, post-secondary education, public transit and environment initiatives, deal with issues that concern Canadians across the country. Therefore, funding in these areas will be provided to all provinces and territories in a fair and transparent manner.

We strongly support and will continue to strongly support a vibrant and thriving Ontario in a strong Canadian federation. Therefore, in addition to our financial commitment under the Canada-Ontario agreement, the federal government is providing significant ongoing transfers to Ontario for health care, wait times reduction and other social programs such as post-secondary education. In fact, in this year alone we will transfer a total of $11.2 billion in cash for programs and services in these priority areas.

We contributed toward infrastructure such as the construction of a second platform in the Union Subway Station last week. We are contributing toward the revitalization of Toronto's waterfront. Just last week we announced and additional $25 million for Toronto's Harbourfront Centre.

Let there be no doubt or question that the federal government will continue to provide substantial support for Ontario. In the budget, the full $6.9 billion, committed under the Ontario-Canada agreement, has been fully budgeted. We are delivering on our promises to Ontarians.

● (1900)

Ms. Yasmin Ratansi: Mr. Speaker, it appears that the parliamentary secretary, like the minister, does not know math and they are cutting back $3 billion from Ontario. The government has been irresponsible by increasing taxes to hard-working parents and Canadians.

I would like to share a letter I received from one of my constituents, addressed to the hon. Minister of the Environment with a copy sent to me, concerning the cancellation of the popular EnerGuide program and other ecological issues. The letter reads:

> Several months ago the One Tonne Challenge was abruptly cancelled. And last week in the House of Commons you announced that Canada would be abandoning the Kyoto Accord. This disturbs me greatly. You are cancelling successful programs—yet saying that we cannot meet our Kyoto commitments. This shows a lack of intent.

As my constituent succinctly indicates, the government lacks intent and moreover the Conservative government lacks a true vision for Canada.

Ms. Diane Ablonczy: Mr. Speaker, I guess this is like nailing Jell-O to the wall. Obviously the member opposite has no comeback for the fact that the Ontario accord is fully funded, that it is being delivered now and will be delivered, so she is off on another tangent about some other program.

The members opposite failed Canadians in so many ways. They talked a lot about the environment, as the minister just did. In over a decade they did nothing put their signatures on a piece of paper while the environment in our country was degraded and got worse and worse. In fact, emissions increased under the former government.

The member opposite should hang her head in shame and get with the program that is really going to work for Canada, for Ontario, for the environment and for so many other areas. After failure, we need this success and it should be supported by everyone in the House.

THE ENVIRONMENT

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, it is very fortuitous to join the debate at this particular moment. The very topic we need to discuss in this next moment is around the environment and the somewhat confusing and often contradictory messages we have been from the new government.

Out of the intensity, action and vitriol of question period, the parliamentary secretary will be rising in his place with thoughts and innovative ideas to help clear away the confusion that so many Canadians are left facing after announcements go sideways and meetings have been disturbed. The message to the world has been embarrassing for all Canadians.

The government has potentially signed on to the Asia-Pacific accord, the AP6 as it is called, while this week in the United States even Republican legislators did not find any need to fund the program any more. It has been one of the greatest advocates of this program.

The minister, through the parliamentary secretary, hopefully will have some clarity on what the government intends to do about the most daunting environmental crisis our country and planet have ever faced. Those are words have come from the government itself.

In the face of such an incredible crisis, the government has signed itself up to a non-bonding, voluntary program, which one of its key initiators has backed out of and has abandoned.

I was in Bonn for the initial stages of the new negotiating round for 2012. The Canadian delegation showed up with the most confusing notion of having Canada refuse to sign up to any targets and commitments or push for voluntary mechanisms. The developing world showed up with plans and programs that far exceeded anything Canada could offer. It offered up some vague notions and allocated some money in the budget without any programming, something that the Conservative, Reform and Alliance Parties all spoke out against in this very House: never associate money without a proper plan in place. Then lo and behold in the Conservatives first budget, on one of the most critical issues, we have the money and no idea how to spend it.

The Conservatives have been much vilified in this place for having cancelled such programs like the EnerGuide. More than a year ago I stood in this place and challenged their former environment critic. The NDP had produced its own climate change plan, fully costed and run through economists. I offered it up to the then government of the day and the other parties in this place so we could debate the different initiatives. The Conservative critic of the environment at the time stood in his place and said that the Conservatives had a plan. After many years as a so-called government in waiting, they arrive in this place as the government. Lo and behold we have to wait more because they do not have a plan. They are consulting and looking around to stakeholder groups to somehow put some kind of voluntary initiative together that will not arrive.

I know the parliamentary secretary has an excellent speech that has been prepared for him. However, for our economy to have any sense of economic certainty going forward, his government needs to table a plan for us to debate and add to. His government, which waited so long to form the government, stated that it had a climate change plan. When can the House expect to see this plan and begin to debate its merits?

● (1905)

Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, the hon. member spoke about his confusion. I hope my presentation this evening will clarify things for him.

Our government is committed to a made in Canada plan that will see real reductions in greenhouse gases. This government will use a principled approach to develop and advance our made in Canada solution to address climate change. We will do this by taking action first here at home by investing in Canada for the benefit of all Canadians. Our plan will put Canadians first.

Our Prime Minister has shown the courage and leadership to address this pressing issue with a strong commitment to a made in Canada plan to clean up our environment. We will continue to work with industry, our colleagues in the House, the provinces and all Canadians in the development of our plan to ensure that we can show real results.

This government has already taken action through a significant funding commitment to public transit infrastructure, in the order of $1.3 billion. We have also introduced a tax credit for monthly and annual transit pass holders to encourage Canadians to use public transit, which is a more effective and less polluting alternative. These are all good ideas.

We have also agreed with the provinces and territories to move forward with the implementation of a 5% average renewable fuel content for gasoline and diesel by 2010 that will advance the agricultural economies, as well as bring cleaner fuel supplies to the market.

This government will take additional measures to begin to address the years of poor oversight on the environmental front. A made in Canada approach will see real progress in cleaning up our environment and in reducing pollution and greenhouse gas emissions. We will do this in an open and transparent manner by setting realistic and achievable goals, not confusing goals.

We are also assessing existing programs to see if they fit with our goal of providing clean air and clean energy for Canadians. They have to be effective. Our approach will establish effective measures to reduce pollution and greenhouse gas emissions by including the right signals to assist industry in using innovative measures to reduce emissions. Our approach will include appropriate policies, strategies and measures to build up our capacity to adapt to the changing climate.

We will be working with the provinces and territories, with industry and with other Canadians. We will be looking at engaging communities and individual Canadians to reduce not only greenhouse gases but also other air pollutants.

We have also been clear that Canada will use its leadership position as the president of the international United Nations climate change process for 2006 to work with other countries to help advance a more effective, long term approach that will see real reduction in greenhouse gases globally.

● (1910)

Mr. Nathan Cullen: Mr. Speaker, I was caught off guard by the end of that speech. All I had asked for in my question was the date when Canadians could expect a plan and when the House would begin to debate all the grandiose terms that the parliamentary secretary has put forward.

Now the minister is musing about the use of a carbon trading market but on a voluntary basis, which would not force Canadian companies to participate, thereby creating further economic uncertainty in the largest final emitters, the biggest polluters in this country. I cannot get the parliamentary secretary, the minister or anyone in the government to offer Canadians the certainty of a date, a point in time when we can begin this debate.

There is no argument from this corner of the House of the long and disastrous wait we had when the Liberal Party was in government. Yet, lo and behold, there is a new government and it is dancing much to the same tune.

It worries me somewhat to trust the Prime Minister, when he stood in the House two days ago and seemed to confuse the very basic elements of greenhouse gases. He muddled the list and claimed one item was not a greenhouse gas and one was. The department website and government policy has named some chemicals as not being greenhouse gases. This is confusing Canadians even further still. Our trust may be misplaced.

Mr. Mark Warawa: Mr. Speaker, it is unfortunate that the member remains confused and still supports a Liberal plan that did not work, as we are 35% over the Kyoto target.

We are developing a made in Canada plan that will ensure real reductions in greenhouse gases. Our plan will provide opportunities to build a competitive and sustainable Canadian economy. It will provide energy efficiency. It will allow for the development and use of new Canadian technologies. It will provide greater accountability for Canadians. It will allow for greater regional development. It will provide improved public transit.

Our made in Canada approach will be effective and realistic.

[*Translation*]

The Acting Speaker (Mr. Andrew Scheer): The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 7:14 p.m.)

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