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OFFICIAL REPORT
(HANSARD)

Tuesday, October 31, 2006

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, October 31, 2006

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

● (1005)

[*English*]

IMMIGRATION

Hon. Greg Thompson (Minister of Veterans Affairs, CPC): Mr. Speaker, in accordance with Standing Order 32(2), I have the honour to present, in both official languages, the 2006 annual report on immigration.

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INTERPARLIAMENTARY DELEGATIONS

Mr. Rob Merrifield (Yellowhead, CPC): Mr. Speaker, pursuant to Standing Order 34(1), I have the honour to present to the House, in both official languages, the report of the Canadian delegation of the Canada-United States Interparliamentary Group respecting its participation at the 61st annual meeting of the Midwestern Legislative Conference of the Council of State Governments in Chicago, Illinois from August 20 to 23, 2006.

As well, pursuant to Standing Order 34(1), I have the honour to present to the House, in both official languages, the report of the Canadian delegation of the Canada-United States Interparliamentary Group respecting its participation at the 2006 annual meeting of the National Governors Association: Healthy America, in Charleston, South Carolina from August 4 to 7, 2006.

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COMMITTEES OF THE HOUSE

GOVERNMENT OPERATIONS AND ESTIMATES

Hon. Diane Marleau (Sudbury, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the fifth report of the Standing Committee on Government Operations and Estimates.

The committee has considered the matter of procurement policy changes by the Department of Public Works and Government Services and has agreed to send a message to Senator Fortier to appear before the government operations committee in the next two weeks.

INDUSTRY, SCIENCE AND TECHNOLOGY

Mr. James Rajotte (Edmonton—Leduc, CPC): Mr. Speaker, I have the honour to present, in both official languages, the third report of the Standing Committee on Industry, Science and Technology in relation to its study on the policy direction to the CRTC.

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CRIMINAL CODE

Mr. Ron Cannan (Kelowna—Lake Country, CPC) moved for leave to introduce Bill C-376, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

He said: Mr. Speaker, it is a privilege and an honour to table a bill to amend the Criminal Code, impaired driving, and to make consequential amendments to other acts.

The bill would reduce the blood alcohol concentration limit to .05% from the current .08% without being unduly punitive or creating greater burdens on the police and the courts.

Impaired driving remains the number one cause of criminal death in Canada, more than all other causes of homicide combined. Our youth are particularly vulnerable.

The legislation would not punish people who enjoy consuming alcoholic beverages and it would not impede one's ability to drive. It does say, however, that our laws need to reflect the true risk to ourselves and others of drinking and driving.

I urge all members of the House to carefully consider the bill and to lend their support.

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

* * *

[*Translation*]

CLIMATE CHANGE ACCOUNTABILITY ACT

Hon. Jack Layton (Toronto—Danforth, NDP) moved for leave to introduce Bill C-377, An Act to ensure Canada assumes its responsibilities in preventing dangerous climate change.

He said: Mr. Speaker, this bill seeks to ensure that Canada assumes its responsibilities in preventing dangerous climate change.

It is clear that climate change represents a serious threat to Canada's economic well-being, public health, natural resources and environment. The impact of climate change is already being felt in Canada, especially in the Arctic.

[*English*]

This bill, once established, calls on the government to bring into place, very rapidly, regulations on the emission of greenhouse gases. It will also set interim and long term targets for Canada that meet the scientific basis on which such objectives must be established. It also instructs our government to pursue these objectives and goals in international negotiations. It provides an ongoing role for the environment commissioner to report to the House and the people of Canada on progress and on plans.

I am very pleased to table this legislation on such an important issue facing all Canadians, indeed, all citizens of the world.

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

* * *

FOOD AND DRUGS ACT

Hon. Carolyn Bennett (St. Paul's, Lib.) moved for leave to introduce Bill C-378, An Act to amend the Food and Drugs Act and the Food and Drug Regulations (drug export restrictions).

She said: Mr. Speaker, I am pleased today to introduce the bill, an act to amend the Food and Drugs Act and the Food and Drug Regulations. In view of the recent law enacted by the U.S. Congress after October 4, President Bush has opened the border to prescription drugs which has caused the U.S. customs service to stop seizing these purchases entering America from Canada.

We believe this is a first step to the full legalization of prescription drug imports from Canada that could come by the end of this year. We need to protect ourselves from this dramatic expansion of importation. We need to ensure that we avoid becoming America's drug store and yet we believe that since coming to office the new Conservative government has taken no action and, in fact, the health minister has said that he is not worried and that he will only respond when drug shortages occur.

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

* * *

● (1010)

CANADIAN FORCES SUPERANNUATION ACT

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP) moved for leave to introduce Bill C-379, An Act to amend the Canadian Forces Superannuation Act and the Royal Canadian Mounted Police Superannuation Act (increase of allowance for surviving spouse and children).

He said: Mr. Speaker, I thank the hon. member for Toronto—Danforth for seconding the bill. Unfortunately, in this country when a veteran or RCMP officer passes on, his or her spouse is entitled to only 50% of his or her pension benefits but, alas, when a member of Parliament passes on, his or her spouse is entitled to much more. We think that must change and with Veterans Week coming up next week it is a timely opportunity for the House to move on this very quickly.

We are asking that when veterans or RCMP members pass on that at least 60% of their pension be contributed to their spouse until that spouse passes on as well. That would be more fair for the people who serve our country with bravery, distinction and courage. It is time to update that pension legislation so they in turn can leave more for their surviving spouse.

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

* * *

FIRST READING OF SENATE PUBLIC BILLS

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, yesterday, at the same point in routine proceedings, tabling of Senate public bills, I rose as the sponsor of Bill S-202 and asked if I could briefly explain the bill. The Speaker responded:

> We do not normally speak on Senate bills. The hon. member for Mississauga South is asking for unanimous consent to give a brief explanation of the bill.

Unfortunately, unanimous consent was not forthcoming.

Mr. Speaker, I refer you to Marleau and Montpetit, chapter 21 under “Private Members' Business”, at page 900 under “SENATE PUBLIC BILLS SPONSORED BY PRIVATE MEMBERS”, which I believe this is the case. It states:

> Some private Members' public bills originate in the Senate and are sent to the Commons after passage by the Senate. When the Speaker calls “First Reading of Senate Public Bills” during Routine Proceedings, the Member sponsoring a Senate bill in the House is permitted to give a brief explanation of its purpose, without engaging in debate. The motion for first reading is then deemed carried without debate, amendment or question put, and the bill is automatically added to the bottom of the order of precedence for Private Members' Business without having gone through the draw process.

All bills coming before this place have a very important matter to consider by hon. members either in this place or from the other place. I believe this particular bill is excellent and I was hoping to have the opportunity to make a brief explanation on Bill S-202 for the benefit of all hon. members.

The Speaker: I have to say to the hon. member for Mississauga South that I appreciate him drawing this matter to the attention of the Chair. In my experience in this House, which has gone on for some time now, I have never seen a member rise on the introduction of a Senate bill and give a brief explanation, so I am surprised to see this in Marleau and Montpetit.

However, I accept the citation that the hon. member has referred to in our practice and I apologize for not having allowed him to give this explanation yesterday. Perhaps he would like to give the House the benefit of his wisdom now in telling us what the bill concerns since, obviously, I made a blunder yesterday in suggesting that he required unanimous consent in order to do what he now wishes to do.

STATUTES REPEAL ACT

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, it is my honour to sponsor in the House of Commons Bill S-202, which was proposed by the hon. senator, Tommy Banks, and which was passed by the other place on June 22.

The bill seeks to establish appropriate provisions to repeal any legislation that has not come into force within 10 years of receiving royal assent. Failure to proclaim a bill passed by Parliament is simply unacceptable.

I trust that all hon. members will give speedy passage to this responsible piece of legislation from our other place.

* * *

● (1015)

COMMITTEES OF THE HOUSE

FISHERIES AND OCEANS

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP) moved:

That the third report of the Standing Committee on Fisheries and Oceans presented on Tuesday, October 24, 2006 be concurred in.

He said: Mr. Speaker, I first want to thank the House for the opportunity to speak on what I consider a very important matter related to people who live in our northern territories: Yukon, Northwest Territories, Nunavut and of course the northern part of Quebec.

I also want to thank my hon. colleagues from the Bloc Québécois, the Liberal Party, and the fisheries and oceans committee for helping me get this through the committee and report it in the House of Commons.

I will provide a brief history of this issue. We are basically talking about the marine service fees that had an exemption in 1997. Unfortunately, the exemption was never implemented. These fees are having quite an economic effect upon shippers and users of shipping services, plus consumers in the far north.

The statutes are already on the books. We are asking the government members, who supported it when they were opposition, to support the exemption of 1997. We are asking to remove the additional fees that the people in the north have to pay.

For those who are watching, it is quite simple. If a ship transits from Montreal to Iqaluit, it has to pay additional service fees for the privilege of sending freight or cargo up to the far north. If a ship comes from Antwerp or Amsterdam to Iqaluit, no fees are applied. That is unfair and it is time to change it.

I am going to read the motion of the Standing Committee on Fisheries and Oceans. I thank the hon. member for South Shore—St. Margaret's, the chair of the committee, for presenting it to the House as a report. It states:

Routine Proceedings

The Committee on Fisheries and Oceans recommends that the Government:

1. Not apply Marine Service Fees on Canadian commercial ships transiting to and from waters north of 60° based on the socio-economic conditions of the North consistent with the fee exemption established in 1997;

2. That the exemption be appliely without any further ded immediatelay and that the Canadian Coast Guard's cost recovery policy with respect to the North be subject to further review in the development of a national Future Approach to the Marine Services Fees;

3. Whereas the Marine Service Fees collected by the Canadian Coast Guard on the provision of sealift services to the Eastern Arctic is not consistent with the current exemption based on the socio-economic conditions of the North, specifically the reality that the Eastern Arctic is dependent on re-supply by way of the south given its unique socio-economic conditions;

4. Whereas the peoples across Canada's North including remote communities experience the highest costs of living in Canada; and

5. Whereas the communities and residents of the North maintain and exert Canada's Arctic sovereignty across the Yukon, Northwest Territories, Nunavut, Nunavik and Northern Quebec, and Labrador.

These people are the ears and eyes of our north. There has been a lot of talk lately about Arctic sovereignty. We think that the people of the north have a right not only to live in the north of course and have economic opportunities, but we also believe the exemption should remain in place. We think it is inconceivable that the government in 1997 placed the exemption but never enacted it. We could not help but notice that when the Conservatives were in opposition they supported this particular indication.

I would like to read a couple of quotes by someone we all know. A letter was sent to Dennis Fentie, Premier of Yukon; Joseph Handley, Premier of the Northwest Territories; and Paul Okalik, the Premier of Nunavut. I will let you guess who said this, Mr. Speaker, on January 6, 2006. The letter states:

We recognize the unique circumstances faced in the north regarding the delivery of programs and services to residents and we are prepared to discuss the challenges regarding the costs and circumstances for the delivery of those services.

It also states:

3. the need to simplify the spiderweb of federal regulatory authority which threatens economic development in the north;

Mr. Speaker, guess who said that ever so eloquently? It was none other than the Prime Minister himself when he was in opposition. We thank the Prime Minister for recognizing the unique economic conditions of the north. We would like to thank him one more time by accepting this report and removing the fees immediately.

Again, if the government members wish to follow through on their own commitment to the people of the north, we would be glad to support them. Unfortunately, in the estimates we do not see anything of that nature in this regard. Thus, the opposition needs to get the issue back on the table in the House of Commons.

● (1020)

It is time that the government fully recognize the exemption of 1997. That is basically all we are asking for and if we do that I honestly believe we could help the people in the north develop their economies even better.

We cannot sit down here in the south and say one thing and then tell the people in the north another thing. It is simply unacceptable. As a person who lived in Yukon for nine years, I understand quite uniquely the conditions under which the people live in terms of trying to compete with its southern neighbours, and trying to have health and educational services, transportation services and economic opportunities. We need to assist them.

The overall cost to the government is really peanuts when we look at the big budgets it talks about. This would go a long way in assisting the three premiers of the north and their constituents, and the three members of Parliament who represent those areas from Yukon, Northwest Territories and of Nunavut. I thank all three of them for helping us in this discussion and moving this issue forward.

We honestly think that this is something that would be very helpful. I want to thank a couple of people for their assistance, Mr. Richard Selleck from the office of Senator Willie Adams who has been very helpful. Senator Willie Adams represents the north in the Senate. I also thank Mr. Francis Schiller, who has been working very hard and a long time on all aspects of marine service fees trying to get them in line, so that the people of the north, and the people who do business and trade with the north, will be able to have a competitive level playing field when it comes to the same aspects of the economy that we have in the south.

This is a very proper and opportune time for this debate to happen in the House of Commons. I thank all my colleagues here, but I especially want to encourage my Conservative colleagues to move forward on this, especially the Minister of Fisheries and Oceans, who himself is from Newfoundland and who has commented before about the unique situations in the far north. He knows the unique conditions of outports in the beautiful province of Newfoundland and Labrador and how we need to help those communities and assist those businesses in creating economic development in the far north.

If the exemption gets into place immediately, we are then as a Parliament telling the north, everybody north of 60, that we understand the situation they go through, the complications that they have, and we will do everything in our fiscal power to assist them.

At this time I would hope that the House would seek a fairly quick recommendation on this and pass it unanimously, so that we could collectively tell the north it is trick or treat time and today, here is a treat and no tricks.

I wish to thank the hon. member for Cape Breton—Canso who understands the great challenges that we have in helping out the north. I look forward to the debate and I thank the House for the opportunity to speak on this issue.

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): Mr. Speaker, I have a couple of comments and a couple of questions.

The hon. member talked about saying one thing and doing another. It kind of reminds me of his position on supporting the troops in Afghanistan, and yet he stood in the House and voted against the mission. That is the first thing I want to get off my chest.

The second thing is, what is it worth? The NDP talks about stifling the northern economy. What would the cost be? My understanding is that the marine service fees for north of 60 amount to about $100,000 a year. We do not have the same deal for any other provinces like P.E.I. or Newfoundland. The amount of $100,000 a year is not going to stifle the northern economy. Are we going to offer this same reduction of fees to all the land routes that cross 60°? Are we going to offer the same reduction of fees straight across the board? What about the diamond industry? It is a fairly lucrative industry. Should we be assisting it? Should we be assisting oil and gas exploration industries in the high Arctic. Can they not afford to pay service fees?

I would like to know the cost and to have a rational debate about this instead of a political debate because we can all be guilty of that. What is the cost and why can the north not afford to assume those costs on its own? Is it stifling the northern economy? I think there was a reason the bill was enacted and there was a reason that it was not brought in because I think cooler heads prevailed and they took a look at it. I do not think this is about holding the north back at all, but I think that we have to be fair throughout the country. What is the cost? That is my question.

● (1025)

Mr. Peter Stoffer: Mr. Speaker, first of all, on the member's first question, if he thinks that the lives of the troops and billions of dollars of expenditures toward the country of Afghanistan is only worth a six hour night debate and then a rush vote in the House of Commons, without fair and proper consultation with all Canadians, it is absolutely unacceptable. I would never support that.

On the member's issue of the service fees for the north, I cannot stand in the House and say here is the exact figure because if those fees were removed, we may have even more additional services to the far north.

I remind my hon. colleague from South Shore—St. Margaret's that it was his Prime Minister who stated what I quoted here in the House earlier. It was the government when it was in opposition that supported the implementation of the exemption. If the member wants to know the true figures, he can easily ask the parliamentary secretary who is sitting right next to him or the Minister of Fisheries and Oceans.

He has had ample time to learn about these figures. These figures change all the time. We do not know the exact costs. We do know that the north has asked us for this. The north has been asking since before 1997 for the removal of these fees. If the member wishes to have an exact penny to the count, hopefully by the end of the day I will get him those figures. I believe his $100,000 figure is way too low.

The fact is that the member cannot compare southern operations to that of the north. It is simply unacceptable. The member knows better than that.

Mr. Brian Fitzpatrick (Prince Albert, CPC): Mr. Speaker, I will follow up on those excellent questions from the government member. I am curious because I hear the Bloc members and the NDP very often talking about subsidies and tax breaks for the oil industry and some of the big companies, such as De Beers, and other diamond companies and so on.

Is the member seriously telling us here that when it comes to major oil and gas developments in the north or mining ventures by companies such as De Beers or building the Mackenzie Valley pipeline by Exxon, one of the biggest corporations in the world, that he is actually advocating that we give them a reduced arrangement on fees for transporting products and stuff to the north? Is that what the member is saying? Is he talking about another subsidy to the oil and gas industry which his party seems to be preoccupied with? Is he talking about another one?

Mr. Peter Stoffer: Mr. Speaker, it is quite amazing when we sit and listen to some of the comments from the hon. member for Prince Albert.

I would remind the hon. member of an announcement that the government recently made and which I fully supported. It was subsidizing and helping Marine Atlantic from Digby to Saint John, New Brunswick. That was a crown corporation that went private. The private corporation could not make any money doing it in private hands. The government is now putting over $4 million into something that it does not know if it is going to be successful in the end. The government is doing what it can to help the communities in those areas. This is something I fully support.

If the government can help a private company, a ferry from Digby to Saint John, New Brunswick, surely it can honour the exemption which is on the books as of 1997. That is basically what we are asking for.

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, in the north when we ship goods by boat from Montreal to Iqaluit for instance, the price of these goods is raised. When goods are bought in Montreal and the 6% GST is paid on them, we must add on the price of the freight and the GST on the cost of the freight on top of the goods when it arrives in Iqaluit.

The tax system in Canada is not set up to be fair for northerners, for people who live at the end of the supply chain and have the highest cost. These people pay the highest consumption taxes.

In fact, northerners are paying more than their fair share of taxation right now. Whatever we can do to reduce the cost to northerners is a good idea. Would my hon. colleague speak to the concept of reducing costs to northerners?

● (1030)

Mr. Peter Stoffer: Mr. Speaker, I will reiterate for my hon. colleague what the Prime Minister said. These are his own words:

> We recognize the unique circumstances faced in the north regarding the delivery of programs and services to residents and we are prepared to discuss the challenges regarding the costs and circumstances for the delivery of those services.

Those are not my words. Those are the Prime Minister's words.

It is ironic to have the Conservatives stand up and say "what are you doing giving subsidies and breaks to these companies?" Their own leader, the Prime Minister, said those exact things to the three premiers of the north. I do not want to have a hypocritical conversation here. I am basically asking the government to honour the Prime Minister's words and remove those fees and implement the exemption.

[*Translation*]

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Mr. Speaker, as the NDP member said, it is surprising to hear the Conservatives stand up and say that a great deal of money will be spent on this issue and that that will open the door to other initiatives or other fee reductions. But when oil and millions of dollars are involved, it is a different matter. Here, we are talking about thousands of dollars only.

I fail to understand the Conservatives' attitude toward the current situation. When we talk about helping people who live in remote areas, we are criticized and told that the money could be spent elsewhere. But when it comes to helping companies that do not necessarily need assistance, such as the oil companies, there is no debate.

I would like to hear what the NDP member has to say about that. I would like to know his opinion and how he reacts to this situation, because it reflects a double standard. At the same time, I feel as though the government is making a big deal out of something that should be logical: helping people who live in remote areas.

[*English*]

Mr. Peter Stoffer: Mr. Speaker, my hon. colleague from the Bloc is a very strong and proud member of our committee and I thank him for his work, but I also want to mention to the Conservatives that it is the Coast Guard that has set up a national review process on all service fees that it charges to shippers, not only in the south but in the north.

We mentioned to the Coast Guard that on its initial panel of experts it had nobody from the north. In committee, when we addressed this to Mr. DaPont, the commissioner of the Coast Guard, he realized the mistake. He is going to correct it. He is now going to have people from the north.

If the hon. member for South Shore—St. Margaret's and others think this is a waste of time and are asking what we are doing, then why is the Coast Guard having a national review of all marine service fees? It seems quite comical that they say one thing, yet the Coast Guard is holding a national review process.

We basically want to skip ahead of that and tell the Coast Guard and the government to just implement the statute that gives the exemption on marine service fees north of 60. That is it.

Mr. Randy Kamp (Parliamentary Secretary to the Minister of Fisheries and Oceans, CPC): Mr. Speaker, I am pleased to respond to the motion by the NDP member for concurrence in the third report of the Standing Committee on Fisheries and Oceans. I thank him for his work on this issue and on many others.

Canada's new government shares the committee's regard and concern for this country's citizens of the north. We fully appreciate the unique socio-economic conditions facing this part of our vast country. However, this motion as it stands now ignores much of the work already completed and currently under way on the question of federal marine services fees and their application north of the 60th parallel. It also ignores the realities of maritime transport in keeping our waters safe and accessible for those who sail them. In the few minutes that I have, I want to develop these themes.

The motion calls for an immediate exemption of marine service fees on vessels that transit to and from waters north of 60. It also calls for a further review of the Canadian Coast Guard's cost recovery policy with respect to northern Canada. As well, it accuses the Coast Guard of being inconsistent with existing exemptions for the north in applying fees on sea lift services to the eastern Arctic.

Let me remind this House of the facts on marine services fees and what Canada's new government is doing to work with industry and the government of Nunavut on this matter.

Marine services fees were initiated in 1996 on commercial shipping in Canadian waters. They apply to commercial ships that derive a direct benefit from the navigational and icebreaking services provided by the Coast Guard. They exist to recover a portion of the costs incurred by the Coast Guard in providing these services.

I should note that the Arctic is not subject to the icebreaking fees. I will come back to this shortly.

Therefore, the fees in question are those charged by the Coast Guard for marine navigation services. These include maintaining aids to navigation such as fixed beacons, lights and floating markers, as well as vessel traffic services.

As part of a national program, these navigation service fees are applied to all commercial cargo vessels, including those that traverse the 60th parallel. Most of this traffic is of course generated by ships delivering goods north, as there is very little north to south commercial traffic. The fees are charged to individual vessels in waters subject to cost recovery and are paid to the Coast Guard. In the case of the eastern Arctic sea lift, the fee is applicable only on the portion of the trip south of 60.

From the outset when the marine services fee program was established, the Department of Fisheries and Oceans and the Canadian Coast Guard recognized the fragile economic conditions and unique challenges facing the north. The program recognized that without additional analysis of the northern situation it would have been premature to apply cost recovery for these services north of 60. The program also excluded cost recovery from transit between remote ports designated by Transport Canada's national marine policy.

In 1998, the marine services fee policy was extended somewhat by replacing Transport Canada's definition of remote ports with places in prescribed zones as designated by the Income Tax Act. These places are typically in areas that rely primarily on marine transport for resupply but whose ports are not economically viable on their own. The ports are usually owned and operated by the federal government.

In taking this step, the Coast Guard accepted the finance department's view that areas in the north deserve special consideration, as they did in the Income Tax Act, based on their economic situation. So it switched from Transport Canada's listing of remote ports to the finance department's listing of places in these prescribed northern zones. The Coast Guard believed this to be a fairer and more representative listing of locations that merit exemption from marine services fees, which is where we are today in regard to marine services fees.

At present there are two exceptions to this national policy that deal with northern and remote areas: commercial ships operating in waters exclusively north of 60, or those that sail between the places in prescribed zones listed in the Income Tax Act. Those are the two exemptions.

All other commercial vessel traffic is subject to the fees as part of the Coast Guard's partial cost recovery. When I say partial cost recovery, I mean just that. The cost for providing these navigational services to Canada's commercial shipping industry south of 60 is in the neighbourhood of $66 million annually. For navigational services exclusively north of 60, the figure is an additional $17.6 million, but as I said, it is not subject to cost recovery.

● (1035)

The total revenue generated from marine navigation services fees last year was about $31 million. Of that, about $100,000 a year comes from the fees levied on ships crossing the 60th parallel, only $100,000 a year. That equates to adding about $1 to the $300 cost of shipping a snowmobile, for example, from Montreal to Iqaluit, or $8 on a $2,000 shipping charge for sending a pickup truck along that same route.

This of course raises some concerns from the government of Nunavut and the shipping industry. Naturally, shipping companies would prefer to see no fees at all.

In terms of added value, I hasten to add that fees for icebreaking services, from which the north receives some benefit, are not applicable north of 60. In fact, last year the cost for icebreaking services provided by the Coast Guard in these waters was about $41 million.

We do not charge for these services because we see icebreaking in the north as an essential service for the public good. It means that northern residents and commercial interests can access safer waterways and access them earlier in the year. It means open harbours and greater opportunities for the people of the north, who maintain Canada's Arctic sovereignty on our behalf.

Moreover, even though most vessels engaged in the sealift begin their journey south of 60, they pay no icebreaking fees there either. This is because the Arctic sealift typically operates from July to October, before the start of icebreaking season.

As well, the Coast Guard provides a number of other services to Canada's north. These services benefit the eastern Arctic resupply, commercial shippers and northern residents to varying degrees, but they are services to which no cost recovery is applied.

In addition to icebreaking, these services include search and rescue, marine communications, environmental response, and direct funding from DFO to maintain 37 remote resupply landing areas.

There is yet another service that the Canadian Coast Guard continues to provide the industry and the residents of Nunavut, despite differing opinions on official responsibility: the Iqaluit beachmaster-harbourmaster program. With no commercial port facilities in Iqaluit, the Coast Guard supplies personnel and equipment to coordinate the arrival, safe mooring and unloading and departure of commercial cargo ships conducting the sealift. The Coast Guard also directs vessel traffic and places mooring buoys in the harbour.

This program is not an official duty of the Coast Guard. As part of the sealift, it should rest with the government of Nunavut. This has been a topic of discussion between previous federal governments and Nunavut for years. In fact, the debate continues today.

However, we continue to provide this service, one that directly benefits the industry and the people of Nunavut. It costs the Coast Guard somewhere between $150,000 to $175,000 to do so. This alone outpaces the $100,000 a year I mentioned a moment ago that is collected from ships transiting to and from north of 60.

In 2005, the Nunavut government asked the previous minister of fisheries and oceans to review marine services fees. Nunavut's Minister of Economic Development and Transportation expressed his government's view that no such fees should be applied because of the already high cost of shipping to the Arctic. This review was completed in June of this year. Shortly thereafter, we shared its findings with the current Nunavut minister and the president of the Chamber of Maritime Commerce.

The review, which has been made public by the Canadian Coast Guard, focused on ships conducting the Arctic sealift. For the sake of clarity, I should add that the sealift is primarily composed of well-established marine companies that provide these resupply services to Nunavut for part of the operating year. It is not an Arctic fleet operating solely north of 60, which would make it exempt from marine services fees.

The review looked into assertions that marine navigation services fees are an unfair burden on Nunavut. It examined the assumption that the fees are a major cost component of transportation and that the policy on these fees is applied incorrectly.

The review found no immediate or compelling reasons to eliminate these fees on commercial ships sailing between south and north of 60. It found that the fee is not a significant contributor to the cost of transportation, citing the figures I stated previously. Generally, the fee adds less than 1% to the cost of shipping to north of 60. In other words, if the marine navigation services fees were to be eliminated, it would not reduce the cost of shipping to the people of Nunavut in any meaningful way.

● (1040)

The review also found that application of this fee was consistent with the exemptions established previously, which I have already discussed. These exemptions were never intended to be permanent. The government of the day implemented them with the understanding that the policy would be reviewed periodically. Adjustments to the new policy could be made as a clearer picture of the northern shipping situation emerged. In effect, that happened in 1998, when the program was only two years old, and it is happening now as the entire marine services fees program is being looked at. This is being done by industry and government together.

I stress, again, that the marine services fees are part of a national cost recovery program that covers part of the expenses incurred by the coast guard in providing safe and accessible waters. As such, there was never any plan by previous governments to extend exemptions perpetually. Periodic reviews of the program allow governments the opportunity to work with industry to bring policies in line with current shipping conditions.

However, the government does share some common ground with the motion before us today. We agree that the Coast Guard's costs recovery policy for the north does merit further consideration as part of a national discussion. At this time we are engaged in discussions with the marine industry to develop a future approach to marine services fees. The goal is to develop a long term arrangement that addresses some of the outstanding issues on this matter between government and industry.

For the shipping industry, we are striving to bring greater stability and predictability to the marine services fees program. For government, or more specifically for the Coast Guard, a renewed approach to marine services fees could better reflect the current realities of commercial shipping. It could also serve to resolve an issue that is impacting the Coast Guard's relationship with the major client group.

These discussions are moving well. Both sides seem to agree that a comprehensive national framework on marine services fees is best for all concerned. Admittedly, the structure of marine navigation service fees is pretty complex. It is made up of an interwoven web of regional rates and applications to reflect commercial shipping patterns in different parts of the country.

Substantive one-off fee adjustments in particular regions could inadvertently and negatively impact the industry in other areas. That is why we have agreed that any changes to the fee should be undertaken at the same time on a national level and in a transparent manner. This, of course, would include fees applied during the Arctic sea lift.

The government does see the value in further discussing this matter with industry in a national context, and we recognize that there could be some benefit to exploring the possibility of a single rate for the Arctic. We will have more to say on the future approach to marine services fees in the coming months. We look forward to discussing our progress with the standing committee at that time and with the members of the House.

I was particularly disappointed, as we discussed this in committee, that this approach was not applied. Why we would proceed on this while there was a national discussion taking place was confusing and disappointing to me.

The government is sensitive to the fact that Canada's north faces unique environmental and socio-economic conditions. We recognize that a high cost of living and the distinct means of resupply are among the challenges of living north of 60.

Governments have tried to provide some relief through tax deductions for northern residents. This appears to me a more appropriate measure to addressing socio-economic imbalances than eliminating fees that go toward much needed navigational services. These services help ensure the safety and timely delivery of the eastern Arctic's critical resupply and they help provide mariners safe passage through often hazardous northern waters. Marine operators there often face high tidal ranges, ice infested waterways and limited port infrastructure.

In our view, these navigational services are as much a necessity to the safe operation of vessels as are the cost of adequate fuel, crew or vessel maintenance, among other expenses. However, as I stated, the cost of these navigational services is small compared to other shipping expenses and the return is very great.

In fact, as the review also noted, increased economic activity in the Arctic will bring greater demand and opportunity for shipping companies operating in the north. The government of Nunavut estimated a 32% increase in the number of scheduled stops as part of the sealift arrangement with suppliers. This in turn places greater demand for Coast Guard services. Eliminating the modest cost recovery associated with marine services fees does not appear to be a feasible option at this time.

The government does not concur with the motion before the House today. What we do agree with is continuing our efforts, in partnership with the industry, to find reasonable options in regard to marine services fees.

● (1045)

The Canadian Coast Guard is an indispensable part of our country's marine transportation network. Ask any mariner who has faced treacherous waters or trouble at sea. The talented and dedicated people behind this unique organization are committed to providing safe passage to all those who ply our waters, but they need the right tools and the right support to do their jobs properly.

We in government are tasked with making the right decisions that balance service to the public with sound fiscal stewardship of public resources. Marine services fees are part of this responsibility in ensuring the Coast Guard can continue its key role in marine safety.

We are committed to the best interest of our northern citizens. For the Department of Fisheries and Oceans, these interests are best served by providing safe and accessible waterways, vital to the well-being of Canadians north of 60.

● (1050)

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, I am pleased to rise to comment on my hon. colleague on the issues he has raised. He mentioned the tax system as a way to compensate northerners for increased costs.

The northern residents tax deduction, which came in the eighties, has been maintained at the same level since then. The cost of living has gone up over 50%, so we saw a degradation in the northern residents tax deduction while the Liberals were in power.

In his speech, my hon. colleague mentioned that he though this was a more appropriate way to deal with the inequities in the cost of living. Would he comment on the government's interest in reviewing and reassessing the very important northern residents tax deduction as part of his government's effort to alleviate the high cost of living for northerners?

Mr. Randy Kamp: Mr. Speaker, I appreciate the fact that my hon. colleague agrees with us, that finding some way other than changing, in a very small way, the cost recovery system, which the Coast Guard applies, is probably the way to approach this issue.

I am not in a position to speak for the Minister of Finance or other members of the government, but we are always open to reviewing the taxation system to ensure it is as fair and balanced as it should be. I am confident we will be doing this in this regard as well.

[*Translation*]

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Mr. Speaker, I have a very simple question for the parliamentary secretary.

There are costs associated with the issue we are discussing today. With regard to maritime law north of 60, there is little marine traffic in that area.

My question is simple. How much money exactly does the issue we are discussing today represent?

[*English*]

Mr. Randy Kamp: Mr. Speaker, I appreciate very much my colleague's interest in issues related to fisheries and oceans. He is a very important member of our committee.

I want to ensure that there is no confusion on this issue. There is no cost recovery for transportation that operates exclusively north of 60. It has worked this way since the initiation of the cost recovery program for service fees in 1996. There is an exemption and there always has been. In fact, there has always been the other approach. There is a cost recovery for transportation that comes from the south and goes to the north until it reaches north of 60.

After the first stop, let us say it goes to Iqaluit and then perhaps a number of stops after that, and there might be a fair number of those north of 60, there is no cost recovery charged to those. That is why there is a very small amount, in fact about $100,000 of marine services fees for trips that are taken from south of 60, say Montreal or some other place, and then into the eastern Arctic north of 60. It is a relatively small amount of money.

Hon. Loyola Hearn (Minister of Fisheries and Oceans, CPC): Mr. Speaker, the concern I have about a debate like this is the perceptual image that is created by it. It seems people are debating whether we should give major breaks to people who live in the north because of the cost of goods and services. If we were debating something like that, undoubtedly, we would be debating with a tremendous amount of input by all sides. We realize the costs to live anywhere in the rural parts of ours country, particularly the north.

However, as the parliamentary secretary mentioned, we do not have any costs in relation to ice breaking, and we are not talking about that. We are not talking about eliminating the costs of freight, which the private sector charges.

I will use one example. A very popular machine in the north is the Ski-Doo. The cost of a reasonable one now is about $10,000, and that is not a good one. I understand the cost of sending that to the north is about $300 in freight. We are not talking about eliminating that. This amount is charged by the company that transports it.

We are talking about the fees associated with placing the navigational aids and structures to help these boats cross the 60th parallel and move into the north. It collects for us only $100,000. The cost passed on to the consumer by the company that pays the fees will be $1 on that Ski-Doo.

We just brought the GST down from 7% to 6%. This alone saved the individual buying the Ski-Doo $7. The 1% drop in GST was seven times the amount of any fees passed along by a company bringing stuff to the north.

In light of his mention of tax breaks as a way to help people get money directly in their pockets, does he not think that is a pretty good deal?

● (1055)

Mr. Randy Kamp: Mr. Speaker, as I pointed out in my speech, we need to keep this in mind. There really is not the infrastructure in Nunavut, for example, to conduct the sealift, the resupply, in a normal way. The Coast Guard already provides those other services of temporary mooring and harbour buoys, offloading services and so on. When we add them up, it cost more than it recovers from the $100,000 of cost recovery for marine services fees from south of 60 to north of 60.

As the minister has said, we always want to ensure that we address their needs. We realize there are some unique socio-economic conditions. It might well be, as we conduct a national review of this, that we come up with a single rate for the Arctic, but let us not prejudge that.

As my hon. colleague from the Bloc has suggested to our committee, why do we not bring in some witnesses before the committee and have an intelligent discussion about that before proceeding with a motion like this one?

[*Translation*]

Mr. Raynald Blais: Mr. Speaker, I have one more question. I would like to kill two birds with one stone given the minister's presence and his interest in this matter.

This is also a question of fairness. Maritime transporters transiting south to north in the Arctic have to pay marine service fees. Yet foreign vessels that do not travel via the south or who just stay north do not pay any marine fees. So this is about fairness. I would like to know what the parliamentary secretary has to say about this.

● (1100)

[*English*]

Mr. Randy Kamp: Mr. Speaker, I do not know if it is so much a matter of fairness. The reason for it, as I think the member knows, is that there are agreements between shippers from other jurisdictions, and in fact they are reciprocal agreements, such that if a ship is coming from Maine, let us say, there are agreements that the Canadian Coast Guard has with that jurisdiction. We are bound by these agreements. I think that all in all they are good agreements to have and we probably would not want to change them.

As I have said, we are not opposed to discussing this and taking a look at it. We think we should do it in a well ordered way and that is in fact what is going on at this moment with government and industry.

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, it is a pleasure to join in this debate today, although I feel like I am interrupting the glorious embrace that is taking place between the Minister of Fisheries and Oceans and his parliamentary secretary.

This specific issue has been dealt with and debated in the past. When it was laid down in 1997 we thought it had been dealt with and had disappeared for a while, but when it was not enacted, it appeared before us again. That is the purpose of the motion brought forward today by my colleague in the NDP. That is why we stand in debate.

It is great to see the Minister of Fisheries and Oceans in the House today. He appeared before committee just two weeks ago. I thought we had a frank and fulsome debate on a number of different issues in questioning the minister. It was interesting. Whether he has changed his eyewear over the last number of months, I do not know, but he seems to be seeing things a little bit differently now that he has assumed the reins of that department. Maybe he has a somewhat greater insight now or a different perspective on a number of issues within the department, in seeing that it is a ship that takes a great deal of energy and effort to turn around.

Being a long-serving member of that committee, he knows that there is one thing he can count on and that is the support of the committee in bringing forward strong recommendations. For the most part, I have had the great pleasure to work on that committee since coming to this House almost six years ago. What I have always enjoyed about that committee is that there is a great degree of support, of collegiality and of working in cooperation with all parties to come out with a greater public good, with recommendations on whatever the issue might be that will better enhance the day to day lives of those who harvest the sea or those who work in the sea. There have been a great number of those recommendations over the last number of years.

I think of the MCTS report that we put forward. I look at the work that has been done on small craft harbours and the recommendations that have come forward from the committee. I look at unanimous reports that have come forward through the committee. We are currently working on a strong, all party recommendation in support of the seal hunt, in support of Canadians who draw their livelihood from the seal harvest, and we will stand together shoulder to shoulder and make those recommendations. Hopefully the minister will exercise his wisdom and leadership and respond to those particular recommendations that come forward from the committee.

I have just had the opportunity to speak with the minister on one issue that we have seen a great deal of progress on and which was brought forward in my own back yard. It was the issue of munitions, at sea munitions and the post-war dumping of those munitions. There was a strong recommendation from the fisheries and oceans committee. It has been acted on. The last number of years have shown great progress on that issue.

When this particular issue came forward, it was one during that had not been discussed during my tenure at the fisheries and oceans committee. Certainly, though, when we looked a little deeper, we asked why in the heck it was not moved on. Why has action not been taken on this since it was first discussed and passed in 1997?

We had brief discussions in a past committee meeting. As well, I have been very thankful for the work that was done by my colleague from Nunavut, my colleague from Yukon and, as was mentioned in the House earlier, Senator Willie Adams, who has been a strong advocate of this issue. They have been able to inform our caucus, and certainly a broader swath than that, of the impact of the issue on communities in the north. I want to thank them today.

● (1105)

What I see is that this is another opportunity for the committee to do something good for the people of Canada, but more particularly the people north of 60, because these are the people on whom its impacts are greatest. Let us look at the cost of living in northern communities. I think all members of the House are very much aware of the cost of living in northern communities. These fees do have an impact on those who buy the goods, who buy the groceries and the Ski-Doos, as was indicated earlier, or any services. These fees do have an impact, because they deal with pretty much the sole source of resupply for those north of 60. They have a tremendous impact.

As the parliamentary secretary alluded to, the costs of navigational aids and the placement of navigational aids have come down tremendously over the last number of years. If we think back to years ago, our coastlines were dotted with manned lighthouses and there was a tremendous cost to the national treasury in trying to support them. Investments have been made in technology and we have come a long way. With the evolution of navigational aids, the costs of navigation in the country now have come down considerably.

When we are still charging what was being charged back in the mid-1990s and probably prior to that, and with navigational aids costs coming down, maybe that alone is enough of a basis or a rationale to identify that this is the time to make sure we go forward on this.

Already a couple of members have spoken on this topic today. They talked about the impact on the average Canadian who is living north of 60. Whether or not this particular fee is stifling or suffocating to development in the north, we obviously see it as at least a burden. It is not a huge cost to the treasury, but I believe there is a benefit that can be yielded for so many people in the north. We certainly hope that the government sees the merit in this and can support it.

Speaking from our party's perspective, we certainly do not see this as a magic formula. There is so much more that has to be invested in the north and there are so many other issues that impact on the north, but we see this as one small thing that we believe should be acted on. The fee exemption was established in 1997 but never acted on and we think that now is the time. For the benefit of all those living north of 60, this party will be supporting the motion.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, I thank my hon. colleague for his questions and statement today. Living in a rural area, he knows very well the costs associated with that.

The member was absolutely correct when he talked about the unique situation north of 60. These particular fees are not going to break the bank for anybody. This is about the principle of it and the aspect that these fees could increase or change; these fees could do all kinds of things. That is why there is an exemption on the books as of 1997. He is correct. Unfortunately, it was never acted upon. Really all we are asking is to have the exemption maintained. That is it. It is not that difficult. I would like his comments, please.

● (1110)

Mr. Rodger Cuzner: Exactly, Mr. Speaker. This case has been made in the House before. It is unfortunate that it has not been acted upon, but when it did come forward we were very much aware of it. A friendly amendment was put forward by one of our colleagues on the committee. As I referenced earlier, it is a very collegial committee and I believe we work toward the greater good in most cases.

We understand fully that there is an initiative going forward. The future approach to marine services fees is going forward, but this is something that was dealt with already. It should have been enacted in 1997. It was established in 1997. As we go forward with the future fees and what we do with the rest of the national template, that is one thing, but let us get this off the books today. Let us support the motion and make sure that the exemption is started today, immediately.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, I commend my hon. colleague, the member for Cape Breton—Canso, for all the work he has done through the years on the fisheries committee.

I first would like to comment on something said earlier by the Minister of Fisheries, who talked about how the GST cut is much greater than what the fee would be, yet at the same time, the Conservatives again raised the basic income tax for income earners in the bottom tax bracket. In typical Conservative fashion, the government gives one amount with the left hand and takes with the right at a much larger rate. That negates his little argument.

I would like to ask a question of my hon. colleague. It pertains to the committee itself and some of the good work it has been doing over the past while. For people who are watching this from outside the House, perhaps it will shed some light on some of the good he has done and seen and on what has been successful in the past year as far as work from the committee going into legislation is concerned.

Maybe he would like to comment on the good work that the Minister of Fisheries did when he brought custodial management forward in the committee. Perhaps he would like to update us on that particular motion.

Mr. Rodger Cuzner: Mr. Speaker, I certainly would not want to put words in the mouth of the Minister of Fisheries. He is quite capable of answering for himself. I am sure there are many questions surrounding custodial management that will be posed to him as things go forward on that particular file.

I do not want to sound like an infomercial for the fisheries and oceans committee, but if people were to talk to members on that committee they would say that a great number of people have made a contribution to the committee over the years. We will be in transit soon. The committee is heading to Gander and parts north next week, as a matter of fact, to speak to seal harvesters. We are travelling to Yarmouth and other parts of Nova Scotia to talk about the whole issue of boat stabilization, something that is very important to the fishery and to the professional harvesters who ply their trade and raise their families on the fruits of the sea.

So yes, I think we have made a number of great contributions to many issues, but this one should be an easy one. This should be a no-brainer. We should be able to get this one done. It has been discussed. It has already been supported. It has been established. Whether this was an oversight or whatever the rationale is, the fact is that it should take effect immediately as we go forward with the study on the overall national fees for marine services.

● (1115)

[*Translation*]

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Mr. Speaker, I am pleased to participate in this debate.

At the outset, I would like to clarify the context of the debate once again. The proposal is quite broad, and the motion enables us to look at the issue from a broad perspective.

The committee is recommending that the government not apply marine service fees on Canadian commercial ships transiting to and from waters north of 60° based on the socio-economic conditions of the north consistent with the fee exemption established in 1997. This is the first recommendation. There are others, but the government seems to have forgotten or chosen to ignore them.

The second recommendation is this: that the exemption be applied immediately without any further delay and that the Canadian Coast Guard's cost recovery policy with respect to the north be subject to further review in the development of a national future approach to the marine services fees.

This enables us to consider the debate in its broader context. Canada is surrounded by three oceans and has very long coastlines. Documents I consulted said that Canada's coastline is 243,792 km long. That accounts for 25% of the world's coastline. This matter is therefore anything but minor.

The motion gives us an overall view of what is taking place at present. This is also an opportunity for me to mention that a Quebec organization, the St. Lawrence Economic Development Council, has already expressed its opinion on this file. Let me state some facts. The costs of the Coast Guard represent about $40 million in all. Part is for marine services fees—the subject of today's motion—and part is for icebreaking fees. Generally speaking, $13 million goes to icebreaking and the other $27 million goes to marine services fees. This is one factor to be considered in our debate of the motion and it is why I am providing these illustrations.

The St. Lawrence Economic Development Council is interested in our discussion today. Moreover it has already had the opportunity to present its position in this regard many times. It did so quite recently, to the Canadian Coast Guard, in April 2006.

Some of the members of the St. Lawrence Economic Development Council—SODES—are the shipowners that serve isolated locations in the Arctic, our topic of discussion today. These shipowners have to pay marine services fees since their services involve trips between ports located south of the 60th parallel and ports located north of the 60th parallel.

These service fees inevitably have an impact on the cost of maritime transport, which in the end has to be assumed by the isolated communities that are resupplied by ship.

In this regard, SODES is in agreement with the Government of Nunavut, which says that we should not charge these service fees since the costs of transportation are already very high for serving Arctic locations. This is another factor to be considered in our debate of the motion.

Living in the Arctic is not necessarily easy on account of the climatic conditions. Unfortunately, when it comes time to resupply, the only way to operate is by air or by sea. A lot of these resupply goods arrive from the South, and that has some impact on the prices paid by the people who live in the Arctic.

"Marine services fees," said SODES, the St. Lawrence Economic Development Council, "do not apply to ships sailing exclusively north of the 60th parallel". That is actually the subject of one of the questions I had the chance to ask a few moments ago.

● (1120)

However, the supply of remote communities in the Arctic inevitably involves marine transport from ports located south of the 60th parallel from which the goods are shipped.

For this reason, the exemption from marine service fees in the Arctic should have initially included transport linking the Arctic with ports located in the south. It would have been the right thing to do because the principle that there are no fees north of the 60th parallel is already recognized, it is applied and there already is an exemption. However, it is not only goods from the north that are transported in the north; there are also goods that arrive from the south.

The fact of not applying service fees for marine transport between the north and south of the 60th parallel is a result of the desire not to impose additional economic costs on remote communities and to encourage a quality marine service at reasonable cost.

That brings me to the key element of the discussion we are having today. We will probably have an opportunity to return to this subject at another time. Today, I want to make it clear that I believe the Canadian Coast Guard should not become a collector of fees. There is a service to be rendered to communities, especially those in the Arctic, but the Coast Guard should concentrate on marine safety.

The Coast Guard does excellent work in that area. I recently had the opportunity to visit with members of the Coast Guard Auxiliary who were holding an exercise in Gaspé during the summer. It was a competition among members of the Auxiliary. In terms of marine safety, members of the Coast Guard already have a record of providing service to people in need in situations that are sometimes unfortunate and even tragic.

There is also another responsibility regarding the Arctic region, considering what is going on there because of climate change. There is a shift taking place. Things could change and it is possible that current traffic will increase. That also falls within the context of debate on the motion. So there is scope for a very broad examination of the situation.

In the case of ice breaking or marine service fees, I do not think that the Coast Guard should become a collector of fees or get in the way. Rather, it should devote its energies to helping marine companies engaging in cabotage. I am speaking about products that are shipped from the south to the north over a great distance and sometimes, under difficult conditions. The Coast Guard must not become simply a collector of fees. I do not believe that is its mandate.

If I am not mistaken, the overall budget of Fisheries and Oceans Canada is $1.4 billion a year. Marine service fees—in other words icebreaking charges—involve $40 million. The subject of the motion today involves only $100,000 or $200,000. We see what this debate is really all about and, by extension, what the government's systematic obstruction is about.

It seems totally natural to me to vote in favour of this type of motion. It was surprising to hear Conservative Party representatives in committee presenting arguments that did not fly. These arguments left us with the impression that this motion would cause a revolution.

It is not a question of revolution, it is a question of logic and fairness. It is as simple as that. This issue raises some relatively important questions: what is the role of the Canadian Coast Guard; what should the government's contribution be; and, how we can work with people from the shipping industry?

In my opinion, what would be useful in this file is for the government to act with more diligence.

● (1125)

The Liberals were very slow to take action. The problems with the icebreaking services and the fees have existed for some time for the shipping industry. There is still no long-term agreement. Year in and year out, the industry operates with something that was decided a number of years ago.

It would be interesting for the Conservative Party to simply rally around the opposition, which is in the majority, and support its position, which is also held by the majority. They have the right to change their minds. Today, in committee, they did not rally around the opposition. They do not seem to want to do so, but they are listening. Listening does not have to be something passive; it can be active. I invite them to change their minds, to change their decision and to rally around this position. It is simply a question of logic and fairness.

[*English*]

Hon. Loyola Hearn (Minister of Fisheries and Oceans, CPC): Mr. Speaker, my hon. colleague has been on the standing committee for quite some time and has made a great contribution, as have other members. I heard the member for Cape Breton—Canso a while ago talk about the harmony on that committee. I am well aware of that. I was on the other side of the House and a member of the committee for five years. I know how well members of the committee have worked together. In fact, just about all the reports, if not all of them, were unanimous ones. When I say that I find that most of the members think alike, it is very seldom that members are on different sides of any issue the committee is talking about.

I am somewhat concerned that a study is being done in relation to fees in the north in light of the fact that this is an evolving issue. I am also concerned that a member would raise this as an issue for debate in the House before all the facts and figures came out. This might lead some people in the north to think this is some kind of a big government decision that is going to help them save a lot of money, when in reality what is being asked for is a favour by the shippers that the fees north of 60 be eliminated, which would be a benefit to them.

Will the shippers pass that saving along to the customer in total, spread right across the north, including the provision of goods and services brought to the diamond mines and the oil industry? The total cost is $100,000. We can figure out what it means to an average individual living in the north. It is practically nothing.

In light of the fact that fees generally are being looked at and that this has a minuscule effect, does the member really think we should be creating an illusion here that might make the people in the north feel that somehow or other we are trying to pass along great benefits to them when it is certainly not the case at all?

[*Translation*]

Mr. Raynald Blais: Mr. Speaker, I would say that, if anyone is creating an illusion here, it is the government. The debate we are having and to which I am contributing, is, in fact, much broader. It is not a matter of just a few thousand dollars. At this time, if we were to look at other areas, I would simply remind the House that, when it comes to helping the oil and gas industry, government members are not very interested in having a debate. They just go ahead and act. Yet, this is not the case when it come to logic and fairness, as in the current situation.

This brings me back to the main point of my presentation, that is, it would be entirely reasonable for the government and the minister —with all due respect for his duties and responsibilities—to get behind us and agree to set a good example in this file regarding fees. Setting a good example does not mean waiting and waiting some more, then reviewing and reviewing some more. That is what is currently going on. Unfortunately, when the Liberals formed the government, they reviewed and reviewed some more, while people were left to wait. I find this waiting somewhat damaging, because it suggests a lack of responsibility and rigour, which a government should demonstrate.

In that sense, once again, this brings me back to my main point. I would very much appreciate it if the members opposite, members of the government party, would support the opposition majority on the committee.

● (1130)

[*English*]

Ms. Nancy Karetak-Lindell (Nunavut, Lib.): Mr. Speaker, I commend the member for Sackville—Eastern Shore for putting forward the motion to concur in the third report of the Standing Committee on Fisheries and Oceans. I had the honour of sitting in on that committee, even though I was not a regular member of the committee, and to speak on this issue.

A lot of technical information has been coming from the different speakers this morning. I want to speak more to the human element, the impact of marine service fees on communities and just what sealift means to us.

I listened to some of the debate earlier. I do not know if the Parliamentary Secretary to the Minister of Fisheries and Oceans is fully aware of his comment about the fees that will not apply already north of 60 from points to other points. Not a lot of freight goes from my northern community to any other community. I would say that 99% of our freight comes from the south. If fees are to be applied to cargo going from the south to the north, that is pretty well all the cargo. Not a lot of cargo goes from one northern community to another unless it is moving, let us say, heavy equipment that might have been used for a project in one community to another.

The sealift is the most important service for a community in my riding of Nunavut. In all the years that I can remember, it was the most important event in a community because that was the only way to ship goods in. Today there is a little more option with air traffic but the costs are horrendous.

What we are really talking about here is applying the exemption and not eliminating service fees, as I heard the Minister of Fisheries mention in answer to another speaker. It is applying the exemption that was set out in 1997 to our understanding that it means from all points that are going north of 60, which is the majority of the shipments.

Let us take my community as an example, which is pretty well the norm for most communities. When we get the sealift in August or, if we are very lucky, July, we are getting the bulk fuel for our community for the rest of the year, which is for electricity, because our electricity is only diesel generated, it is to heat our homes and it is for all the vehicles. This is, in some communities, only one shipment for the whole year and it is usually the first order of supplies that come to a community.

The next important shipment will be the building supplies for any construction in a community. If we are very lucky, it will be for housing, and if we are extremely lucky, we will get a building season out of that shipment. Some communities do not have the luxury of having a season to even start building that summer. Therefore, everything has to be shipped in by a certain time in order to take advantage of a building season.

The sealift is also a chance for the stores to resupply their merchandise that can be shipped over the summer. Luckier communities do get some shipments in now by air but, again, that is very expensive. Average people do what they call a sealift order, which is common in our communities, where we order the supplies we will need over the whole year for our own individual homes.

● (1135)

In explaining the sealift, I am trying to give the House an understanding of how important the sealift and marine services are for our part of the country where there are no roads and things must be flown in. Any extra costs that are put on top of already very high freight rates, even through sealift, is another added cost that most certainly will be passed on to the customer.

We live in the most expensive area of Canada and yet we will not live anywhere else. Even if we had the choice to move away from our communities, we would not. I am thinking of little communities, like Grise Fiord and Resolute Bay, that are closer to the North Pole than they are to Ottawa. Even though the people were relocated there, they do not want to move away from there because that is now their home. However, they feel that the government and the country should be aware of their existence in that part of our country and that we ensure the cost of living is reasonable.

We are not asking for a lot. We are just asking that a reasonable cost of living be available to us. We are not asking for the moon. We are asking for an exemption of marine fees that have not been applied in the way that we understood them. This has been a long-standing issue and one on which I have been lobbied for many years.

I wish, when we were in government, that we had put this matter to rest. I know it was before the marine advisory board. My understanding is that the board members felt that it was not up to them to make the decision to do the exemption because that was already in place in 1977. It was more a misunderstanding, I believe, of how to apply that exemption. I heard the parliamentary secretary say that it would be applied to a ship or a cargo transport if it were going from another northern place to another northern place north of 60. However, that is not the bulk of the material that goes to our communities. It is not coming from another point north of 60. It is coming from south of 60.

Because I see this day to day in my communities, I am probably not giving the real impression of the message I am trying to get across here. I can see the sealift orders being landed on shore from my house and I can see all the off-loading. I see the vehicles and boxes of building materials being unloaded. There are whole sea cans of perhaps 60 feet by 20 feet metal containers of absolutely everything we want to ship up north. Almost everything a community needs is being shipped to our communities.

One of my sons had the good fortune of being able to buy a vehicle in Winnipeg last April but he did not receive his new vehicle until late August. We here in the south have the concept of going to a car lot, buying a car and driving away with it. My son drove his vehicle for a day in Winnipeg, which was to drive it over to the person who would be shipping it up north. He then had to wait for months and months for his vehicle to get to where he lives. Those are of the kinds of things that we live with. We live with delays of getting whatever we buy in the south to get to our communities. On top of that, we must pay extra costs.

● (1140)

This is really part of a bigger issue. As the parliamentary secretary said, this is not a big deal because we are not talking about a lot of money. However, it is just one more thing on top of all the many other things that we as northerners must be patient about as Canadians in this country. We must be patient while we wait for things to get to our communities and we must be tolerant of all the extra fees that we pay on top of the freight.

Gestures like this mean a great deal to us because it means that the rest of the country is understanding of the different issues and challenges that we must deal with. If we could eliminate the marine service fees that would become a win for us. It would make us look forward to the next one and the next acknowledgement of what we have to live with in our part of the country.

I just wanted to add my comments to all the great interventions that have been made by members in this House. I wanted to put more of a human element on this issue and let the House know what it means to those people living in our part of the country to have these kinds of things debated in this House. It gives everyone a chance to see what these gestures mean to us and it provides a better understanding of the unique situations that we have in the north.

I wanted to take this opportunity to add strength to the motion to concur in the third report. I certainly hope all members will support the report because it brings a better understanding of the challenges we face in the north. Many people in my riding of Nunavut are anxiously awaiting the outcome of this debate. They hope to see an exemption to the marine service fees.

Ms. Catherine Bell (Vancouver Island North, NDP): Mr. Speaker, I thank the member for Nunavut for a very moving and informative scenario of what life is like in the north. Something we sometimes forget to add to the dialogue in this House is the human element and how the decisions we make affect people in their day to day lives. I found her remarks very interesting.

She talked about the costs not always being monetary costs, but being the cost in waiting and the cost in inconvenience that a lot of people in the north experience that we in the south do not. I want to ask her if the small costs in savings for the government will outweigh the personal human costs. Will this make things better? I wonder if she could comment a bit more on this.

Ms. Nancy Karetak-Lindell: Mr. Speaker, certainly, and that is what I am trying to make other people understand. It is always more than dollars and cents. It is always more than the actual writing of a report or motion. It is always more than the words.

The implications and the impacts of policies laid down, usually in Ottawa, do not fully take into consideration what that means to the average person on the street. Sometimes the significance of things that we do here is not taking in the whole picture. What might seem like a simple thing here, south of 60, ends up being such a complicated issue.

In my speech I tried to present a picture of the impact of some of the decisions made down south. I am always very appreciative when members of the House come to my riding to experience for themselves the impact of some of the policies and decisions that are made here in Ottawa.

Our entire country needs to understand that it is not as simple as dollars and cents. It is important to be aware of the relationship and the understanding that people have of our part of the country, and the different culture and different group of people who so much want to live in that part of the country and would not trade it for anything else, and yes, even the offer of trees.

Some people once said to me that they felt so sorry for me because I lived above the tree line. I said that I love being able to see as far as the eye can see, and I know someone from Saskatchewan will understand that.

It is with those kinds of dialogues, the visits and interaction among different Canadians that we begin to appreciate and better understand why people are so happy to live in that part of the country and want the rest of the country to understand the different difficulties and challenges that they have. That makes for better policies here in Ottawa and it certainly makes for better lives in this country.

● (1145)

[*Translation*]

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Mr. Speaker, I would like the member for Nunavut to tell me if I have understood correctly. What she is asking for is an acknowledgement of a people who live in difficult conditions, of a people who know very well of what they speak. We should realize that the issue has been brought here at their request and that they support it. I imagine that they feel it is quite a shame, regrettable even, that so much effort is put into refusing something which, in the end, costs very little. Those living in isolated communities are forced, unfortunately, to be much more creative somehow. They must ask for so much more in order to obtain very little.

I feel that it is a question of acknowledgement and common sense. It also has to do with our land mass. We are proud of the fact that we have a large land mass and that Canada is a big country. The same goes for Quebec, which will soon become a country. When talking about the Magdalen Islands or northern Quebec, we take pride in the fact that Quebec is big, that Canada is also big. Nunavut is certainly an isolated community but what I am hearing is that they are asking for understanding and it seems that, on the government side, they are having a great deal of difficulty recognizing the importance of this matter and of the motion we are discussing today.

[*English*]

Ms. Nancy Karetak-Lindell: Mr. Speaker, we all know that if we feel there are certain wrongs that have been done, whether it is in personal life or as a government or a country, acknowledgement of that is always a very powerful message. It is certainly part of learning to work with different groups in the country. We have a country that is totally diverse in culture and language, and has differences regionally depending on where one lives in Canada .

I fully acknowledge that this motion speaks not just to my riding of Nunavut but to other parts of the country that are also affected, northern Quebec being one of them, Labrador, and Northwest Territories.

We can find many incidents in the history of this country where different parts of the country and different groups in the country have felt that there needed to be some acknowledgement of some injustice or some misunderstanding that has happened. Any acknowledgement goes a long way in reconciling our differences. It is not just this but to use this as an example, as I mentioned in the previous answer, acknowledgement of our unique situation certainly goes a long way in making it easier for us to work with different groups.

When there is better understanding between two opposing groups and a better effort to understand the two sides, there is always a better chance for us to come to some compromise.

When I look at the different land claims that have been successful in this country there is always compromise on all parts, whether it is the aboriginal group, the territorial or provincial government or the federal government. There must be compromises on all sides. That happens because they were able to recognize the differences and come to an understanding of where everyone is coming from.

This is a part of building that relationship, understanding that there is a unique part of this country that has to be looked at differently in applying government policies. There is never going to be one answer that fits all. I know we tried to do that with national laws because that is our mandate, but understanding that there are different parts of the country that need to be understood in a different way goes a tremendous way in bringing those bridges together.

● (1150)

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

Some hon. members: Question.

The Deputy Speaker: The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

An hon. member: On division.

The Deputy Speaker: I declare the motion carried.

(Motion agreed to)

* * *

[*Translation*]

PETITIONS

JUSTICE

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Mr. Speaker, I am pleased to present a petition that is very important to my riding, Gaspésie—Îles-de-la-Madeleine.

The subject of the petition was discussed in this House not long ago, and it will continue to be discussed in the coming weeks and months. I hope we will arrive at the right conclusion.

I am referring to the Wilbert Coffin affair. Mr. Coffin was convicted of a crime and hanged in the 1950s.

More than 2,000 people in my riding are presenting this new petition to the Minister of Justice that calls for clearing the name of Wilbert Coffin, a man from Gaspé.

[*English*]

MARRIAGE

Mr. Rick Casson (Lethbridge, CPC): Mr. Speaker, I would like to table a petition today from my constituents and others from all over southern Alberta. They petition Parliament to reopen the issue of marriage and to amend the Marriage for Civil Purposes Act in order to promote and defend marriage as the lawful union of one man and one woman to the exclusion of all others.

● (1155)

AUTOMOBILE INDUSTRY

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, I take pleasure in tabling a petition for a new automotive trade policy calling upon the government to cancel negotiations for a free trade agreement with Korea which would worsen the one-way flood of automotive products into the Canadian market. The petitioners also want the government to develop a new automotive trade policy that would require Korea and other offshore markets to purchase equivalent volumes of finished vehicles and auto parts from North America as a condition of their continued access to our market.

RIGHTS OF THE UNBORN

Mr. Colin Mayes (Okanagan—Shuswap, CPC): Mr. Speaker, I am pleased to present a petition from my constituents of Okanagan —Shuswap. The petitioners are calling on Parliament to enact legislation recognizing unborn children as separate victims when they are injured or killed during the commission of an offence against their mothers allowing two charges to be laid against the offender instead of just one.

[*Translation*]

REPLACEMENT WORKERS

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, I would like to present petitions containing 2,500 signatures of people who support the anti-scab bill.

A historic vote was held last Wednesday on the issue. The anti-scab legislation was passed at second reading.

Petitions continue to flood in. Today, I can add another 2,500 signatures of workers from across Quebec and Canada.

* * *

[*English*]

QUESTIONS ON THE ORDER PAPER

Mr. Russ Hiebert (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, I ask that all questions be allowed to stand.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

CRIMINAL CODE

The House resumed from October 30 consideration of the motion that Bill C-27, An Act to amend the Criminal Code (dangerous offenders and recognizance to keep the peace), be read the second time and referred to a committee.

The Deputy Speaker: It seems to me I remember interrupting the Minister of Justice when he had 11 minutes remaining in his speech. We look forward to hearing the remainder now.

Hon. Vic Toews (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I was just getting to the highlights of my speech and I am glad you are back to hear the rest of it.

I was talking about the context of the development of the dangerous offender legislation in reaction to the Johnson situation, whereby many of the applications were no longer undertaken by the crown because of the difficulties created by the Supreme Court of Canada. I would like to outline the changes that are contained in this bill.

First, we have addressed what we believe to be problems of consistency across jurisdictions. Specifically, we do not believe that crowns across Canada are always seeking dangerous offender designations whenever appropriate. The legislation requires crown attorneys to make a declaration to the court in certain situations of whether they have considered and intend to pursue a dangerous offender designation. This is found in the new proposed section 752.01.

This operates in reference to the offence list defined in the amended section 752 referred to as the designated offence list. I would note that the designated offence list includes all of the offences listed in the primary offence list, plus all of the other serious violent personal offences listed in the Criminal Code.

Under new section 752.01, once an individual has been sentenced for an offence, which in the opinion of the prosecutor is a serious personal injury offence as currently defined in section 752 of the code, the crown is directed to consider whether the individual has at least two prior convictions of a designated violent or sexual offence that received a sentence of at least two years.

This provision will ensure the crown will more consistently consider whether it should pursue a dangerous offender designation. While this is not intended in any way to bind either the court or the offender as to the sentence that will actually be pursued, it is nonetheless important to encourage greater diligence in sentencing repeat violent and sexual offenders.

The next proposed amendment is one that has received a great deal of attention, the new so-called reverse onus provision. The first thing to remember is that the dangerous offender hearing occurs after a conviction. We are not dealing with an innocent person. We are dealing with a convicted criminal, a criminal who has been convicted of a very serious offence.

In some contexts there are automatic prison sentences. For example, in the case of certain firearms offences and murder they are automatic. There is no hearing other than an automatic imposition of at least the minimum.

In this particular case, the offender will be presumed innocent until the trial judge makes a finding of guilt. After that the crown makes the choice whether to proceed with a dangerous offender designation. Post-Johnson, we believe that in many cases individuals who are at real risk to commit further violent sexual offences are escaping a dangerous offender designation. This amendment is designed to address this situation.

As it currently stands, the crown prosecutor must apply to the court before a dangerous offender hearing can proceed and the court will order the hearing based on whether the individual has in fact been convicted of a serious personal injury offence, that is the smaller list of serious offences which are defined in section 752, and whether there is a reasonable likelihood that the individual will be found to be a dangerous offender. We are not changing that process. The crown retains the full discretion as to whether or not a dangerous offender application should be brought forward.

The provincial attorney general must still file his or her consent in writing before the application can proceed to the next step. The judge must still order a psychiatric assessment before the hearing can proceed. The existing process continues to apply to any situation where the prosecutor is of the view that a dangerous offender application is merited.

Once the hearing is under way, the new reverse onus provision will only take effect if the following prerequisites are met: first, the crown has to satisfy the court that there are two prior convictions from a new list of 12 serious sexual or violent primary designated offences in section 752; second, each of the previous convictions must have carried at least a two year sentence; third, the court must be satisfied that the current offence for which the offender has been found guilty, the predicate offence, must also be one of the primary offences; and finally, the court must be satisfied that the predicate offence would otherwise merit at least a two year sentence.

● (1200)

If these prerequisite conditions are proven, then the crown is presumed to have satisfied the court that the offender meets the prerequisites of a dangerous offender designation under section 753 (1). The offender is then given the opportunity to rebut this presumption on a balance of probabilities.

I note that many individuals have suggested that this provision does not respect the charter of rights. I must respond that those individuals have failed to fully consider the impact not only of this provision, but of the following amendment in proposed section 753 (1.2)

In the first place, I emphasize that the list of qualifying offences that trigger the reverse onus, the primary offences, is very narrow and carefully tailored. Again, it is a list of 12 offences. I note that every one of those offences carries at least a maximum penalty of 10 years in prison. These are all very serious offences.

In our analysis we have determined that all of these offences commonly arise as a predicate offence and dangerous offender designations. Of the current 360 dangerous offenders, for example, about 80% had a predicate offence of one of the seven listed sexual offences from the primary list. For the remaining dangerous offenders, the vast majority were convicted of one of the remaining five offences on the primary list. The list was deliberately tailored to effect this reality.

We constructed the list to make sure that the very nature of each offence would satisfy the threshold criteria of a serious personal injury offence. We also avoided offences such as manslaughter and impaired driving causing death that, while on their face are serious, do not by their nature require the same intent to commit serious harm. Further, I emphasize that for the reverse onus to apply, each previous conviction must have received a sentence of at least two years which signals that the offence was serious. As an additional criteria the judge must be satisfied that the current offence would also be eligible for at least a two year penitentiary sentence.

We believe that if an offender has met all of these criteria, it is reasonable to presume that the person meets the prerequisites of a dangerous offender designation. There is a clear and rational connection between the triggering criteria and a finding that the individual is a dangerous offender. This justifies the presumption contained in this legislation. Based upon this analysis, I am firmly convinced that these provisions will withstand constitutional scrutiny.

Again I point out that the reverse onus is fully rebuttable by the offender. I note that in all dangerous offender proceedings the defendant has access to legal aid if counsel cannot be afforded, and this allows access to independent expert psychiatric witnesses for the defence. If such expert witnesses are unable to place evidence countering the presumption, then the offender clearly should be deemed to fully meet the criteria of the dangerous offender designation.

I must point out that this does not end the extent of the constitutional protection built into the proposal. I want to emphasize that in every single case, even if the offender fails to satisfy the court that he or she does not meet the dangerousness criteria, the court still retains full discretion to refuse the dangerous offender indeterminate sentence.

This bill enshrines the discretion of the court to refuse to make the dangerous offender designation. We are making it clear that consistent with the principle laid out in Johnson, the sentencing judge may not impose an indeterminate sentence unless the court is satisfied that there is no lesser sentence available which can adequately protect the public.

We are acknowledging and embracing the need for the courts to retain their ultimate discretion in this matter and that is fully consistent with the Supreme Court of Canada decisions in the Johnson and Lyons cases.

Given the narrow tailoring of the primary offence list and given the respect, now codified—it is important to mention that this is now codified—for the discretion of the judge to impose a fit sentence, I can stand before the House today and state with full confidence that I believe the legislation will withstand constitutional challenges. The ultimate judicial discretion is not touched. It is there and is now entrenched in the legislation.

● (1205)

In closing, I would remind the House that there is a long list of innocent people that have fallen to individuals with lengthy violent criminal records, Christopher Stephenson, Jonathan Wamback and Frank Groves to name a few. They are names that should haunt us until we as a nation summon the courage to take action and enact tougher legislation against dangerous offenders. How many more children are we prepared to sacrifice? How many more victims are we prepared to sacrifice? When will we join with the majority of Canadians who say enough is enough.

Our choice is simple: stand by and do nothing as more people fall victim to these predators, or send a message that Canadians have had enough.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, there is certainly a consensus that this is an important bill for Canadians.

The minister has asked the House for prompt consideration of Bill C-27. I understand that the steering committee of the justice committee has tried to calendar its work. The steering committee has found that there is a substantial backlog within the justice committee, to the extent that it may very well take the committee until the fall of next year before it can get through all the work that is necessary on the large number of bills that have been sent to the committee after passage at second reading.

If the minister is serious about this bill going through all stages of the legislative process, what steps is he prepared to take to ensure there is sufficient time for this bill to be considered by Parliament?

● (1210)

Hon. Vic Toews: Mr. Speaker, I have spoken with our House leader specifically on that issue. I understand there may well be discussions going on between the House leaders.

If the hon. member has any other suggestions that he would like to make in respect of how we can expedite these types of bills, I would be only too pleased to hear him on that point.

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I have two brief questions for the minister.

We had understood that what reversed the presumption of innocence and triggered the process to identify someone as a dangerous offender was the fact that that individual had been convicted three times for offences on a certain list of offences. The minister spoke of 12 offences, but we were under the impression that the list of primary offences that appears in the bill contains 22. Thus, 22 offences were on the list, although the minister spoke of 12 in his speech.

Am I to understand that if a person was convicted three times for one of the 22 offences included on the list of primary offences, we would then begin the process described in the minister's speech? Can he please explain to us the difference between the list of 12 offences and the list of 22 offences that appear in the bill?

[*English*]

Hon. Vic Toews: Mr. Speaker, I would first of all like to clarify that the issue of presumption of innocence of course deals with an individual before that individual is convicted. We are now dealing with an individual who in fact has been convicted. That individual is no longer innocent; he is a convicted criminal.

There are two lists. As I understand how the lists work is that in respect of the primary designated offences, on the third offence there is a change in the presumption. The prior two offences, though, can be taken from the designated list as opposed to the primary designated list. It is in respect of the smaller list of offences where the actual presumption changes after the individual has been convicted, not the larger list, the more general designated list.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Mr. Speaker, people from my riding and in fact the greater city of Hamilton are listening quite closely to this debate for a number of reasons, not the least of which is that recently an assistant crown attorney spent almost two years developing a case against a repeat offender who brazenly went into a shopping mall in Hamilton and stabbed a woman 17 times and left her for dead. Miraculously she survived.

Will this make it easier for some of the crown attorneys to be able to establish a case of credibility? Will the reverse onus portion of this stand up constitutionally?

Hon. Vic Toews: Mr. Speaker, prior to the Johnson case in the Supreme Court of Canada, the onus was in fact lower on the Crown to try to establish this designation. The Johnson case changed that and required the onus on the Crown, in respect of this sentencing provision, to prove beyond a reasonable doubt that this was the only appropriate disposition. That is virtually an insurmountable onus to meet in this context.

What we are saying is where an individual has been convicted of two prior serious offences, where he or she has received at least a penitentiary term on each of them, on the third one it is clear that the individual has established a pattern of conduct. The individual has been convicted now for the third time of a very serious offence. Therefore, it is incumbent upon that individual, not the Crown, to demonstrate that.

With respect to the other dangerous offenders' applications, they do not have to wait until the third conviction. They can proceed even if the individual has never been convicted of a particular offence. For example, let us say an individual had raped five women on separate occasions, but had not been convicted. They can still proceed on a dangerous offender application even if there has been no prior conviction, but in that situation the reverse onus does not kick in. We are lowering the onus to a balance of probabilities once the individual has been convicted of guilt beyond a reasonable doubt.

We are not fooling with any of the constitutional guarantees in this respect, but we recognize that once the conviction takes place and then the sentencing phase takes over, there are different legal principles that are appropriately applied in an appropriate constitutional context.

● (1215)

Mr. Pierre Poilievre (Parliamentary Secretary to the President of the Treasury Board, CPC): Mr. Speaker, today we are speaking about public safety issues. In the justice committee last week, the Liberals teamed up with the separatists and passed an amendment to allow arsonists, car thieves and burglars to serve their sentences in the comfort of their own homes. They apparently think those kinds of serious criminals, who steal products worth over $5,000 and ruin lives, should be allowed to serve their sentences in our communities.

Furthermore, they are now saying that it is not acceptable for us to permanently jail those people who have committed three serious violent or sexual offences until such time as they can prove they are safe.

I do not remember the Liberals saying any of this during the last election. In fact, in the days leading up to the vote, I remember the Liberals pretending that they were tough on crime. Now they have flip-flopped and they are trying to obstruct our efforts to crack down on crime and make our streets safer.

Could the minister of Justice tell us what the reaction has been from Canadians to the decision by the Liberals to allow car thieves to serve their sentences in the comfort of their living rooms and what has been the reaction of Canadians to our plans to bring in mandatory jail time and serious sentences for hard criminals?

Hon. Vic Toews: Mr. Speaker, this is a good opportunity to talk about the prior Bill C-9 as well because it fits right into this discussion, and I will explain why.

The Liberals, with the Bill C-9 amendments, have made it an incredibly complex sentencing hearing, which will discourage Crown attorneys from contesting whether there should be a conditional sentence or not. The process that they brought in is a bureaucratic process similar to the kind of situation that the court created as a result of the Johnson decision. It is very complex and very onerous.

Essentially the Liberals have gutted Bill C-9 by making a very complex process, which will discourage the Crown attorneys from seeking appropriate sentences, and that is my concern. I do not know why they would choose to add that kind of burden on the Crown, even after the Crown has proven a case beyond a reasonable doubt.

I am speaking as a former Crown attorney. I would look at that situation and say, "Why is Parliament doing this to us? We are just trying to get the job done". If they have convicted an individual beyond a reasonable who, let us say, pointed a knife at someone and committed a robbery, the Crown now has to prove, beyond simply the regular proof, that a conditional sentence is not appropriate. It is totally unworkable, and I believe the Liberals know that. I believe that is why they are doing it, and it is unfortunate.

Hon. Sue Barnes (London West, Lib.): Mr. Speaker, I rise today to speak to Bill C-27, which was recently introduced by the Conservative government. We will now debate the bill and I will provide a context of the current established law already existing in the Criminal Code.

Under the dangerous offenders and long term offender provisions of the Criminal Code of Canada, the Crown may trigger an application where the offender is convicted of a predicate serious personal injury offence. This prerequisite is defined in section 752(b) as being a specific sexual assault offence, sections 271, 272 or 273, or alternatively as meeting the criteria in section 752(a), which requires a finding that the particular offence was essentially violent or potentially violent and which carries a potential maximum sentence of at least 10 years or more. All part XXIV Crown applications must be directly approved by the provincial attorney general in writing. The dangerous offender designation now carries an automatic indeterminate term of imprisonment with no parole application for seven years.

The 1987 case of R. v. Lyons has held that the imposition of a sentence of indeterminate detention as authorized by this part does not offend sections 7, 9 and 12 of the Canadian Charter of Rights and Freedoms. Section 7 states, "everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice". Section 9 states, "everyone has the right not to be arbitrarily detained or imprisoned". Section 12 states, "everyone has the right not to be subjected to any cruel and unusual treatment or punishment".

Currently, before the accused can be found to be a dangerous offender, it must be established to the satisfaction of the court that the offence for which the accused has been convicted is not an isolated occurrence, but part of a pattern of behaviour, which has involved violence, aggressive or brutal conduct or failure to control sexual impulses. Further, it must be established that the pattern is very likely to continue. Even after this, the court still has discretion not to designate the offender as dangerous or to impose an indeterminate sentence. Thus the existing legislation meets the highest standard of rationality and proportionality in legal terms.

In other words, the dangerous offender section we currently have in the country, which has put behind bars 360 offenders as dangerous offenders, is charter proof and is working.

As further context, the former Liberal government in 1997 created the long term offender designation, which was targeted at sexual and violent offenders, in response to concerns that many sexual and violent offenders required specific attention even if not meeting the criteria for a dangerous offender. This change was needed as now we have, as of June 2005, 300 offenders under the long term offender designation in Canada.

This long term offender designation allows individuals convicted of a serious personal injury offence, who on the evidence are likely to reoffend but who can likely be managed through a regular sentence along with a specific term of federal supervision in the community, to be given a long term offender supervision order of up to 10 years after their release from serving their original court imposed sentence. Once released the offenders are subject to any number of supervisory conditions ordered by the National Parole Board. These can include orders to stay away from areas where children congregate, 24/7 monitoring, regular reporting to police or other agencies and include conditions which would affect their liberty, such as residing in federal halfway houses. A breach of a long term order condition itself is an indictable criminal offence punishable by up to 10 years imprisonment.

There has been developing case law in the areas of both dangerous offenders and long term offenders designation. In September 2003 the Supreme Court of Canada held that a sentencing judge must consider fully the prospects of control of an offender under a long term offender designation before a dangerous offender designation could be made. That is part of R. v. Johnson. If the court has a reasonable belief that the risk that the offender poses to the general public can be controlled under a long term offender designation, then the offender must be given this lesser sentence, even if he or she otherwise meets all the criteria for a dangerous offender designation.

Currently, procedure for and criteria for finding a person to be a dangerous offender is set out in sections 753, 754 and 757 of the Criminal Code of Canada. Procedure criteria for and consequences of finding a person to be a long term offender are set out in sections 753.1 to 753.4 and 757. The rights of appeal are found in section 759 of the Criminal Code of Canada

● (1220)

The Liberal Party strongly supports legitimate efforts to protect Canadians and punish offenders who represent threats to the safety of our communities across Canada. When changes are made to the current working system, they should be done in a manner that would not jeopardize this working system. Changes proposed must meet the constitutional muster and not risk successful constitutional challenges, which could undermine protections that we already have in this country.

We also think it is important to codify the Supreme Court of Canada decision in R. v. Johnson. Reforms must ensure that offenders who should be designated as a dangerous or long term offender do not slip through the cracks of the judicial system, while at the same time the reforms must in no way violate the rights of fundamental justice ensured to all Canadians. To do so would have the unfortunate effect of being more messaging to a law and order imperative of the current minority Conservative government rather than responsibly governing for all Canadians. Victims themselves will not be happy when they discover a flawed law, not a strong one.

In the short term since this bill was tabled, serious concerns have already been raised by those knowledgeable in the legal community with respect to the constitutionality of some of the proposed changes in Bill C-27. These are not restricted just particularly to the provisions that shift the burden of proof from the Crown to the defendant and certain dangerous offender hearings. Justice officials have already confirmed publicly and privately that they expect the legislation will be challenged.

The Supreme Court of Canada has upheld the existing dangerous offender sections of the Criminal Code and has, by case law, clarified the use of the long term offender legislation. What will happen when unconstitutional elements are grafted on to those existing sections? Would it put in jeopardy the entire regime? Could anyone guarantee, even the Minister of Justice, what the court would do? We know that there will always be divergent legal opinions, but more important, we do not want to lose the ability to designate a dangerous offender for this would make Canadians less safe, not more safe. Perhaps the government hopes for unconstitutional elements of this legislation to be severed by the court, but nobody can guarantee a court's response.

This is why in the normal course of events with governments in the past, legislation was widely consulted before introduction. No change to such an important and needed part of the Criminal Code should be undertaken without both empirical evidence-based studies and broad-based consultations to help ensure that the legislation is the best it can be before bringing it to Parliament. Justice officials have confirmed to me that neither was done here.

Under the former Liberal government, I believe discussions were ongoing with respect to the Johnson decision and the needed clarification and the subject matter of peace bonds. There are ways to bring in a number of reforms to the dangerous offender and peace bond provisions to enhance the protection of all Canadians from high risk and violent offenders. Any proposed changes should take into account, in advance, the potential impact of those changes, especially in a minority Parliament. These changes should have been approached in a serious non-partisan manner. The potential for negative unintended consequences related to Bill C-27 is great and not confined to constitutional issues.

This proposed legislation, in part because of the large widening of designated offenders, could impact everything from the charges that are laid to the way Crown attorneys prosecute the cases and how defence lawyers defend their clients. I have been strongly warned by both defence lawyers and prosecutors that with Bill C-27 the end result is likely to be more costly in trials, fewer plea bargains and a greater backlog of cases in our already overburdened judicial system. That is to say nothing of the re-victimization of victims who have to go through a trial.

We should also be wary of the Askov effect where we could lose prosecutions because of court delays. This is not just because of the number of new dangerous offender and long term offender hearings. It is because whenever an artificial number is used, for example three, it will have an effect on charges one, two and three. What is the true potential cost and impact of the bill? Has it really been properly assessed with this hasty legislation? The legislation will affect the financial and time burden upon the justice systems in Canada. The expense of these changes is downloaded to the provinces that administer the system of justice for us in Canada.

● (1225)

The dangerous offender designation is among the most severe penalties—some say the severest—because it involves incarceration for an indeterminate period. As a result, a dangerous offender hearing is one of the most legally complex and time consuming procedures in our criminal justice system, often including not only psychiatric but other testimony that is complicated.

The system is undermined if the dangerous offenders do not have any counsel during the process. A significant number of criminal defendants rely on legal aid programs for representation. Unrepresented accused in these situations would not save costs but add them and perhaps would provide later challenges on designation.

I raise the point because legal aid is an area to which the government is not paying sufficient attention. Some provinces, including my own, are currently experiencing severe problems. There is a pattern with this minority Conservative government, that of messaging to the public before introduction of a bill. Without the benefit of the real details of the legislation, the government wants its messaging delivered to the public even if it is the incorrect message.

Here, the government desired a message of a U.S. style “three strikes and you're out” law. It wanted people to believe that this law would strengthen the ability to catch problematic situations. The Prime Minister even cited a case currently before the courts in his press conference and photo opportunity. As the bill was not even tabled at that time, the people lined up to support the announcement had not seen the details of Bill C-27.

Where are the challenges that the bill presents? Many Canadians have already started to speak out. I will share with the House some of the concerns raised with me by others who are more expert than I in this field of specialized criminal and constitutional law.

The new proposed section 752.01 in Bill C-27 reads, “If the prosecutor is of the opinion...” In essence, new section 752.01 would require prosecutors to notify courts as soon as feasible after a finding of guilt, whether the prosecutor intends to make an application for dangerous offender status.

First, existing subsections 752.1(1) and 752.1(2) already deal with timing of applications, so this new section is not needed to control notice to the courts. The more unusual and very probably unenforceable situation is the wording of this new section. How does one, in law, enforce this kind of notice provision without making findings about a prosecutor's opinion? Are we going to have hearings in which a prosecutor gives evidence as to his or her opinion? I do not think so.

Is this the federal government's clumsy attempt to direct provincial prosecutors to turn their thoughts and actions to the dangerous offender provisions and bring more frequent applications? If so, the lengthy listing of offences set out in the bill as designated offences are primarily offences prosecuted by provincial, and not federal, prosecutors.

Is the federal Minister of Justice really trying to give policy directions to provincial prosecutors about when to bring dangerous offender applications? Again, the administration of justice is provincial. If this is the intent, it is likely to be ultra vires or out of the federal government's jurisdiction, especially if the intention is to impose statutory duties on provincial prosecutors, especially in areas of prosecutorial discretion. One could ask also what the consequence is for prosecutors who fail to notify the court as soon as feasible.

So just in this section, we have issues not only of jurisdiction but of an unenforceable standard and no consequence for not doing the action.

I will now address the reverse onus situation found in new subsection 753(1.1). While some commentators have felt that the protections about presumption of innocence found in section 11(d) of the charter would apply only to persons charged with an offence and only until they have been found guilty, arguably this section could apply to a sentencing process.

However, the principles of fundamental justice in section 7 of the charter are more likely to place the burden of proof on the prosecution, even at the sentencing phase, which would include hearings on dangerous offender sentences.

● (1230)

The appropriate standard of proof in criminal law is "beyond a reasonable doubt". In proposed subsection 753(1.1), the standard is lowered to the balance of probabilities, at the same time—and I emphasize at the same time—as the onus is reversed in the same section. The reality is that the dangerous offender hearing is predicated on the fear of possible future offences and not on the current offence before the court. That is important to understand.

What is being essentially changed here is now a presumption that the risk posed by a three strikes offender is the equivalent in every case of the category now defined in the legislation as dangerous offending to be presumed to possess the kind of risk that a dangerous offender is to a society. In other words, do they really pose the specific kind of risk that the dangerous offender provisions require? They are different tests in law.

On the face of it, this would be a violation of the charter, but now we must examine whether there is a justifiable limitation on the presumption of innocence under section 1 of the charter. Is it demonstrably justifiable to limit or compromise the values we hold in the presumption of innocence during the situation of a dangerous offender hearing? In constitutional terms, what is the documented need for changing the onus in this way?

The justice official could not answer this question when specifically asked by me. Why taint this area unnecessarily? Obviously it was a choice of the political master. The provision requires that the courts assume a fact of future dangerousness even in cases where that might not be proven or be capable of being proven or, as one expert said to me, in fact may not be true.

Proposed subsection 753(1.1) puts the onus on the individual before the court to prove a negative: that he or she does not represent the kind of threat the dangerous offender provisions were looking to address. Under section 1 charter challenges, there must be a pressing and substantial need for a legislative provision that infringes on charter rights. Does a political need to be seen to be acting qualify for this?

As was pointed out by an early *Globe and Mail* editorial, most offenders that the public would be concerned with in recent newspaper stories would not have been caught under this section because the sentences of prior convictions were not federal sentences, but provincial sentences of less than two years. Thus, we have a provision inserted not because of a pressing and substantial need in law to do this, but to show political action even if it does not solve the issues.

What if the court, in examining this section, instead decides that the use of a reverse onus, based on the factors identified, does not lead to the rational inference that the absence of restraint posing a likelihood of future death or injury, substantial general indifference to foreseeable consequences or incorrigible brutality, follows? Here is where the government could have just stayed with making it easier for the Crown with the use of the lower evidentiary burden.

Instead, the government has chosen to impose a legal burden of proof on those with three strikes. What this means is that a judge will be forced to find an accused poses the kind of threat that a dangerous offender does not only when the judge has a doubt about that, but even where the judge thinks it is as likely true as when he does not pose that danger. This is vastly different from just lowering the onus on the Crown when the Crown holds the burden of proof.

I spoke to one provincial minister of justice who thought "the three strikes" adds nothing to the bill. In existing paragraph 754(1)(a), the provincial attorney general still has to consent to each application for a dangerous offender designation, and there is nothing in the bill removing this consent from the Criminal Code.

The way Bill C-27 reads, it raises the question of whether the bill is minimally impairing in the constitutional context. There are many technical constitutional aspects of the bill that would engage experts. One, Professor David Paciocco, has provided me with his analysis in relation to the bill. I have tried to capture some of his and others' ideas in my limited time. I cannot do justice to all the arguments.

However, I do need to talk about the need to insert or codify R. v. Johnson. Proposed subsection 753(1.2) is found in clause 3 of Bill C-27 beside the margin note limitation. After adding the reverse onus provision just discussed, we now have a section that would seem to effectively disregard this same reverse onus section and disregard the initial findings of threat of dangerousness that proposed subsection 753(1.1) forces in the bill, and states that the court can apply an ordinary determinant sentence, the indeterminate sentence, or the long term offender sentence if it wishes.

● (1235)

This, in other words, is judicial discretion. I will not have time to quote the section so I will leave it for members to read, but it states "despite subsection (1)". Here is the least restrictive sentencing principle—and I just have a couple of paragraphs more—in the Criminal Code captured by 718 coming into play, clarified in R. v. Johnson.

Why go through the reverse onus? This is deceptive. The Minister of Justice has concentrated not on the law but on a message in the first subsection about being tough on crime and then has placed in the second subsection the findings of the court decision and the existing law. The burden of proof in this subsection is missing. This is unusual. What is the intention?

Somebody knew what they were supposed to do here, and they made it look like it would all work, but I think it is smoke and mirrors—

The Acting Speaker (Mr. Andrew Scheer): Questions and comments. The hon. Parliamentary Secretary to the President of the Treasury Board.

● (1240)

Mr. Pierre Poilievre (Parliamentary Secretary to the President of the Treasury Board, CPC): Mr. Speaker, what we have seen is a pattern whereby the Liberals try to camouflage their soft on crime policy by claiming their opposition to our agenda has more to do with legalistic interpretations and procedural disagreements. In reality, what they do not want Canadians to know is that they continue to be soft on crime. They voted just last week in a committee to allow car thieves, break and enter artists and burglars to serve their sentences in the comfort of their living rooms.

Now today we have a member rising to tell us she does not believe that after a serious sexual and violent offender has committed three crimes, and has been convicted on all three beyond a reasonable doubt, the individual should be considered dangerous. She considers that after three convictions beyond a reasonable doubt of serious violent offences a criminal might still be safe to be on our streets.

We on this side of the House believe that such criminals should have to prove they are safe, that the onus ought not to be on the Crown but on the criminal. She disagrees with that. She disagrees with our tough on crime agenda that seeks to keep serious violent and sexual criminals behind bars forever unless they can prove themselves to be safe. She disagrees with that.

She can tie us in as many legal knots as humanly possible and she can go on reading 16-sentence paragraphs to try to confuse the Canadian people about her real position, but the reality is that she and her party, after coddling criminals for 13 years while in government, continue to hold the same position in opposition. Why will she not just stand up and admit it?

Hon. Sue Barnes: Mr. Speaker, I want to address Canadians on this. Why should this concern Canadians? Because the law needs to be constitutionally valid to protect them. Bills on the order paper are not valid laws. At best, they are works in progress, and sometimes they are failures if the proper homework has not been done in advance. Protection of the public should not be dealt with in this disrespectful manner.

This bill, while it is complex, is full of unenforceable and constitutionally suspect provisions. It will have unintended and very costly implications for the justice systems administered by the provinces. It will even impact on the resources of the provincial mental health systems, in which there are delays now for mental health resources required for these assessments.

I submit that the bill should be redone properly from the start. I know that there are many inside the justice department who are very capable of doing this job and who must be very concerned with following a more ideological than legal directive. Canadians do deserve better. So do our hard-working systems of justice in this country. I would remind the Conservatives that they are in a minority government without the authority for this type of action, for changing a legal system and deceiving the public in this way, because what is important is that we have a working dangerous offender system.

Yes, there were cases and it would have been good to codify them, but it would have been better to do it in a manner that potentially does not affect the safety of Canadians by making them less safe, because we do not need a part of or the full dangerous offender provision thrown out. We have the Minister of Justice doing this, but we also have David Paciocco, who knows this stuff inside out, giving interviews to journalists and saying that this is constitutionally suspect.

I am concerned that instead of protecting victims we are setting them up for having long trials from the first offence forward. I am concerned about the impact on legal aid systems. Mostly, though, I am concerned with doing the job properly. If the Conservatives had put a proper bill in here, without some of the things they have done in this bill quite intentionally, I am sure that every party in the House would be supporting it, because there is no one party that has ownership of protection of the public.

In his messaging, we have the minister's office full of communications experts as opposed to legal experts. That is all about messaging. This House is better than that. The members in this House want to do serious work. I find it distressing that we have a Minister of Justice who would deliberately put forward provisions that he knows will be challenged.

● (1245)

Mr. Daryl Kramp (Prince Edward—Hastings, CPC): Mr. Speaker, the concern I have is the legalese, the perpetual talk and conversation. If I could for a moment, I would like to add a little voice of real experience. I would suggest the hon. member's position on this is lacking a bit of reality and I would like to refer back to my history as a former police officer many years ago.

I have spoken on many occasions to criminals similar to the ones outlined in this bill and heard them say they only had a one in 10 chance of ever being caught, a one in 20 chance of ever being convicted, and if that ever happened the reality was that they would probably only serve a short sentence anyway. Then they would ask what the odds were of that ever happening again.

Quite honestly, we have all seen the statistics and the statistics do not lie. They vary from offence to offence, but every time a serious criminal offence happens we all know that 15, 20, 25 other violent offences have taken place. We are not talking about just one offence or a second offence. We are talking about multiple offences where there has been significant damage to the Canadian population.

We are only talking about a very small group of people. We are not talking about hundreds and thousands of people. We are talking about the most heinous people in Canadian society who have absolutely no regard for life and humanity. We have a duty and obligation to protect the public. That means taking each and every measure possible.

The public does not realize what it takes to get a conviction. Getting a conviction for a serious indictable offence takes in most cases years of attention to a file. It is a long judicial process, as the hon. member has mentioned, and yet to get a conviction registered is very difficult, but once that has happened, what are the odds of that happening again? When it happens again, how many other people have been victimized in the meantime by that same individual: 15, 20, 30, 40, 50 people?

We have an obligation to go over, above and beyond. We cannot infringe on the rights of criminals any more than we can a victim, I recognize that reality. However, we must step forward and say enough is enough. They have done it once, they have done it twice, but after the third conviction, for God's sake, how many offences have occurred then? We must draw the line somewhere. We must raise the bar. We must draw the attention of the House to some action and this bill does it.

I have a question for the member. Does she not feel that the future of victims is as important as the need for protection of the individual involved?

Hon. Sue Barnes: Mr. Speaker, I have respect for this member and the work he did in his past life, as I hope he has for me. I served for six years on the Ontario Criminal Code Review Board dealing with murderers, rapists and some of the worst situations for not criminally responsible. I understand that we are all concerned. It is not a question of feeling more or doing more. We all care about this.

To put that message that someone is soft, no. We all want a smart system that works. The member has touched on that reverse onus section and I will quote him the subsection right below that. The member has probably not read the bill as I have and most people do not read the bills. They get the messaging as opposed to reading the bills. What the bill says after the reverse onus is:

> Despite subsection (1),—

And that is the reverse onus section:

> the court shall not find the offender to be a dangerous offender if it is satisfied by the evidence adduced during the hearing of an application under that subsection that a lesser sentence — either a finding that the offender is a long-term offender or a sentence for the offence for which the offender has been convicted — would adequately protect the public. Neither the prosecutor nor the offender has the onus of proof in this matter.

What we find here is the least restrictive sentencing principle in the Criminal Code captured by section 718 coming into play and adding to that the case result of Regina v. Johnson.

Why go through the reverse onus? That is the deceptive part of this bill. It is not about the law. One section is actually put up there and then it is reversed with this section. It is messaging to a public while doing something totally different. The something totally different is actually what I think will be the saving part because that is what would be codified as a result of Regina v. Johnson.

We have it in case law right now. It is very important to understand here that there are people who have drafted this who obviously knew the constitutional tests to be made.

I do not like standing here talking constitutional law any more than anyone else, but others in this chamber will give the evidence about longer terms not being deterrents. What we need here and what absolutely happens many times is that the reverse only section only talks about a certain list of designated offences. What really happens in real life, as this member would know, is that there might be a crime committed down at the provincial level that is part of and should be going for a dangerous offender hearing, and should not be waiting for this—

● (1250)

The Acting Speaker (Mr. Andrew Scheer): Order, please. I apologize to the hon. member, but the time allotted for questions and comments has run out.

Resuming debate, the hon. member for Hochelaga.

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, it is my pleasure to rise today on a bill on dangerous offenders that seeks to create a different emphasis and direction from the approach we already have.

Before presenting the Bloc's basic arguments and position on dangerous offenders, I would first like to emphasize just how seriously the Bloc takes community safety.

No member of Parliament would want to live in communities where there is a threat to public safety. Whether in Quebec or in any other province, no one would want older people, single parents, children, working people or our parents to find themselves in harm's way as they go about their regular lives in the community.

I must say that I am a little tired of hearing the demagogic, simplistic rhetoric coming from the Conservatives. Their rhetoric implies that anyone who does not support their position is unscrupulous, lax and not very concerned about public safety. I hope this kind of talk will end. This subject is far too serious for them to indulge in such simple-mindedness.

The Bloc Québécois does not support this bill as worded. Does this mean that the Bloc feels that there is no need for the Criminal Code to contain provisions on dangerous offenders and long-term offenders? Of course not.

The Bloc is perfectly aware of the fact that there are some people who commit criminal acts and, unfortunately, have no self-control nor any control of their impulses and have certain personalities with a very high risk that they will re-offend. Is this genetic or acquired? Is it a question of the environment or their upbringing? Is it a matter of values? Is it a question of their families? I do not know. What I do know, though, is that it is the responsibility of parliamentarians to protect people against this kind of behaviour and these kinds of personalities.

The government's rhetoric seems peculiar because it tends to imply that these provisions have not been used in the past and do not exist, or that crown attorneys are reluctant to use them.

I would have liked to see the Minister of Justice rise in this House and tell us that his government is introducing a bill on dangerous offenders because prosecutors and the justice system—under his administration—are not using these provisions.

We would then have asked ourselves what procedure must be followed to ensure that in cases where it has to be proved that a person presents a risk, that person must be found to be a dangerous offender, with everything that implies. A dangerous offender can be imprisoned for an indeterminate period.

Under sections 752 and 753 of the Criminal Code, certain individuals are considered dangerous offenders. We do not need the minister's current bill; the courts and the prosecutors have done their jobs. There are, right now, people who are considered to be dangerous offenders and in some cases, they have been in prison for 20 years.

What is dangerous in the bill and in the approach taken by the Minister of Justice is the idea that we should do things automatically.

If an individual commits—in three instances—an offence on the list of primary offences, the burden of proof will automatically be reversed, and the person will have to prove that he or she is not a dangerous offender. Unfortunately, things cannot work this way in criminal law.

Perhaps this is something we need to complain about; perhaps there should be no Charter; perhaps there should be no trials; perhaps there should be no courts; perhaps we should send everyone to prison once they have committed a serious offence against a person.

● (1255)

Perhaps some people support that kind of justice system, but let them have the courage to say so clearly. Once again, the dividing line is not between people who care about the safety of victims and communities and the people who do not care about it. I am even tempted to say that it is not even the question of reverse onus that defines that line. Reversing the burden of proof is a benchmark, an important cornerstone of the justice system. It is an important principle, as is the presumption of innocence. The courts have offered guidance on what the presumption of innocence means, but that is not the gospel truth. We can agree that, in some circumstances, the burden of proof has to be reversed.

My former colleague, the member for Charlesbourg—Haute-Saint-Charles, a man who was respected by all parties in this House, once introduced a bill concerning property acquired through crime. It was directed particularly at organized crime. In 1997, I was in this House when we added sections 465, 466 and 467 to the Criminal Code to create what is called a criminal organization offence. New law had to be made. The Hell's Angels, the Rock Machine and the Bandidos presented a real danger to the community because they were engaging in open warfare within the community for control of the drug market. They plainly held the ordinary people in contempt.

I even recall having conversations with senior officials in the Department of Justice who said they wanted to break up organized crime using the conspiracy provisions. In the Bloc Québécois, we were convinced that we had to make new law and that what we needed was a new offence. When my colleague, the former member for Charlesbourg—Haute-Saint-Charles, introduced that bill, we were convinced that this was what had to be done.

The difference with dangerous offenders is that the Crown has access to existing provisions. There are guidelines: a psychiatrist's report is required. Quebec, for example, has an arrangement with the Philippe Pinel Institute, which evaluates offender profiles. Why specify "after three times"? This is not about the number of times or the quantity. If an individual presents such a profile—if, after the first offence it is determined that the individual lacks self-control, is a risk to re-offend and a danger to society—nothing prevents the Crown from using sections 751, 752 and 753. The section is very clear, so clear that the courts have used it over 300 times.

Of course, there are exceptional circumstances. When an individual goes into a convenience store and commits robbery, that is unfortunate and deserves to be punished. It is reprehensible, and the justice system must act. Nobody has said otherwise. However, such a crime does not mean we are dealing with a dangerous offender who should spend 20 years in prison with no eligibility for parole and be jailed indeterminately. The government's approach is disappointing because it lacks nuance and perspective.

Earlier, I was listening to the Parliamentary Secretary to the President of the Treasury Board. Apparently he is the youngest member of the House. The parliamentary secretary rose twice in this House to call the opposition member irresponsible. How did we suddenly become not responsible? Because in the committee, which included all of the opposition parties, we voted to amend Bill C-9. The opposition member said that we wanted to allow thieves to serve their sentences in the community.

● (1300)

He is a little young to be such a demagogue and to make such an argument, which is extremely simplistic.

The reality is the following: in 1996, we added something to the Criminal Code on the nearly unanimous recommendations of the justice ministers. I was in this House at the time and we realized that the prisons were populated, but that a third of the incarcerations had to do with unpaid fines. People were imprisoned for failing to pay a fine.

Of course, we are not encouraging people not to pay their fine, but should they be incarcerated for that? When Bill C-41 was passed, Canada had the third highest incarceration rate in the world. Only Russia and the United States had more prisoners than Canada.

I want to remind hon. members that the minister was unable to show a single scientific study to prove that there is a link between the harshness of the sentences and the rate of recidivism. We know full well that it is not by having stricter sentences or putting more people in prison that we will make our communities safer to live in.

Sometimes imprisonment cannot be avoided. But if the minister were right, the reality in the United States would certainly deserve a second look: they send seven times as many people to prison as Canada does. However, the homicide rate is four times lower in Canada—and I will mention just one type of offence. In a society that sends more people to prison, we would expect there to be less crime and recidivism, but that is not the case.

Could it be that it is not so much the harshness of the sentences but the real fear of the prospect of ending up behind bars that is the real deterrent preventing an individual from committing a crime?

We therefore agree on the need to include provisions concerning dangerous offenders in the Criminal Code. We agree on the crown prosecutor's responsibility, based on a psychiatrist's or psychologist's report. When an assessment shows that, after an initial offence, a person represents a threat to public safety, we agree that the Criminal Code provisions regarding sections 751, 752 and 753 must apply. We are not saying that the court has to wait for two to five offences, but we cannot support the idea of a list of 22 offences, even though we agree that they are serious. The proposed primary designated offences include sexual interference, invitation to sexual touching, exploitation, incest, attempted murder, sexual assault, attempted rape and indecent assault on female. These are serious offences, but we cannot support a legal system that operates automatically.

This is the main difference between the Bloc Québécois and the Conservatives. We in the Bloc are concerned about public safety. It was the Bloc that first fought for a real anti-gang law. It was the Bloc that brought about the reversal of the burden of proof in cases of proceeds of crime, by introducing a bill that was passed unanimously.

We approve prison terms when necessary, because sometimes they are necessary. Sometimes prison can have a deterrent effect, but the main principle of the administration of justice is individualized sentencing. I repeat, this is the main difference between the Bloc Québécois and the Conservatives. Every situation should be dealt with in light of what led to the crime, the crime that was committed, and the offender's profile.

● (1305)

Sentencing can never be automatic, because when we go in that direction we do not appreciate the facts. That is what justice is all about. Who wants to live in a society where we are on automatic pilot?

Unfortunately, the Conservative government is going in the wrong direction. It did so on the issue of conditional sentencing. The Minister of Justice and the Parliamentary Secretary to the President of the Treasury Board have been talking about conditional sentencing. I repeat, the Bloc Québécois agrees—of course— that the right of the individual to serve the sentence in the community is not a constitutional right. It is a privilege. However, the Supreme Court also stated in the Proulx decision that it remained a sanction. The conditional sentence is a type of imprisonment. Of course we agree that all types of offences do not have the same degree of seriousness.

An 18 year old who draws graffitis on a wall three times is guilty of public mischief. It is reprehensible, sad and unacceptable. However, in the list proposed by the minister, this youth, whose graffiti caused $5,000 in damages in total, would not have been eligible for conditional sentencing. We believe that there are cases where an automatic approach—which precludes a conditional sentence—is not indicated.

We can—of course— understand that it may be less appropriate for individuals who have committed sexual assaults, rape, abuse—especially in the case of sexual offences—to serve their sentences in the community. We want to denounce these acts; we want to send a message about these types of offences.

We should remember that conditional sentences represent 5% of sentences, but the minister was unable to make this fine distinction.

In closing, the Bloc Québécois believes that dangerous offenders must be dealt with in a particular way, that dangerous offenders should not be released if they represent a risk to the community. However, we do not accept the logic of automatic process, a logic by which we are unable to assess a situation according to the offender's profile, his record, or the circumstances that led him to commit the crime.

That is the price to be paid for living in a society where the symbol of justice is a balance among rights; but also a balance among responsibilities. Yes, crown prosecutors must evaluate the situation. Yes, a judge must evaluate the situation. Yes, there are constitutional freedoms that must be protected. Yes, there are situations that call for imprisonment and enforcement.

The danger arises when the response becomes automatic. Every time the Conservative government wants to propose simple solutions to complex problems, we cannot accept that. However, we will never be soft on crime. We will never unconditionally defend criminals. We will certainly be able to say that there are situations where people deserve to be locked up; that they cannot be rehabilitated and deserve a firm sentence of 20 or 25 years in prison. We are able to make distinctions between cases. Once again, we do not accept the logic of an automatic response and we do not accept the contempt in which this government holds the work of the judiciary.

When we see the way in which the courts have interpreted conditional sentencing; when we see the way in which provisions for dangerous offenders have been used, we have no reason not to have confidence in the justice system. Does that mean to say that there are no judges who have gone astray? Yes, indeed it is possible.

This is a Conservative tactic.

● (1310)

In 2003, out of 257,000 cases where there was a conviction, 13,000 cases resulted in a conditional sentence. In his appearance before the Standing Committee on Justice, the minister gave five examples of cases where, a priori, without having studied the file in greater detail, it would seem that there was little reason for a conditional sentence. Does that mean to say that the administration of justice has been brought into disrepute? Does that mean that we should be thinking in terms of automatic responses? Certainly not.

That is why we are very uneasy about this government in connection with justice. Not to mention the blackmail it employs. We began this session in September; tomorrow we will be into November. The Standing Committee on Justice adopted two bills, reviewed budgetary allocations and is beginning review of a third bill. Members have had a respectable workload. However, it is clear that when bills are being examined, witnesses must be heard. Our work of legislative review; our work as members of parliament, which consists in considering the consequences of a bill, must always be done with the greatest attention.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, I would like to thank the member for his comments. I know that, as a member of the Standing Committee on Justice, he is working very hard on these issues.

From his speeches as a member of the House, I also imagine that he was very confident and very pleased with the former Liberal government's record on the issue of dangerous offenders. I would also like to thank the member for his comments.

I nevertheless have a few small questions concerning the Canadian Charter of Rights and Freedoms. In his speech he did not mention challenges of this bill before the court. This is obvious if it becomes law.

What does he think of the Canadian Charter of Rights and Freedoms, specifically sections 11(d) and 7 of the Charter? Section 7 of the Charter concerns me a lot. As the member knows, it deals with our system and our principle of fundamental justice. Does he have any comments to make on these matters? I am all ears.

● (1315)

Mr. Réal Ménard: Mr. Speaker, I thank my colleague for his questions.

It may be safely assumed that the previous government was closer to our philosophy in terms of justice, with the exception of course of the blot of the Young Offenders Act. The Bloc Québécois was obviously far removed from the objectives put forward in the Young Offenders Act. We all recall the excellent work done by former MP Michel Bellehumeur, who today has risen to the rank of judge in the Court of Quebec, Criminal Division.

We of course have some questions concerning the compatibility of this bill with the two major sections of the Charter concerning judicial guarantees. Section 7 and the reversal of onus of proof are going to pose some problems concerning the presumption of innocence. I think that the member will recall the three or four decisions on the reversal of onus of proof. The court clearly said that the onus of proof is never transferred, it is always incumbent on the Crown.

So we will see what the various courts have to say to any challenges. Still, as far as the substance is concerned, I repeat, we do not want the most dangerous, the most criminalized people to be released. The Criminal Code already has provisions that can be used after a first offence. Nor do we wish to take the automatic route. Law and justice are never automatic.

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

The current government seems unwilling to correct deficiencies in the Criminal Code. Rather, it is trying to determine exactly what all judges should do and how everything should be organized so that no person who commits a major offence will ever be allowed out of prison.

My question for my colleague is this: Does he think that, in a case like this one, the government—the legislative branch—should replace the judicial branch? It wants to replace judges. It wants to codify everything and render judges obsolete.

If this is so, I would like my hon. colleague to explain whether this is because this government does not trust judges it did not appoint.

Mr. Réal Ménard: Mr. Speaker, certainly, the various bills that have been introduced reflect a climate of suspicion about the judiciary.

I do not know the exact cause of this. Is it a question of appointment? Is it a systemic problem? Is it a question of aversion? I do not know.

The Bloc Québécois has always held the opinion that in criminal law, individualized sentencing is the rule. There is no evidence that judges have not done their work properly in handing down conditional sentences or in cases where the dangerousness of prisoners and accused persons had to be assessed.

[*English*]

Mr. Pierre Poilievre (Parliamentary Secretary to the President of the Treasury Board, CPC): Mr. Speaker, it is clear that the Bloc member shares the soft on crime policies of his Liberal colleagues. He joined with the Liberals in the justice committee last week in voting to allow those convicted of car theft, burglary and break and enter to serve their sentences in the comfort of their own homes. We disagree. We believe in mandatory jail time for serious thieves, along with serious violent and sexual offenders.

This law would guarantee that if people commit three violent or sexual offences and they cannot prove that they have been rehabilitated, then they will serve a life sentence and go away forever. Frankly, that is exactly what the Canadian people voted for in the last election.

The Liberals promised that they would be tough on crime and that they had changed their ways in the lead-up to the last election. They have now broken that promise by voting to allow car thieves and burglars to serve their sentences in their living rooms.

The question that remains is whether the Liberal opposition will continue to break its word. Will it block the passage of this tough on crime legislation which would take dozens of the most violent predators off of our streets, or will they revert back to the position that they had in the election and support the government in its tough on crime initiatives?

Maybe the member could shed some light on that because certainly his Liberal colleagues have not shed any so far.

● (1320)

[*Translation*]

Mr. Réal Ménard: Mr. Speaker, with all due respect, I must ask my colleague to refrain from the ridiculous rhetoric he is increasingly prone to.

A case in point would be his reference to breaking and entering. What is the sentence for residential break and enter under the Criminal Code? In theory, it is life in prison. This is not the example to give when we are talking about conditional sentencing.

Conditional sentences are handed down in 5% of cases that end in conviction. In 95% of cases, justice is not meted out with a conditional sentence. Three times out of four, conditional sentencing is not used when an offence against people has been committed. Perhaps my colleague has not read the statistics we had at the Standing Committee on Justice and Human Rights.

There is a limit to right-wing rhetoric that is meant to scare people and that is far from accurate. If there had been evidence that the judiciary had improperly used conditional sentencing, everyone in this House would have wanted to correct the situation. This is not the case, however. Bill C-9 is nothing but an ideological construct of the Conservative Party, and God willing, this government will never have a majority.

[*English*]

Mr. Daryl Kramp (Prince Edward—Hastings, CPC): Mr. Speaker, I do not think the hon. member lives in the real world. He seems to think that criminals are single dimensional. Criminals can be arsonists or thieves. They can commit break and enter or they can assault. I assure the hon. member that criminals do not operate on a single plain.

I would give him an example. Many years ago I was working with a gentleman who was one of the most vicious drug dealers we had in our region. He knew no bounds. He had two daughters, aged 11 and 12 years old, and for many years he pimped for them. I think the hon. member gets an understanding of where we are going. This was a very serious criminal offence. This gentleman was finally put away after many years of multiple offences around the entire region. He was charged with arson, which was a crime against property. In the meantime, he was guilty, as we all knew, of countless crimes against humanity,

For the member to suggest that a poor criminal is straitjacketed into one little pigeonhole area and, therefore, we do not want to bring forth a more serious penalty because that would not pertain to them, I think you are out of touch with reality, my good sir.

The Acting Speaker (Mr. Andrew Scheer): I just remind the hon. member for Prince Edward—Hastings to address his comments through the Chair.

[*Translation*]

Mr. Réal Ménard: Mr. Speaker, I do not know how the hon. member came up with that, but I have never thought of criminals as one dimensional. Some criminals are very dangerous. There are people who commit a single crime and can be rehabilitated. There are other criminals who should be kept behind bars.

What I said is that conditional sentencing was not as widespread as the Minister of Justice suggested. In his example, the member himself mentioned a person in his community who had committed several crimes and who was not given a conditional sentence, from what we know, but was incarcerated.

If a person burned down a house, trafficked in drugs, and made his children prostitute themselves, that individual should receive a firm sentence of many years of imprisonment and should be incarcerated in an institution.

That is what happened in the example given by my hon. colleague, which is understandable. It is perhaps proof that, contrary to the Conservatives' remarks and the definitions put forward by the ministers, our justice system is much more discerning and our judges more even-handed than they would have us believe.

[*English*]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I am pleased to speak on behalf of the federal New Democrat caucus on second reading of Bill C-27.

First, I would like to pay tribute to the very able justice critic, the member for Windsor—Tecumseh, who has given the NDP caucus incredible guidance, information and led the debate within the caucus on this bill as well as close to a dozen bills that have been thrown at the justice committee from the Conservative government. The member for Windsor—Tecumseh has earned respect from all sides of the House for his intelligence and wisdom and how he has approached these matters. I certainly speak today based on the wisdom and guidance that he has provided to the NDP caucus.

We are at a very interesting and critical juncture in this debate. Being the fourth party to speak, it has been clear to anyone watching the debate and if it was not clear to the government previously it would be clear to it now, that this bill is going down. Three parties are opposed to this bill at second reading, which as we know is a debate in principle. It looks like the bill will not go forward to committee. That is a very serious situation.

I listened, sometimes with a smile on my face, to the political rhetoric that has spewed forth time and time again from the government on this bill and many of the others. The government's mantra is that members who do not support these bills are soft on crime, that if they do not support Bill C-27, they are soft on crime; they are giving a free ride to criminals, they do not care about the public, they do not care about victims, they do not care about anything. We have heard it over and over again. Government members must dream about it and repeat in their sleep.

One of the members said we should look at reality. Let us look at reality. There are three opposition parties basically saying no to this bill because it is a very fundamentally flawed bill. The parties that have spoken thus far have given very strong both philosophical and intellectual reasons but also legal and practical reasons why this bill just does not cut it. That needs to be said.

We have heard from the Prime Minister that the opposition is delaying the crime bills. Bill C-22, the age of consent bill, was introduced in June but the government itself did not call it until yesterday. So much for the delay. The same goes for this bill. This is the first time we have had an opportunity to debate it.

Let us put aside all the political bunk and rhetoric and focus on the merits of this bill and whether or not it is a good, sound piece of legislation. Presumably that is what we come to this place to do, to represent our constituents, to represent sound public policy, public interest and to decide whether or not legislation that comes from the government is good. We make our judgment on that and decide whether the legislation should continue. That is what we are debating here today, not all the political rhetoric.

In terms of Bill C-27, as I said, the NDP caucus is opposed to it. I note that in the information put out by the justice minister's office we are told that this particular bill will make it easier for crown prosecutors to obtain dangerous offender designations. It goes on to point out that a cornerstone of the reforms in this bill is that an offender found guilty and convicted of a third designated violent or sexual offence must prove that he or she does not qualify as a dangerous offender. This is what is referred to as the reverse onus. This is one of the major reasons that certainly the NDP and other parties we have heard from today are opposed to this bill. Why is that so?

I would like to quote a very good article written by Paula Simons which appeared in the *Edmonton Journal* in October, as well as in the Regina *Leader-Post*, and maybe other publications. In that article the author pointed out:

> It's a rule of law as old as the Magna Carta, a golden thread that runs through almost 800 years of British legal tradition. And it's enshrined in Section 11 of the Canadian Charter of Rights and Freedoms, which guarantees that any person charged with an offence has the right to be presumed innocent until proven guilty.

● (1325)

I begin with this first argument and fundamental point because it is very much the underpinning of the concerns that we have about the bill. The bill brings forward a provision that will bring in reverse onus and will remove from the system the state's responsibility to bring forward evidence to show that someone is a dangerous offender. The onus will be put on the offender to show why he or she is not a dangerous offender.

I point out that in basically eliminating these hundreds of years of tradition, we did have sections in the Criminal Code that did have reverse onus clauses. This is something that was actually contained in our Criminal Code before the charter, but since 1982 when the charter came in, those provisions have been either struck down by the courts or voluntarily removed through successive Criminal Code reviews and amendments.

We really need to understand that within our judicial system we have had a long-standing practice of assuming someone's innocence until he or she is proven guilty and looking at each case on its merit. We are not talking about a cookie cutter system where one checks off a little box and it is either black or white, yes or no. We are dealing with individual offences. We are dealing with individual victims. The basis of our justice system is that we have the capacity and the ability to make judgments based on applying the law as it exists to determine each of those cases.

Bill C-27 will be a massive reversal of that very important democratic and just tradition within our judicial system. For that reason alone, we are opposed to the bill.

In the current environment in our judicial system, 85% of current dangerous offenders are still in custody. They do not get out. We are talking about longer than a life sentence if someone is convicted as a dangerous offender.

I would argue, and I know our justice critic, the member for Windsor—Tecumseh, would argue that there is no doubt the provisions and the system we have require improvements, but the basic provisions that are there actually are working. Basically completely eliminating that provision and bringing in the reverse onus we see as something that one, will be struck down and will be subject to a charter challenge, and two, will not necessarily improve the safety of Canadians. We have heard that today throughout the debate.

The second problem I can identify is that the bill crosses a boundary whereby it will allow a federal jurisdiction, the federal government, to move into a provincial jurisdiction and tell prosecutors, who are under provincial jurisdiction under the administration of the law, what they should be doing. This is very problematic and is likely to be challenged and struck down.

It makes one think why a bill would be brought forward when two of its basic tenets are things that are legally very open to challenge. As we have heard today, there have been many expert opinions that these particular provisions would be struck down.

There is of course an enormous amount of concern in Canadian society about crime, safety and making sure that people who are dangerous are not on our streets. These are very legitimate things. As New Democrats, we want to ensure that we have the best criminal justice system which ensures that when a dangerous offence has taken place, someone is convicted and the appropriate sentence is given.

● (1330)

It seems surprising to us that under this proposed bill, we would wait until someone had been convicted a second and third time before this kind of provision would apply. The most efficient, intelligent and practical thing to do would be to make sure that the system is working as early as possible, in terms of earlier intervention, by providing crown prosecutors with the resources they need to get the convictions they need, when they can see that there is information and evidence before them.

Right now if a prosecutor is of a mind that there may be information that leads him or her to believe that someone should be prosecuted as a dangerous offender, it is expensive and it takes time to do that. It takes a lot of resources to do the investigation. The reality is that in some instances, prosecutors may back away from that because they are simply overwhelmed by the system as it is and what they can deal with in terms of managing the cases that they have.

The point I am trying to make is that if we are truly interested in making sure that dangerous offenders are locked up and that the public and our communities are safe, then surely we would want to ensure that the system is responding in a way that the prosecutors can actually do their jobs.

Rather than waiting for the second or the third conviction and then placing the onus on the offender to show why he or she would not be a dangerous offender or a risk to society, why not give the prosecutors the tools and the resources to actually do the job they need to do, so that we do not even get into those other situations? We believe that would be a much better scenario, a much better set of rules under which to operate.

What kind of message are we sending out to the public with this bill? We have heard the rhetoric from the government that it is all about getting tough on crime, but actually what we are saying is that it is okay to wait for the second or third time. Do we want to give offenders that third time?

From our point of view, it is much better to have a system that provides the resources and the tools to make the system work as it should and to make sure that the prosecutors are actually able to deal with these cases, and where they can see that the dangerous offender designation is required through prosecution, that they are actually able to follow that up. That is a very important point.

A fourth argument I would like to raise is that if there were a seriousness about this bill and dealing with dangerous offenders, then we should be looking at what we can change that would actually improve the work that takes place. One example would be changes to the evidentiary burden on the prosecutors. Right now they have to line up three psychiatrists when they are trying to prove their case for a dangerous offender. Maybe we should be looking at that. Maybe we should be saying that only two psychiatrists are necessary in order for the prosecutor to bring forward the required expert information.

There are a number of things that could be done within the system to actually improve the resources of the prosecutors to do their jobs, but this is being completely overlooked by the government. Instead we have this very heavy-handed approach that has been brought in by the government where there is absolutely no confidence whatsoever from anybody in the justice system and the law profession that this law will actually be upheld.

In fact earlier I heard the member from the Bloc say that this is why they are afraid of the government. It was a very interesting remark. I think it echoes a sentiment in the public that we see the government loading in these crime bills and there seems to be very little thought to some of them.

● (1335)

The opposition parties have worked together very closely at the justice committee and have tried to convince the government why some of these bills are so seriously flawed. Yet the government does not seem willing to engage in that debate. Therefore, one is left with the conclusion that it is about political spin. It is about the politics of fear. It is about playing on people's fear about crime and safety, which people have, without really ever addressing it.

One of the fears Canadians have is that we are moving closer and closer to the U.S. style of justice system where it has the "three strikes and you're out" laws in effect. The evidence shows us that it has not worked. Again, from this very good article in the *Edmonton Journal*, it quotes from a 2004 report by the Justice Policy Institute in Washington, D.C. It cited FBI crime statistics that showed violent crime and homicide rates between 1993 and 2002 dropped faster in states without the three strikes law. This is very interesting and we should learn from the very real evidence available in the United States.

I know members of the Conservative government will argue that this is not exactly the same law, but it is based on the same kinds of principles and it is moving us closer and closer to the kind of system we see in the United States. We have heard its kind of mantra on getting tough on crime.

The report also compared California to New York. California has the toughest three strikes law. It sent people to jail for life even if their third crime was stealing a piece of pizza. New York has no such legislation, yet its overall crime index fell 50% from 1993 to 2002. California's overall crime index fell only 39%.

Despite the fall in crime rate between 1994 and 2004, in the 10 years experience of the California three strikes policy, its prison population rose by almost 23%. The Justice Policy Institute study estimated that building and staffing the extra prisons to house all those prisoners cost the state an extra $8 billion U.S. over 10 years.

I bring forward these points of information because they are very pertinent to this debate, not only in terms of this bill but also other bills that are before the House. As a Bloc member said, this is why we are so afraid of the government. It is embarking on a radical departure. It seems hell-bent on radical changes whether they are shown to work or not. This should be of very grave concern to all of us.

I totally reject the arguments, which will come forward now, that the NDP is soft on crime. Nothing could be further from the truth. We want to be intelligent about our response to crime and justice in our country. We want to ensure that there is sound public policy development. We want to ensure that we do not adopt legislation that has been shown not to work, that may create incredible havoc within the judicial system and that will undermine very fundamental principles established over many hundreds of years.

The government needs to take note. This is a minority Parliament. We have a majority of members in the House who say, with a united voice, that this is not good legislation and that it will be defeated. Therefore, the government members can squawk all they want about that. They can try to put out their political line that nobody on this side cares about crime, which we know is absolute nonsense, or they can get serious and engage in a real debate about what changes need to be made to the justice system. I have offered a few today, so have the other parties.

● (1340)

The Conservatives can choose if they so wish. If they are serious about putting public policy first and protecting the Canadian public, they can look at changes that will work within our judicial system. It is their decision. I do not know what they will decide, but they should take note of the fact that three parties now oppose the bill.

● (1345)

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, I have a couple of comments and a question with respect to what the member said, speaking on behalf of the New Democratic caucus. I have the impression, when I hear her arguments, that she is asking the government to stop picking on the dangerous and high risk offenders. I do not understand that.

If we listen to what the member said, she gave four or five of what appeared to be reasonable arguments, and that seemed to be the thesis of what she was trying to present. I will not comment on all of them, but I will comment on the reverse onus clause, which she suggests is unconstitutional.

She is right. When people are charged, the long-time principle in our court systems, going back to the English system and in fact most systems around this world, they are innocent until proven guilty. This is not about that. This is about sentencing. We are talking about dangerous and high risk offenders, bad people, people who have done bad things three times. It is all about that. This legislation is saying if that happens then the onus is on them. There is a certain discretion to the prosecutor to bring this forward and there is also a discretion on the court system as to whether it will deem that person a dangerous offender.

The member seems to be giving the impression that when a person is charged, it is a reverse onus clause. That is not fair because the bill does not say that.

Could the member comment on that and perhaps rethink her position on this one position?

Ms. Libby Davies: Mr. Speaker, from our point of view in the NDP, we think that to wait until someone has had a third conviction and then as part of the sentencing use this reverse onus is kind of a false premise. As I said in my remarks earlier, we would much prefer to see the development of agreement from the government and other parties about how we can better support the prosecutors when they seek dangerous offender status in even the first go around. Why are we waiting for the third conviction?

I stand by my comments about the reverse onus. It is not only me saying that. We have heard from all kinds of experts who understand the Constitution and the charter and what challenges there may be. When we are told that this law will create all kinds of problems in terms of challenges, then we ought to heed those words. It seems a bit silly to bring in a bill when there is the likelihood that it will be struck down and challenged. I think it leads to scepticism as to the government's real agenda.

We have to look at this bill in the context of a number of the other bills where we see the same problem. They seem to be more about creating the image and the public perception about what they are going to do without actually delivering the legal goods that will make it happen. That is why it is being met with a great deal of opposition and scepticism from members of Parliament.

Mr. Daryl Kramp (Prince Edward—Hastings, CPC): Mr. Speaker, I find it incredible to hear the member suggest that her party does not believe it should cooperate in getting tougher on crime by suggesting that after the third conviction for a serious criminal indictable offence a person might have an obligation to provide the reticence. Instead, the member has suggested that her party would entertain the possibility of this happening after the first conviction. Talk about a crock. They say they will not do it after three convictions, but they might do it after one. There is no balance to that argument whatsoever.

Those members have to face the facts. They are soft on crime. They are against the age of consent. They are against minimum mandatories. They are certainly against holding criminals to a standard, criminals who have been charged with serious indictable offences where there have been serious injuries to people. It suggests to me that public safety is not first and foremost of importance to the Canadian public.

Our first priority as members of Parliament should be the protection and safety of the public. I really believe that. Should we not take each and every opportunity to provide the public with that safety? We have to strike a balance. We have to balance the rights of the victims with the rights of criminals. That is fair ball. However, after three convictions and countless other offences, for which there may not have been convictions registered, the public deserves safety. For the member to suggest that she and her party would be willing to try to find other options maybe after the first conviction is ludicrous. The member is dishonest in her statements.

● (1350)

Ms. Libby Davies: Mr. Speaker, I could almost see the piece of paper with all the little message boxes written on it telling the member what to say.

I am very proud to say that the NDP was founded on the principle of cooperation and that remains one of our founding values. The idea that we do not come here to cooperate is nonsense. We take our role in this Parliament very seriously and constructively. In my comments today I indicated that the government has a choice to seek cooperation with the other parties. That point has been made very clear.

We believe the earlier an intervention is made the better. We start with healthy communities. We start by providing people with decent housing and good jobs. We start by providing young people with good and accessible education. We would not cut out literacy programs and force kids on to the streets where they have a future with no hope. Let us look at the foundations of a good judicial system in terms of helping develop citizens with a sense of what needs to be done as part of the community. These are very important things, but they never get addressed by the government.

Early intervention in the judicial system and in crime prevention, community health and community support are very important. The system might work a whole lot better if Crown prosecutors were not so overburdened and could do their work and get a dangerous offender designation. The government does not seem to be interested in doing that. It seems to be interested in these very radical laws, which have never been shown to work, based on its public relations exercise of fooling the public that things will get a whole lot better with the Conservatives in government. I think there is growing suspicion from the Canadians. They know that is not true. They know these laws are dangerous and that they are likely to be struck down. This bill in particular I believe will probably be struck down in the House.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, my colleague from Vancouver East represents a riding not unlike mine. Her riding is in downtown Vancouver and mine is in downtown Winnipeg where crime and safety issues are top of mind in the areas that we represent. She should be complimented for bringing such a balanced approach to this debate, rather than some of the knee-jerk reactions that we have heard from some of our colleagues' interventions.

I think it is difficult to have any debate about crime and justice issues without recognizing and acknowledging the appalling over-representation of aboriginal people in our prison population. It strikes me, and I have heard others comment, that many of the bills introduced by the government side in terms of getting tougher on crime and longer prison sentences will only exacerbate that problem. What is already a national shame and a national tragedy will be compounded.

Could the hon. member comment on that please?

● (1355)

Ms. Libby Davies: Mr. Speaker, my colleague has raised an important issue. Would it not be a much better scenario if we were actually debating in the House not this bill but legislation that would actually assist aboriginal people with their appalling conditions and actually look at the recent report that just came out that showed us that there is a massive overrepresentation of aboriginal people in our judicial system? We could then look at the systemic discrimination and oppression that takes place.

If we had that kind of debate, we would be doing more to help our judicial system than we will ever do with a bill like this.

Hon. Jim Prentice (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, I rise today on behalf of the citizens of Calgary Centre-North to address criminal justice legislation that I view as extremely important to, in particular, the safety of women and children in my community.

I am astounded to be in the House and hear the NDP in particular talking about this as an issue of cooperation and healthy communities. This bill is directed at punitive measures toward the most dangerous sexual predators in our society. That is what we are talking about. I have no idea what they are talking about at that end of the House with respect to healthy communities. These are individuals who are sexual predators and who are incorrigible and this bill attempts to deal with them in a way that will make our streets safe for women and children.

What in heaven's name the NDP is talking about, I do not know.

I would like to say at the outset that we should all be proud of the work that the Minister of Justice has done with respect to this bill. These are sentencing reforms that are long overdue in our country. Our Minister of Justice has taken the initiative and has brought forward sound legislation that reflects the appropriate balance, and I commend it to the House.

I feel strongly about this legislation. It is necessary because there is a lack of balance in the existing law in Canada, which is not acceptable to the people of Canada as represented by their elected representatives in the House of Commons, as it relates to the sentencing of dangerous offenders.

I think it would be useful for members of that party to realize that the genesis of this legislation is in a decision of the Supreme Court of Canada, the Johnson decision. Frankly, that decision is one of the more controversial decisions in recent times by the Supreme Court of Canada. It reflects a tension between the legislative branch and the judicial branch relative to sentencing provisions.

Now this is not the first time this tension has existed. Previous parliaments attempted to reform the dangerous offender provisions in 1995 and 1997. The Johnson case is a complex case and much has been said about what it may say and what it does not say. However, the way in which that decision has been interpreted by the lower courts is to impose upon the Crown a burden to prove beyond a reasonable doubt that a dangerous sexual predator cannot be successfully managed in the community. That is a burden which is very difficult to overcome and, frankly, some would argue that it is a burden which is impossible to meet.

I think the opposition parties need to be aware, and the NDP in particular, that the consequence of that decision has been a precipitous drop in terms of both dangerous offender applications in our country and also dangerous offender convictions. That is unacceptable.

The Acting Speaker (Mr. Andrew Scheer): The minister will have 17 minutes after question period to finish off his remarks.

STATEMENTS BY MEMBERS

[*English*]

JUSTICE

Mr. Gerry Ritz (Battlefords—Lloydminster, CPC): Mr. Speaker, on this side we know what the opposition parties really mean when they say they will compromise. They mean that they will say one thing during an election and do the opposite in Parliament.

All parties ran campaigns promising to get tough on crime but it seems only this Conservative government is willing to get tough on criminals. The opposition parties want the guy who burned down a person's house to spend his so-called punishment in his house, watching the big screen TV that he stole from the neighbour.

This is the same bunch who will spend taxpayer money to institutionalize our preschool children but are afraid to see car thieves and arsonists behind bars lest we cause them some discomfort.

Every member is entitled to his or her opinion but in the opinion of most Canadians, the regime that gave prisoners the vote, cable TV, Internet access and a union for filing complaints against embattled corrections officers is the regime that has to go.

It is time to scrap the idea that it takes a village to raise a child but the village cannot know there are convicted pedophiles living next door.

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● (1400)

PEEL ENVIRONMENTAL YOUTH ALLIANCE

Hon. Navdeep Bains (Mississauga—Brampton South, Lib.): Mr. Speaker, I rise today to recognize the hard work of PEYA, the Peel Environmental Youth Alliance.

PEYA is a network of youth from across the region of Peel determined to make a difference by improving our environment. They have worked in our schools and in our communities to show us that reducing greenhouse gas emissions is possible.

I recently met with members of PEYA regarding their climate change declaration, a declaration I wholeheartedly support. In its declaration, PEYA makes it clear that the effects of climate change will not only be seen in our thermometers but will also be felt in our wallets.

PEYA is concerned with climate change and puts forth some concrete suggestions which should be considered. They include new renewable energy strategies, the elimination of fossil fuel subsidies and educational reforms to make younger students more aware of the environment.

I hope all members will join me in congratulating PEYA and supporting its cause.

[*Translation*]

OLDER WORKERS

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Mr. Speaker, a number of regions in Quebec are affected by the crisis in the forestry sector. In less than a month, five forestry companies in my riding have announced that they will be shutting down. Some 2,000 workers have been victims of mass layoffs, not to mention the many indirect jobs that will be lost.

For the past several months the Bloc Québécois has been calling for the implementation of a real income support program for older workers. These victims of mass layoffs aged 55 and older will have a hard time retraining in another field because often they have little education. A financial assistance program to allow them to bridge the gap between the end of their employment insurance benefits and the beginning of their pension, would prevent them from going into poverty.

It is high time that the Minister of Human Resources and Social Development lived up to her responsibilities and announced the implementation of such a program for all industries and for all of Quebec.

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[*English*]

GOVERNMENT PROGRAMS

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, yesterday, Statistics Canada issued a report saying that the rate of violent victimization in Canada's north is almost three times the rate for residents in the rest of the country.

The government needs to take action to help northerners, action by supporting a better society, but the government does not understand how to make the lives of Canadians better, which is why it cut funding to literacy programs, volunteer groups and the Status of Women.

These programs are not fat to be trimmed. They are part of a foundation for a better society. Rather, the government wants to see more unemployment due to high illiteracy, fractured communities without essential volunteers and women without leadership to protect them. All of this will increase the amount of violence in the north, not decrease it.

Cutting these programs will only increase violence and suffering among northerners. It seems that the Conservative government just does not care.

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JUVENILE DIABETES

Mr. Ron Cannan (Kelowna—Lake Country, CPC): Mr. Speaker, I just finished meeting with a group of brave children and their families who face the daily struggle against the disease of type 1 juvenile diabetes.

Forty-five children from across the country, including a constituent of mine, beautiful four-year-old Amy Buchanan, are on Parliament Hill today. These children all live with the challenges of this disease.

I would like to honour these children and all the children of Canada, who endure this illness that affects every aspect of their lives, for their courage and their perseverance to not let this disease rob them of their dreams.

What families living with diabetes need is hope; hope for a future without this disease.

I am proud to say that my wife and I recently chaired a fundraising effort in my riding of Kelowna—Lake Country that raised over $80,000 for diabetes research. It is through the generosity of caring Canadians that we will reach our goal to understand and one day beat type 1 juvenile diabetes.

By working together, the mission is possible for a made in Canada cure for diabetes.

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TERRORISM

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, I rise today to urge the government to continue the work of the previous Liberal administration and implement a cost sharing program to help at-risk targeted communities offset the costs of securing their places of worship and community centres.

The freedom to worship and to attend community, religious and cultural events without fear is a hallmark of being a Canadian.

Unfortunately, we live in a world where safety is not always guaranteed. The threat of terrorism has necessitated certain communities to take steps to ensure the safety of their congregants and participants, often at great financial expense.

Whether it be a synagogue, a church, a gurdwara, a mosque or a cultural centre, it is imperative that the government help with the protection of these institutions. By developing and implementing a security cost sharing program, it will be taking one more important step to doing so.

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● (1405)

ROBERT THOMAS JAMES MITCHELL

Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC): Mr. Speaker, I rise today to pay tribute to Robert Thomas James "Jim" Mitchell who was killed in the Panjawyi district of Afghanistan on October 3.

His life was taken when he and another soldier were working alongside their fellow comrades to clear mines and improvised explosive devices from a route for a future road construction project.

Corporal Mitchell was a father, a son and a husband who was born and raised in Owen Sound. His parents, Bob and Carol, and his brother Mark still reside there.

Our thoughts and prayers go out to them and to his wife Leanne and their children, five-year-old Cameron, three-year-old Brian and two-year-old Jaelyn.

Remembrance Day is just 11 days away and I encourage everyone across Canada to take the time to attend a Remembrance Day service in their community or to take a few minutes to think about the sacrifices made by our soldiers.

Along with other Canadian military heroes, we will remember and honour the life of Robert Thomas James Mitchell.

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[*Translation*]

GATINEAU'S MUNICIPAL ARTS CENTRE

Mr. Richard Nadeau (Gatineau, BQ): Mr. Speaker, on October 23, the Maison de la culture in Gatineau won a Félix award at the ADISQ Autre Gala for the third year in a row.

It all began in 2004 when the arts centre won the Venue of the Year award for its Salle Odyssée. In 2005, it made its mark as an arts presenter. This year it won, for the second time in three years, the title Venue of the Year.

I want to congratulate the entire team at the Maison de la culture and its artistic director in particular, Julie Carrière, for her incredible work.

We are proud of those who, through their dedication, succeed in stimulating culture and making it accessible and lively in Gatineau.

Again, I offer my sincere congratulations to the Maison de la culture in Gatineau and to all those who have contributed in one way or another to its outstanding success.

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[*English*]

JUVENILE DIABETES

Mr. Dave Batters (Palliser, CPC): Mr. Speaker, today I have the privilege of saluting a courageous 11-year-old constituent from Regina, Chloe Rudichuk. Chloe is one of 46 children from across Canada who suffer from juvenile or type 1 diabetes who are in Ottawa today with the Kids for a Cure event.

Chloe will also have the unique honour this afternoon of addressing the Standing Committee on Health. She will tell our committee about the importance of continued research for a cure and the daily struggles of being an 11-year-old girl with type 1 diabetes.

Juvenile diabetes is a serious disease that can lead to devastating health consequences. Chloe needs daily insulin injections to survive.

The exciting news is that Canadian researchers are conducting very promising research that could lead to cure therapies. Chloe will be asking us, as parliamentarians, to support her mission today to find a cure tomorrow.

I am proud to support Chloe in her mission. She is a great ambassador for the children of Saskatchewan and the city of Regina.

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[*Translation*]

FAMILY DOCTOR WEEK

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, I am very pleased to join my colleagues in recognizing Family Doctor Week in Canada from October 30 to November 5.

Every day, family doctors make diagnoses, treat patients, promote health and prevent illness, coordinate care and advocate on behalf of their patents.

They provide not only primary care, but also a great deal of secondary and tertiary care in many places: in their offices, in hospitals, in patients' homes, in seniors' homes and in other community facilities.

The College of Family Physicians will be holding its annual family medicine forum this week in Quebec City. Hundreds of participants and presenters will be in attendance.

I would like to personally thank all family doctors, and I invite all of my colleagues to support Family Doctor Week in Canada.

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LAURENT GUAY

Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC): Mr. Speaker, today I am very proud to recognize the accomplishments of a talented young figure skater from Charny who has made thousands of Quebeckers so proud: 10 year old Laurent Guay.

Last weekend in Gatineau, he won his third gold medal in the 2007 Quebec sectionals. He competed against 20 other boys at the provincial level, setting himself apart with his combination jump, a double loop that earned him a personal best at the provincial level.

As the father of five children, I know how important it is to be present and to recognize our young people's efforts. I strongly support all those who, in pursuit of their dreams, make a considerable effort day after day to achieve their personal goals, big or small.

On behalf of all Quebeckers, I would like to congratulate 10 year old Laurent Guay of Charny once again on his determination and achievement. We wish him continued success.

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● (1410)

[*English*]

VETERANS AFFAIRS

Mrs. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, I am very concerned about how our veterans are being treated in this country.

Since World War I the government determined, without hearings, notification or opportunity to appeal, which veterans had the ability to look after their own finances and which did not. This left many disabled veterans and their families dependent on the government because military pay and other money owed was put into a trust fund.

The Canadian government, for decades, has not honoured its commitments to our veterans by refusing to pay out the interest from the money sitting in these government bank accounts. The government is depriving veterans.

Last year the Ontario Court of Justice ruled that this money is owed to the veterans and their families, and that the government should pay out the $4.6 billion in interest built up over the years. Those who have had to rely on the government for help after serving this country should receive any profits from the investments in their own money.

These are the men and women who selflessly served our country. This is the only fair thing to do.

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JUVENILE DIABETES

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, many years ago Canada led the way in the discovery of insulin and in doing so gave those who suffer from type 1 diabetes a new lease on life. Tragically, the incidence of this chronic disease has not decreased but has increased and sufferers are contracting it at an earlier age, many of them just mere children.

Juvenile diabetes has a profound impact on the entire body and can cause blindness, amputations, kidney failure and premature death from heart disease. However, there is hope. We can find a cure.

Here is the challenge to the government. Give a five year commitment of $25 million a year and we will be able to find a cure for juvenile diabetes through islet cell transplantation, regenerating the body's own beta cells, and finding new therapeutics to predict, prevent and reverse complications.

There are 200,000 individuals in Canada who suffer from this disease. We ask the Government of Canada to make a five year commitment of $25 million a year and we will find a cure for juvenile diabetes.

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[*Translation*]

QUEBEC

Mr. Roger Gaudet (Montcalm, BQ): Mr. Speaker, on October 21, at a general council of the Quebec wing of the Liberal Party of Canada, the federal Liberals adopted a resolution to recognize Quebec as a nation. If we remain skeptical about the true recognition of Quebec's nationhood within the Canadian federation, it is because Quebeckers have already experienced a number of setbacks in this regard.

I do not need to remind the House that both the Conservatives and the Liberals rejected a Bloc Québécois motion to recognize Quebec as a nation, ignoring the fact that the National Assembly had unanimously adopted a motion to that effect.

What is the Canadian government waiting for to officially recognize Quebec as a nation? It is time that the will and identity of Quebeckers were finally respected.

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[*English*]

PEARSON INTERNATIONAL AIRPORT

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, on behalf of the greater Toronto area Liberal caucus and on behalf of travellers across the country, I would like to congratulate the Greater Toronto Airport Authority for the influential award that it won yesterday.

The Institute of Transport Management has named Pearson International Airport as the best global airport in 2006. The award recognizes an airport which has best demonstrated political leadership and commitment backed by considerable investment.

Toronto Pearson has become a growing force within North America, with wider destinations, excellent facilities and dedicated staff. In making its decision, the awards committee commented that Toronto Pearson's strong management structure has enabled the airport to meet current industry demands through its high operational standards and focus on service excellence.

I am delighted, along with my colleagues, to congratulate Pearson International Airport, its management and its staff on this prestigious award.

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FEDERAL ACCOUNTABILITY ACT

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, today is day 132 of the Liberal Senate's foot dragging on the toughest anti-corruption law in Canadian history, the federal accountability act.

Canada's new government believes in openness and transparency. That is why we brought in the most open and sweeping changes to access to information laws in Canadian history. Over 20 organizations, such as Canada Post, VIA Rail, the Canadian Wheat Board, and several foundations were going to be brought in under access to information laws.

Shamefully, the Liberal senators used their Liberal appointed majority to increase secrecy. They took the Wheat Board out of access to information. They took the foundations out of access to information and they have imposed new exemptions which removed information from the public eye.

Canadians have said loudly and clearly that they believe in more openness, not less. Canada's new government will work to rebuild the accountability act once again.

ORAL QUESTIONS

● (1415)

[*English*]

THE ENVIRONMENT

Hon. Bill Graham (Leader of the Opposition, Lib.): Mr. Speaker, Halloween is an appropriate setting for the meeting between the Prime Minister and the leader of the NDP. Canadians can envisage many scary scenarios.

Unfortunately, the Prime Minister's anti-Kyoto ideology is the scariest of all. If it were actually implemented, it would lead to a global nightmare. What is more, his government's ideological approach to climate change is a global embarrassment for Canada.

Does the Prime Minister not recognize that it is a complete international travesty for Canada to be chairing next week's global conference on climate change in Kenya when he and George Bush

are the two leaders in the world most opposed to implementing the Kyoto protocol?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the Minister of the Environment has done an excellent job in representing Canada in pushing forward the view that we need an effective international treaty on climate change.

As for my meeting with the leader of the NDP, I am of course looking forward to it and I guarantee that at that meeting we will not rewrite the budget.

Hon. Bill Graham (Leader of the Opposition, Lib.): Mr. Speaker, hopefully somebody will start rewriting the lines for the present Minister of the Environment. We are talking about dangerous and violent weather patterns, millions of people thrown into poverty and starvation, unprecedented crop failures, extinction of thousands of species, tsunamis, typhoons, and seven trillion dollars in economic havoc.

Does the Prime Minister not appreciate the terrible irony that his government is chairing a global meeting in Africa when his approach will lead to disaster for that already overburdened continent?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I thought for a moment the Leader of the Opposition was reading the record of the Liberal government.

Here is the approach that the government has brought forward on air quality. We include air pollution targets along with greenhouse gas targets. We are seeking real greenhouse gas reductions in this country and we will have a national compulsory standard of targets. These are all things that go way beyond what the Liberal Party ever contemplated.

[*Translation*]

Hon. Bill Graham (Leader of the Opposition, Lib.): Mr. Speaker, the meeting in Kenya will focus on action to be taken internationally before 2012, but this government does not want to do anything until 2050. This is unacceptable.

Why is this government refusing to allow environmentalists to join the Canadian delegation? Is it afraid of having witnesses when it fails to lift a finger to protect future generations against the economic, environmental and human devastation caused by climate change?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, once again, the statements made by the Leader of the Opposition are completely false.

The truth is, over the next year, we will have two targets: pollution and greenhouse gases. We will also have greenhouse gas reductions in this country and our national targets will be mandatory.

This is considerable progress compared to the Liberals' proposals, which, in 13 years, failed to produce any results.

● (1420)

Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.): Mr. Speaker, in Quebec we do not know what to make of the Minister of the Environment.

On October 20, she stated in this House that the Government of Quebec had presented an excellent environmental plan. Yesterday she had the gall to say that the Conservative government was concerned about Quebec's approach.

Does she realize that the citizens are worried about the lack of leadership of our Minister of the Environment? Why has she changed her mind? Does she realize that she is undermining the little credibility she has left as Minister of the Environment?

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, the opposition must know that the Clean Air Act is important for the protection of Canadians' and Quebeckers' health. In fact the Canadian Lung Association stated, and I quote:

> The Lung Association is pleased to see indoor air quality regulated under the Act.

Could the opposition explain to the Canadian Lung Association, as well as to Canadians and Quebeckers suffering from lung cancer, why they are against this crucial legislation?

Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.): Mr. Speaker, that is not the issue. The minister had stated previously that Quebec had a good plan and now she has changed her mind.

Quebec has a plan that is acceptable to all stakeholders and Minister Claude Béchard has set up a coalition to oppose the Conservatives' approach. All of a sudden the minister is starting to criticize the Quebec government.

Why is she now criticizing the plan? Why has she changed her mind? Where is her own plan for Canadians?

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, when the Liberals know that the government is right, they use the same tactic: divide and conquer.

Our government is the first to have tabled a bill on climate change and air quality.

Canadians and Quebeckers want to know why the Liberals are opposed to strict regulation of major industries.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, in a few days, the Government of Canada will take part in an international meeting on climate change where it plans to request a full review of the Kyoto protocol. While industrialized countries such as Germany and England have cut their greenhouse gas emissions significantly since 1990, the government would like the protocol to put greater emphasis on long-term objectives.

How can the Prime Minister send his Minister of the Environment to an international conference on climate change with the intention of sabotaging the Kyoto protocol?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I absolutely do not accept what the Leader of the Bloc Québécois said. The Minister of the Environment is doing excellent work as co-chair of the international process. We need to work on an effective international agreement for reducing greenhouse gas emissions.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, in a report published yesterday, a former chief economist of the World Bank said that global warming would have disastrous consequences and that we need to take immediate action.

While everyone recognizes that it is highly important that we act now, how can the Prime Minister propose a plan with targets to be reached in 2050? Measures need to be taken today.

I would like to hear the Prime Minister say that he agrees with the Kyoto protocol objectives rather than see him try to sabotage the protocol.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, again, the Bloc Québécois leader's statements are false.

The targets in our plan start next year and extend to 2050. Obviously it does not start in 2050. We need to get started now and a plan needs to be passed by the House of Commons. We have proposed something and the Bloc Québécois has proposed nothing. We need this plan in order to pursue our goals.

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, that is completely untrue. The Bloc has made concrete proposals in recent weeks.

Not only is this government killing the Kyoto protocol abroad, but it is killing it at home as well. It will use any excuse to destroy the protocol. First, Quebec was not getting its $328 million because the agreement had not been signed in time and it was the Liberals' fault, then yesterday we learned that the federal government did not like Quebec's plan.

Does the federal government realize that the $328 million earmarked for Quebec's plan must be delivered and paid immediately?

● (1425)

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, our plan goes beyond Kyoto. Our government is the first one to have introduced a bill dealing with climate change and air quality.

Canadians and Quebeckers want to know why the Bloc is opposed to strict regulation of major industries in Quebec.

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, the fact is that greenhouse gas emissions by Quebec industries have declined by 7% since 1990, while emissions by the entire industrial sector in Canada have risen by 30%.

How can the federal government not have confidence in the plan proposed by Quebec, when Quebec's approach has produced excellent results to date?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I must add that this government has created trusts with the provinces. We have already paid Quebec $300 million, under the same terms as for Ontario and the other provinces.

I am interested to see that the Bloc Québécois supports the green plan of Quebec's federalist government, and I congratulate the Bloc on supporting the plan.

[*English*]

CANADIAN WHEAT BOARD

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, yesterday the Conservatives finally revealed their agenda to hurt farm families and to kill jobs on the Prairies.

The Wheat Board belongs to the farmers, yet the hand-picked panel of the Prime Minister came out with a recommendation that the CEO and the board should be dismissed without even a vote by the farmers who own the Wheat Board.

Now we have Saskatchewan joining with Manitoba, and rightly, in calling for the voice of farmers to be heard through a fair vote on the question of the future of the Wheat Board. Even the Conservatives in Manitoba go along with this idea.

Why will the government not stop force-feeding its ideology to farmers here in Canada and give the farmers a fair vote on the future of the Wheat Board?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, as the leader of the NDP is aware, the Conservative Party of Canada supports marketing choice for western Canadian farmers. That is one of the reasons why we won virtually every rural seat in western Canada in the last federal election campaign.

As I have said repeatedly, this government never fears to consult with western farmers. We look forward to hearing their views.

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, it is that kind of arrogance that is going to turn people off. We will see what happens in the next election.

The Prime Minister says he wants to consult with farmers and then takes a third of them off the voters list of the Wheat Board.

The fact is that it is going to kill jobs if the government kills the Wheat Board. It is not just going to hurt the farmers. It will take jobs away from communities. The mayor of Churchill pointed out that if he loses the port of Churchill, it is going to cost jobs. There will be all kinds of dependent jobs lost as well.

Despite the cackling from the peanut gallery over there, whose members have no interest in listening to farmers, my question is this. They wanted in and I guess they wanted farmers in the unemployment line. Will we get a fair vote or not for farmers—

The Speaker: The hon. Minister of Agriculture and Agri-Food.

Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, of course the government has consistently campaigned on and promised a marketing choice for western Canadian grain farmers. We continue to ask for western Canadian grain farmers what all farmers in the rest of Canada have, which is an option to market their products as they see fit.

We see a strong, viable Canadian Wheat Board. The task force report that I tabled yesterday charts a path forward. We welcome debate on that task force report. It does, for the first time, block out how that might happen. We of course look forward to farmers' input on that task force report. We are always interested in what they have to say.

THE ENVIRONMENT

Hon. John Godfrey (Don Valley West, Lib.): Mr. Speaker, environmental groups agree that the minority Conservative government's environmental plan is a disaster.

Today the NDP abandoned Kyoto as well.

This dead air act rips the heart out of existing environmental protection legislation, leaving Canada with a fragmented, uncoordinated and piecemeal Canadian Environmental Protection Act. No amount of tinkering with this disaster will salvage it. It is simply wrong-headed.

When will the government withdraw this fraud of a bill and bring forward a genuine plan on global warming?

● (1430)

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, that is rich coming from the party that has no plan on global warming.

The member opposite knows full well that the clean air act is made up of amendments to the Canadian Environmental Protection Act to strengthen it so that we can regulate every industry sector across this country, both for greenhouse gases and for air pollution.

I would encourage the member to work with us, to strengthen the Canadian Environmental Protection Act and the other acts that we are looking to strengthen, and to support the clean air act.

Hon. John Godfrey (Don Valley West, Lib.): Mr. Speaker, the government's cop-out plan on global warming has no short term targets, no medium targets and no action on greenhouse gases for 50 years. While the Conservatives talk, greenhouse gas emissions are increasing.

This dead air act is a sham. It is a smokescreen designed to avoid doing anything real on global warming. No amendments to the bill could ever change that fact. When will the minister withdraw this embarrassing mistake?

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, I would point out to the hon. member that I believe the Liberal leadership candidate he is supporting has the same target that this government has adopted and that was recommended by the National Round Table on the Environment and the Economy.

I will also suggest to him that we will not do what the former government did and set arbitrary targets. We have given our word to the provinces and territories that we will work with them over the coming months and we will set short term targets in the very near future. I hope his party will work with us to make sure we can implement them.

[*Translation*]

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): Mr. Speaker, in June, the Minister of the Environment said she was "enthusiastic" about Quebec's environmental plan to fight climate change.

Yesterday, she contradicted herself, saying she was "concerned" to justify her refusal to hand over the $328 million Quebec is demanding.

Quebeckers want action now, not in 2050. Instead of criticizing Quebec's plan, which set realistic short-term goals, why not hand over Quebec's $328 million immediately?

[*English*]

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, we will work with every province and territory on establishing short term targets, including the province of Quebec. My only concern was the fact that some provinces use voluntary targets. Obviously we will be working with every industry sector across this country because we are moving from voluntary targets to strict regulation.

[*Translation*]

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): Mr. Speaker, two weeks ago, I discussed the impact of climate change on public health, melting ice caps in the far north, and coastal flooding—in short, on the future of our children and grandchildren. The Conservatives mocked me.

Yesterday, Nicholas Stern, a former economist with the World Bank, talked about these same consequences, but in terms of numbers, of financial impact.

The government may not care about what will happen to human beings, but will it at least pay attention to the economic impact of the impending catastrophe?

[*English*]

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, we understand the opposition's fear of the unknown, because it is a new thing for them to consider that a government would bring forward for the first time a piece of legislation to actually deal with climate change and clean air in Canada.

I would ask him to put aside his fear of the unknown, work with the government and get this piece of legislation through so we can move on and address climate change and clean air.

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[*Translation*]

AFGHANISTAN

Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, in her report on Radio-Canada yesterday, Céline Galipeau revealed the absolutely horrible situation that some Afghan women are living in, in a supposedly pacified region of Afghanistan. Some of them are choosing to set themselves on fire to escape their tragic lives.

Did the minister responsible for CIDA become aware of this horror when she travelled to Afghanistan and does she intend to propose a plan to her government for intervening to relieve this terrible human misery?

Hon. Josée Verner (Minister of International Cooperation and Minister for la Francophonie and Official Languages, CPC): Mr. Speaker, in fact, when I travelled to Afghanistan, I had an opportunity to meet with the minister for the status of women and with the director of women's affairs in Kandahar. Obviously, we discussed the problem and the challenges that await women there, women who had no rights only a few years ago and who now have a constitution to protect them.

That being said, in terms of CIDA programs for women in Afghanistan, I would like to mention a few: $14.5 million for educating girls and $5 million to assist women in entering the labour market. We must note some—

● (1435)

The Speaker: The hon. member for Longueuil—Pierre-Boucher has the floor.

Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, despite what the minister has said, according to the United Nations Development Fund for Women, 65% of the widows in Kabul see suicide as the only option to get rid of their miseries and desolation.

Is this not a strong indication that we have to make changes in what Canada is doing and significantly expand the humanitarian aspect of our contribution in Afghanistan?

Hon. Josée Verner (Minister of International Cooperation and Minister for la Francophonie and Official Languages, CPC): Mr. Speaker, the first major decision made by this government in relation to women in Afghanistan was to increase the budget for Afghanistan, which the previous government had repeatedly reduced.

So we are maintaining our investment in Afghanistan at $100 million, and of course the cause of women and children in that country is one of great concern to us.

As I understand it, we can count on the Bloc Québécois members to ensure that we never send women in Afghanistan back into the darkness and back under the Taliban regime.

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TELECOMMUNICATIONS INDUSTRY

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, the Minister of Industry decided to open the floodgates to free market in the telecommunications industry, without waiting for the Standing Committee on Industry to submit its report, which is expected in March 2007. He ignored the comments made by the president of ADISQ, who asserted that this approach poses a threat to Quebec culture, in particular.

Will the minister get his act together, suspend the directive given to the CRTC and await the conclusions of the Standing Committee on Industry? Why is he in such a hurry?

Hon. Maxime Bernier (Minister of Industry, CPC): Mr. Speaker, I am a little surprised that my colleague from the Bloc Québécois would put such words in my mouth concerning the opening of the telecommunications markets. This file has not been discussed. What we are discussing is a policy directive calling for the CRTC to be more careful about market forces and to regulate this market only as needed. There is nothing in the policy directive concerning foreign investments.

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, the directive worries the Union des consommateurs, which fears that the regions will be the first victims of the excessive deregulation proposed by the minister, given that, if companies are under no obligation to develop telecommunications in the regions, there is a good chance the regions will be left without services.

Does the minister realize that his laissez-faire attitude is putting the regions at risk? Will he suspend his directive, as the Standing Committee on Industry has asked?

Hon. Maxime Bernier (Minister of Industry, CPC): Mr. Speaker, I met with consumer representatives myself yesterday in my office, and they told me about their concerns, which are somewhat different from those of the Bloc Québécois. The representatives want consumers to have competitive prices, which is what the directive demands. We want consumers to have telephone services at competitive prices.

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[*English*]

CANADIAN WHEAT BOARD

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, the new government can take credit for—

Some hon. members: Oh, oh!

The Speaker: Order, please. I am sure the hon. member for Malpeque appreciates all the help with his question, but I think he has something in his hand and is ready to proceed with it.

Hon. Wayne Easter: Mr. Speaker, the new government can take credit for one thing. It has established a new low for task force reports.

The Migie report completely fails to address the key question of who will benefit from the government's attempt to destroy the Canadian Wheat Board, with no witness list, no public consultations, no economic analysis, and no authority from farmers as to its recommendations.

Will the minister admit that this report is nothing but a complete farce, garbage the report as Conservative waste, and allow producers a vote as established by law?

Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): What this party and this government are keen on doing is giving marketing choice to farmers. We want to do that in an environment that has a strong, viable voluntary Wheat Board in a marketing choice environment. We believe that farmers are capable and want to make choices on how they market their grains.

It is interesting to me that the hon. member for Malpeque never suggests expanding the Wheat Board to include Ontario farmers, Quebec farmers or, for that matter, potato farmers in P.E.I.

Hon. Wayne Easter (Malpeque, Lib.): Then, Mr. Speaker, the minister should give farmers the right to vote.

This report was written by and for grain companies. What about Canadian producers?

The U.S. tried 11 times to challenge the Wheat Board and lost every time. A U.S. wheat industry source said that the timeline is not crucial to the United States producers as long as Canada eliminates the monopoly powers of the board.

Why is the government selling out to the United States grain trade and pilfering farmers for $655 million?

● (1440)

Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, I think the hon. member should remember that he is no longer the president of the National Farmers Union. He is a member of Parliament.

We are trying to represent the marketing choice option for Canadian farmers. This task force report not only gives a staged transition to marketing choice and a strong, viable Wheat Board, but it also suggests that Canadians farmers themselves will want to eventually not only run but own the Canadian Wheat Board.

We think there is money to be made on the Wheat Board, with the Wheat Board, and we will always encourage those farmers who want to take part and use the Canadian Wheat Board to use it henceforth.

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, there can be no doubt that the plot from the minister's one-sided task force to kill the Canadian Wheat Board would trigger the producer plebiscite laid out in subsection 47(1) of the Canadian Wheat Board Act.

Farmers have the legal right to a fair and democratic vote on any change to the Wheat Board's marketing mandate. That right is enshrined in the law now.

Why will the minister not give all farmers his absolute guarantee that their legal rights will be fully respected? Why is he so afraid to let farmers vote?

Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, I am always interested when the member for Wascana talks about legal rights. It is like the time he and his government threw hard-working Canadian farmers in jail for marketing their own products. We are not interested in that. We think that western Canadian grain farmers want the option to market their products with the Canadian Wheat Board or outside of the Wheat Board. We see a strong, viable Wheat Board in a marketing choice world, unlike the restrictive views of the party opposite.

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, either we have a single desk marketing system or we do not. The minister cannot suck and blow at the same time. Look at the government's ham-fisted, underhanded, bloody-minded behaviour: private meetings from which the majority of farmers are barred; a task force that is biased and stacked from the outset; a phoney letter writing campaign; a gag order to muzzle the board; directors under personal threat to shut them up; and the voters list suddenly slashed by 16,000.

Why is the majority—

Some hon. members: Oh, oh!

Hon. Ralph Goodale: —minority Conservative government bullying farmers and trampling on their rights?

Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, I thank the hon. member for Wascana for his prophetic words on the next majority government.

Again it comes down to a matter of what we campaigned on during the last campaign. We believe that western Canadian farmers want marketing choice when it comes to marketing their grain products. We believe in a strong, viable, voluntary Wheat Board. The task force report charted a potential path forward. We are interested to hear from farmers what they think about that.

And speaking of rights, the farmers that he threw in jail had damn few.

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[*Translation*]

SOFTWOOD LUMBER

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Mr. Speaker, for many years, Canada's softwood lumber industry suffered from the Liberals' inaction and from the inability of the Bloc Québécois—the party perpetually in opposition—to take any action. In four years, the former government spent more than $40 million in legal fees, yet was unable to put an end to the softwood lumber crisis. Thanks to the actions of the new government, the forest industry can finally look to the future with optimism.

Can the Minister of Industry, my colleague from Beauce, tell this House about the recent developments in this issue?

Hon. Maxime Bernier (Minister of Industry, CPC): Mr. Speaker, that is a very good question, and I am happy to announce in this House that yesterday, forestry companies in Quebec and Canada began receiving their refunds.

As the president of Tembec stated, that is six weeks earlier than anticipated. We are ahead of schedule. This money will enable the industry to solve its cash flow problem and be extremely productive. We are very happy.

* * *

● (1445)

[*English*]

NATIONAL DEFENCE

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, Canadians know that the Liberal-Conservative mission in Afghanistan is unbalanced. For every $1 on aid a whopping $9 is spent on combat.

Yesterday, the Treasury Board released its estimates. Could the minister please inform this House how much of the $200 million going to Afghanistan will be committed to reconstruction and relief versus the money spent on counter-insurgency and combat?

Hon. Gordon O'Connor (Minister of National Defence, CPC): Mr. Speaker, the money going to Afghanistan is in support of our troops. It is in support of the battle group. It is in support of the PRT. It is all there for all the troops in Afghanistan.

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, clearly the government is trying to hide the real cost to taxpayers for its war in Afghanistan. It hides costs that are directly associated with our participation in Kandahar in other line items. For example, we know that recruitment is directly related to the mission, yet the costs for recruitment are registered elsewhere.

Of the $1 billion allocated for defence, how much would have been necessary to sustain the forces had the Liberals not originally signed Canada up for George Bush's war on terror?

Hon. Gordon O'Connor (Minister of National Defence, CPC): Mr. Speaker, since the beginning of the commitment in 2002 until today, the incremental costs for Afghanistan are about $2.1 billion, period.

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HUMAN RESOURCES AND SOCIAL DEVELOPMENT

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, it is embarrassing. The human resources minister who had $153 million slashed from her department could not give a single specific example of one of those cuts at committee today. While she could not be bothered to get the details of cuts to students, homeless people and adults learning to read, she compared them to having to do without a cup of coffee.

Is she taking her cue from the President of the Treasury Board who dismissed adult literacy training as “repair work after the fact”, or will she now apologize to Canadians for these callous comments?

Hon. Diane Finley (Minister of Human Resources and Social Development, CPC): Mr. Speaker, Canadians want a government, for a change, that will respect the taxpayers' dollars. We have identified $100 million within my department out of a total of over $80 billion. That is less than two-tenths of one per cent. What we are doing is cutting money from programs that are not delivering results for Canadians.

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, several times in this House and at committee the minister has falsely claimed that she has consulted widely with groups about these cuts, widely, but she cannot list any. She cannot list one group she consulted before making these cuts.

While she sees no value in meeting with literacy groups, she can file a $3,000 travel claim for a symbolic cheque presentation. Why is a photo op value for money when consulting Canadians is not?

Hon. Diane Finley (Minister of Human Resources and Social Development, CPC): Mr. Speaker, the hon. member is exactly right. We consulted with Canadians on January 23 and they chose this government because they wanted responsible spending. They did not want their money being spent in ways such as $71,000 to upgrade a website, $80,000 to build a website, $30,000 for an executive director to do 90 days of work.

We are spending the money well. We are spending it on programs that will deliver real results for real Canadians.

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[*Translation*]

GOVERNMENT PROGRAMS

Ms. Raymonde Folco (Laval—Les Îles, Lib.): Mr. Speaker, the Liberal government had extended funding for the supporting communities partnership initiative.

The SCPI was the cornerstone of the national homelessness initiative and federal funding served as leverage to attract additional investments in the communities.

The $263 million allocation expires this spring. Can the minister tell this House if she has renewed financing for the SCPI program?

● (1450)

[*English*]

Hon. Diane Finley (Minister of Human Resources and Social Development, CPC): Mr. Speaker, as I have explained in this House before, we do have a responsibility to Canadians to review all programs to make sure the moneys are spent well. We also have to take care of the most vulnerable. That is why we extended the SCPI program and added $37 million to it. We will review how well that program works while we look for alternatives that may be even better, so that we can go forward and take care of this vulnerable part of our society.

[*Translation*]

Ms. Raymonde Folco (Laval—Les Îles, Lib.): Mr. Speaker, Quebec is without a question, the province that benefited the most from the SCPI program and also the province with the greatest needs. Amounts allocated under SCPI were exhausted in Quebec well before they were in the other provinces.

Does the minister recognize that Quebec's need for funding of the SCPI program is urgent? What amount will be allocated to Quebec?

[*English*]

Hon. Diane Finley (Minister of Human Resources and Social Development, CPC): Mr. Speaker, there is an urgent need right across this country to deal with the homeless situation. That is why we made another $37 million available, money that the previous government chose not to spend on the homeless because it was unspent from last year.

We are going forward based on the need across this country to ensure that our homeless are as well taken care of as possible.

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[*Translation*]

AGRICULTURE

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, this morning the Union des producteurs agricoles sent out a distress call denouncing the situation of potato farmers and horticultural producers in Saint-Amable who have suffered enormous losses since their region was placed in quarantine following the discovery of the golden nematode.

What specific assistance measures does the Minister of Agriculture intend to adopt to help these producers?

[*English*]

Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, we were able to work with the Quebec government and with other departmental and CFIA officials to regionalize that problem very quickly to Saint-Amable. It is now down to about 20 to 25 farmers who have been affected.

We are working closely with the minister of agriculture in Quebec, with MAPAQ and CFIA, and hope within days to come up with a package of proposals that farmers will find suitable.

[*Translation*]

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, action must take the place of discussion. The Saint-Amable producers are in an extraordinary situation which requires extraordinary measures. Although the American border was partially reopened on October 16, the producers are still in a crisis.

What is the Minister of Agriculture and Agri-Food waiting for to authorize a special compensation package for the Saint-Amable farmers?

That was the recommendation of the Standing Committee on Agriculture and Agri-Food just this morning when it voted unanimously in favour of a Bloc Québécois motion to that effect.

[*English*]

Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, I am very familiar with the situation. A task force has been meeting with the farmers and other people in the Saint-Amable area. This situation is serious in that the golden nematode is going to be there for a long, long time and we have to have a long term plan that will help those farmers. We are keen to work with the farmers and with the Government of Quebec. We hope to have an over-arching realistic plan to deal with that shortly.

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VETERANS AFFAIRS

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, there is still no compensation for 150,000 victims of agent orange. Veterans continue to express concern that the minister's department will only award disability pensions to those exposed to agent orange during seven days between 1966 and 1967.

Will the Minister of Veterans Affairs commit today that he will deliver on the Prime Minister's election promise for a full and fair compensation package, that is, disability pensions for all veterans and civilians impacted by almost 30 years of chemical spraying in Gagetown?

Hon. Greg Thompson (Minister of Veterans Affairs, CPC): Mr. Speaker, first I want to thank the member for his personal efforts in the support of veterans, but I caution him not to confuse our position with the position that his party and his government took for 13 years and beyond which was simply to deny until they die.

We are going to deliver on our commitment, as we always do. We have a track record of delivering on our commitments. We cannot say the same thing for that party and that former government.

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DIGBY FERRY

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): Mr. Speaker, yesterday the people of southwest Nova Scotia learned that we have an agreement in principle to operate the Digby ferry for the next two years. This is great news for businesses and fish processors in southwest Nova Scotia and for the economy of New Brunswick.

Unlike the dithering Liberals who sit on their hands until a crisis develops, can the minister tell us what the next steps are to preserve this important service for the future of eastern Canada?

● (1455)

Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, I thank the member South Shore—St. Margaret's, as well as my colleague, the Minister of Transport, for this important active assistance that they provided.

Yesterday's announcement was the result of a rapid and effective response by the government with respect to this looming crisis left by our predecessor government. We worked with partners, municipalities and provinces to make this happen with Bay Ferries. We have found an interim solid solution going forward. The economic impact of this particular crisis and the ferry service is approximately $20 million annually, which is five times the investment of the federal government to find a solution.

The Government of Canada will continue to work with all the stakeholders. We will work to promote the service and increase tourism and industry across Atlantic Canada.

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NATIONAL DEFENCE

Ms. Dawn Black (New Westminster—Coquitlam, NDP): Mr. Speaker, on September 22 when asked if CF-18s were being prepared for deployment, the minister told the media, “I think I can deny it because no one's even brought it across my desk”. But yesterday the minister admitted that NATO asked for six planes, we signed a foreign military sales contract, paid the deposit and today the planes are ready to go.

I understand the minister has no plans to send them today, but what about tomorrow? Will the minister commit to tell Parliament and parliamentarians before he sends any CF-18s to Afghanistan?

Hon. Gordon O'Connor (Minister of National Defence, CPC): Mr. Speaker, I really appreciate this question. I do not know how many times I am going to say that we have no plan; we are not considering sending CF-18s to Afghanistan.

The six CF-18s that I referred to yesterday are committed to the NATO reaction force, which has nothing to do with Afghanistan and has nothing to do with Kosovo.

We are not sending CF-18s to Afghanistan.

Ms. Dawn Black (New Westminster—Coquitlam, NDP): Mr. Speaker, this is not the first time the minister has chosen different versions to put forward. On August 24 the military denied that Leopard tanks would be deployed, “There are no plans to send tanks to Afghanistan”. The tanks are now on the ground in Afghanistan.

Before any CF-18s are deployed to Afghanistan, will the minister commit that he will stand in the House and deliver a ministerial statement informing the House of Commons and Canadians of any such action?

Hon. Gordon O'Connor (Minister of National Defence, CPC): Mr. Speaker, I will say it again. We have no plans, no intentions, no musings about sending CF-18s to Afghanistan.

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CITIZENSHIP AND IMMIGRATION

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, the government has taken children from schools as bait to catch their parents. It has refused to help undocumented workers. It has turned its back on Canada's labour economy, which is begging for more skilled workers, not the deportation of the few workers it has.

Instead of skirting the issue, will the minister explain what he will do to legalize these workers so they can continue to contribute to Canada's economy, and allow more skilled workers to come into the country?

Hon. Monte Solberg (Minister of Citizenship and Immigration, CPC): Mr. Speaker, I thank the member for his new-found interest in this issue. Under the previous government, he sat on his hands while it deported over 100,000 undocumented workers out of the country. It does not end there. It also cut settlement funding so people who arrived here legally had no chance to get language training, career training, even literacy training.

We have rectified that. We have announced $307 million in new funding so all newcomers can realize the Canadian dream.

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CANADA REVENUE AGENCY

Mr. Bill Casey (Cumberland—Colchester—Musquodoboit Valley, CPC): Mr. Speaker, the member of Parliament for Egmont has been accusing the Conservative government of trying to cut jobs at the Canada Revenue Agency in Summerside. He has even raised it at committee. He has gone to all that trouble.

Could the minister update the House on the detailed discussions she has had with the member from Summerside about this important issue?

Hon. Carol Skelton (Minister of National Revenue and Minister of Western Economic Diversification, CPC): Mr. Speaker, the MP from Summerside and his Liberal colleagues have never come directly to me with any questions or concerns, but I am not surprised.

Under the Liberal government, CRA jobs were lost in P.E.I. and local Liberals were silent. In fact, since 1999, the Liberals cut 459 CRA positions in Summerside alone. Shame on the Liberals for their record and shame on them for trying to mislead those in Summerside, causing all excellent employees concern.

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● (1500)

CITIZENSHIP AND IMMIGRATION

Hon. Garth Turner (Halton, Ind.): Mr. Speaker, last summer a family in my riding stood helplessly on a dock in Beirut watching as Lebanese citizens, waving Canadian passports, were evacuated while they stayed stranded. We now know Canada spent some $63 million evacuating 15,000 Lebanese Canadians, half of whom promptly returned to their homeland. My constituents know the way they were treated was not fair.

Could the Minister of Citizenship and Immigration please tell the House how exactly we will prevent this from happening again and if we have made any attempts to review our outmoded dual citizenship laws, which the Liberals did nothing about for 13 years?

Hon. Monte Solberg (Minister of Citizenship and Immigration, CPC): Mr. Speaker, I think it is fair to say that Canadians were not prepared to ask people to pony up and try to figure out who should pay in the middle of a war zone.

Points of Order

The issue we hear about from Canadians is not whether there should be dual citizenship. It is about the responsibilities that dual citizens have. One of the things we hear is that many Canadians believe that if people are not resident in a country for many years, perhaps they have some obligations to ensure that services are provided for while they are absent and that they provide them so when they return in their old age, the services will be there for those people and everyone.

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NORMAN SPECTOR

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, I have a short question for the Prime Minister. Could the Prime Minister simply give Canadians the absolute assurance that Mr. Norman Spector, a former Conservative government operative, will never again speak in any capacity for the Government of Canada?

Hon. Rob Nicholson (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, that individual does not speak for the government. If he speaks for anybody, he is doing it for himself, and that is all.

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POINTS OF ORDER

ORAL QUESTIONS

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, today during question period the Minister of Citizenship and Immigration misled the House when he talked about my new-found interest on the issue of undocumented workers.

I have been working on the issue for a very long time. Had he listened during question period and certainly during routine proceedings, he would know that many petitions have been presented in the House, dealing with the issue of undocumented workers.

Clearly, the minister is not paying attention to petitions, which I and many people are presenting in the House, and he obviously does not care about the issue of undocumented workers. I am very sorry for his misleading the House. He should apologize to me and also to my constituents.

The Speaker: Rather than a point of order, it sounds like a matter for debate. We do have these kinds of suggestions made in the House from time to time on either side. Therefore, I will treat the hon. member's point of order as having made his point in the debate, which no doubt will be ongoing.

GOVERNMENT ORDERS

● (1505)

[*English*]

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-27, An Act to amend the Criminal Code (dangerous offenders and recognizance to keep the peace), be read the second time and referred to a committee.

The Speaker: When the House was last considering this matter, the hon. Minister of Indian Affairs and Northern Development had the floor. There are 17 minutes remaining in the time allotted for his remarks.

I therefore call on the hon. Minister of Indian Affairs and Northern Development who I believe will want to resume his remarks.

We will have a little order, please.

Hon. Jim Prentice (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, I did not appreciate how unruly the House is after question period. I am sure it is a continuing challenge.

Before I adjourned in preparation for question period, we were discussing this particular legislation, the dangerous offender legislation, Bill C-27. I had taken some exception to the comments of members from the New Democratic Party that had referred in their speeches to this being a matter of cooperation or a matter of the health of communities.

The NDP takes umbrage with Bill C-27. I was simply saying before we adjourned that the purpose of this legislation is to deal with the safety of our streets, the safety of women and children in our society, and the treatment of people who are dangerous sexual predators. For the life of me, I am not sure what the NDP is talking about with respect to this.

This legislation is extremely important. It results from a need to follow up upon a previous decision of the Supreme Court, Regina v. Johnson. That case made it very difficult in the minds of some, almost impossible for the police and crown prosecutors to actually secure dangerous offender designations against dangerous sexual predators. The consequences were very clear and the empirical evidence supports the fact that there were fewer prosecutions and fewer convictions. I do not think it is difficult to extrapolate to say, as a result more sexual predators left on the streets.

Certainly, it is an issue in Calgary that I have talked with city police about. I am well aware of the issues that they have undertaken to use scarce policing resources to manage people on the streets who are incorrigible sexual predators and dangerous offenders.

The legislation itself follows up as an amendment to section 753 of the Criminal Code. Canadians need to appreciate, as other parties in the House seek to protect dangerous offenders, the kinds of individuals that we are talking about. If individuals were to make a passing reference to section 753 of the Criminal Code, they would see that we are talking about people who constitute a threat to the life, the safety or the physical or mental well-being of other Canadians.

We are talking about people who show a failure to restrain their behaviour with a likelihood of causing death or injury to other persons or inflict severe psychological damage on other persons. We are speaking about individuals who show a substantial degree of indifference on their part in respect of the foreseeable consequences of their action and the effect of that action on other people.

Frankly, we are speaking about people whose conduct is of such a brutal nature as to compel the conclusion that the offender's behaviour in the future is unlikely to be inhibited by normal standards of behavioural restraint.

Simply stated, we are dealing with dangerous offenders, with the most dangerous criminal predatory elements in our society. What the Minister of Justice is attempting to do with this bill is to escape from the logic of the previous court decision which essentially said that the only way these people could be incarcerated as dangerous offenders was if the Crown and the police were able to show beyond a reasonable doubt that these people could not be on the streets.

That is an unfair test. We have heard much in the House about the necessity for balance. Clearly, that kind of a situation lacks any sort of balance at all. I speak on this because I feel very strongly about it. The existing law in this country does not provide the degree of protection that is required for women and children on the streets of our cities and communities.

It is high time that Parliament did something about it. This is not the first attempt either. In 1995 and 1997 there were unsuccessful attempts to tighten up the dangerous offender provisions of the legislation.

One of the issues is whether or not this particular legislation, and in particular the provision that relates to offenders who have two previous convictions, is balanced and whether it respects the Constitution.

● (1510)

I would like to refer the House to the actual legislation, Bill C-27, which is before us and specifically the amendment to section 753, which states:

> If the court is satisfied that the offence for which the offender is convicted is a primary designated offence for which it would be appropriate to impose a sentence of imprisonment of two years or more...the conditions in [section 753]...are presumed to have been met unless the contrary is proved on a balance of probabilities.

Therefore, the discretion on the part of the judiciary remains. It still has to assess the evidence. It still has to examine the circumstances of the case and it still has to decide on the balance of probabilities. However, the constitutional jurisdiction or discretion on the part of the court remains. This legislation therefore has the necessary balance between these presumptive provisions and the ability of the court to make its determination based on the evidence.

It carries on and specifically defines a limitation in proposed subsection (1.2), where it says:

> Despite subsection (1), the court shall not find the offender to be a dangerous offender if it is satisfied by the evidence adduced during the hearing of an application...would adequately protect the public.

So there is a limitation in this legislation that allows for the court to assess the evidence, weigh the evidence, and make the determination which the court is required to do.

In the time available, I will not speak about Correctional Service Canada and the National Parole Board, and the power they have to extend an offender's stay in custody past a conditional and, in certain circumstances, past the statutory release date. For certain groups of offenders, typically those with two or more violent offences, a dangerous or a long term offender designation may be imposed during the sentencing process.

Dangerous and long term offender designations are set by the court after an application by a crown attorney at the time of sentencing. A designation can be given as a result of a single act of brutality or a number of offences. This legislation allows for such applications to be conducted in a reasonable way, based on the evidence that is before the court.

The nature of the offence that we are speaking of would be a serious personal injury offence as defined in section 752 of the Criminal Code. I would implore other members of the House from other parties who have not yet decided whether they support this legislation, and who should, to look at section 752 and look at the list of criminal offences of which we are speaking.

I reiterate my point that these are the most dangerous offenders in our society. They include indictable offences such as first degree murder involving the use or attempted use of violence, or conduct endangering or likely to endanger the life or safety of another person.

These offenders represent a continuing serious threat to life in our society, to the safety, physical and mental well-being of other individuals. Surely, the first obligation of Parliament, the first obligation of this hallowed chamber, is to ensure that we have sufficient protection for women and children from these kinds of people who are on our streets, sadly, in our cities.

The amendments in Bill C-27 would strengthen the dangerous and long term offender provisions to ensure that violent and/or sexual criminals would receive some of the toughest sanctions in the Criminal Code.

There are those in this House who say that this is unwarranted. I ask them to stand in this House, to face the Canadian public who are justifiably concerned about this, whether we be parents, whether we be husbands who are very concerned about this, and say that they are prepared to mollycoddle violent and sexual criminals who are a threat to vulnerable people in our society. That is essentially what they are proposing.

Designation as a dangerous offender means that the offender must serve an indeterminate sentence with no entitlement to statutory release. It also means that offenders can be detained in a correctional facility for an indefinite period if they have a history of serious or violent offences and pose a safety threat to the public. That is the way it should be.

● (1515)

The legislation will ensure that the judicial responsibility to weigh the evidence carries on, that we have a balanced and fair trial process with respect to these people, and that the designation of a person as a dangerous offender will be conducted in a way that accords with the Canadian charter. However, at the end of the day, those who are the most serious risks to the health and the safety of women and children in our society will be incarcerated in circumstances where they should be.

Like other offenders, dangerous offenders may apply for conditional release. However, they may only do so after serving seven years of their sentence. A conditional release will be granted only if it is determined by the National Parole Board that the offenders can be safely reintegrated into the community and if released, these offenders are monitored in the same way as other parolees who are under supervision for life.

Again, the chances of a dangerous offender achieving conditional release are very low because of the nature of the individuals about whom we are speaking and the fact that this type of behaviour is incorrigible and is not readily changed. It is fair to say that many of these individuals who are dangerous offenders end up spending much of the rest of their lives behind bars.

The reason that this legislation is warranted goes back to a previous court case and to previous attempts to remedy this defect in the Criminal Code. It is quite clear that over time, if one looks at the evidence, the dangerous offender applications and the convictions have decreased as a result of previous judicial decisions. That makes it difficult to secure prosecutions successfully. If one talks to crown prosecutors and the police, they will say this.

The effect of this legislation, which is put forward by the Minister of Justice, including the third strike presumption, is reasonable. If one has been previously convicted of two such incidents that are dangerous offender designations, there is no reason why there should not be a presumption and a shift of an onus in terms of the third such conviction that is brought before the court. Surely, that is a minimum requirement that Parliament should impose to keep our streets safe and the security of our women and children tight.

Those are the submissions I would make with respect to Bill C-27. I am pleased to answer any questions.

Hon. Stephen Owen (Vancouver Quadra, Lib.): Mr. Speaker, I will begin today by talking a bit about the theory of criminal justice and how we get tough on crime, which is the slogan often used by those across the way.

We cannot get tough on crime without being smart on crime and that means not just descending into slogans, such as “getting tough on crime”, “war on crime” and “three strikes you're out”. We know where that rhetoric comes from and we know that it is based on false analysis. It is based on ideology and sloganism, not on criminological research, social research or demographics which all gives serious concern to knee-jerk, superficial stoking of the fears in society about a situation that may not exist. That is done for purposes that are ideological and polemical and they carry a real danger of being self-fulfilling.

I would like to take a few minutes to speak about how being tough on crime means being smart on crime first.

Let us just take the 12 bills dealing with criminal justice that are before this House and the one that is before the other place. The official opposition has offered this week to cooperate and fast track eight out of the eleven of those bills, and I will speak to the other two in a moment, but that is in no way doing anything but making this place work with sensible dialogue and debate over how to, without holding up any of these bills, ensure they are not more dangerous than what we are to believe they are to protect us against.

We have offered to fast track Bill C-9, the conditional sentencing bill. It has had serious debate and an appropriate amendment was moved by opposition parties so it can now go ahead. We will give it all the speed it needs.

We will fast track Bill C-18, the DNA identification act; Bill C-19, street racing; Bill C-23, criminal procedure improvements; and Bill C-26, payday loans. I would pause to say that five out of the six bills that I have just mentioned were actually initiated under the previous Liberal government. They will go forward with our support and with sensible amendments where necessary. We will fast track two other bills.

We opposed the judicial salaries bill because we opposed the suggestion by the government that it disregard the Judicial Compensation and Benefits Commission which recommended appropriate increases for judges' salaries over the last four year period. While we opposed that, we allowed it to pass on division so there would be no slowing up of that process.

The 13th bill is Bill S-3, the military sex offender act, which is now before the other place. We will be supporting that bill and are willing to fast track it in every way we can.

In the context of discussing the dangerous offender legislation, it is important to underline the cooperation that is going on in the House to identify what is important, to carry on work that was done by the previous government and to get some of these things moved ahead.

However, Bill C-27 is of a different order. The dangerous offender legislation before us has some major flaws that I will speak about but I would first say that we need a reality check. Let us take a reality check first on the criminal conviction statistics in Canada which have been steadily coming down over the last 10 to 15 years. That is what the research tells us. The demographics themselves in society are leading through analysis to that decline in the crime rate. While we may raise the fears of the public to justify simplistic solutions through sloganeering and superficial claims to put fear in the hearts of Canadians, the crime rate comes down.

● (1520)

Let us take another reality check on the situation in the U.S. where these slogans come from and much of this legislation seems to be patterned after. The United States has the highest crime rates and incarceration rates. It also has the most dangerous communities and the most expensive criminal justice system.

If we are to follow any model in the world when we amend our criminal justice statutes, we certainly do not want to follow the so-called war on crime in the United States.

Let me pause to mention that the state of California spends more on criminal justice and corrections than it spends on education. That should be very edifying to all of us.

Let me give another example about the folly of pretending that just by putting people in jail on very restrictive terms without any adjustment for the context of a particular case can be more dangerous for society. Most convicted people, dangerous or not, will get out. We have the Bernardos and some of the most horrid criminals in our country's history who will be behind bars, blessedly, forever, but most criminals will get out.

Let us think of those people who go into a prison situation, which members opposite would like to see everyone go into. It is a bit of an irony to consider that prison life, if that is what we can call it, prison for life, is the place in society which should be the most protected but is in fact the place where one is most likely to be assaulted, raped, infected and injected, and these people will come out.

Therefore, we need to take particular care for the correctional services, the proper services within them and who we put behind bars and for how long.

Let me speak about the fact that 25% of the prison population in this country is made up of aboriginal people. This is a stunning statistic of despair. Can this be the result of a fair criminal justice system or is this a result of despair in aboriginal communities? Is it part of the despair of our prevention system and our criminal justice system of preventative crime? Is it a matter of racism in society? What is happening?

These are the underpinning questions that we must be asking ourselves in the House as we respond to the reality of the criminal justice system. This is 1% of the population and 25% of the prison population.

Let us ensure that when people do come out of prison, if they are going to be spending time there, that they have been rehabilitated and they are safe to society because the vast majority will come out.

We will not ensure that the context of the situation is properly taken into account in peculiar circumstances unless police officers, prosecutors, judges, correctional officers and parole officers have the discretion to identify where the dangers are and where someone may have a better response to a criminal justice sanction than simply putting someone in jail for an indefinite period.

Turning to Bill C-27, the dangerous offender legislation, the member opposite has mentioned that there is dangerous offender legislation on the books now and it is operating. It operates as a companion with long term offender legislation which can kick in. Prosecutors have the discretion to bring forward at sentencing applications before a judge for a long term offender or a dangerous offender designation. That works. It has been covered by the Supreme Court of Canada in the Lyons and Johnson cases in 1997 and 2002. It has been found to be constitutionally appropriate. I would suggest that it is working because it allows for all the proper discretions to be exercised.

The problem with what is being suggested in Bill C-27, and it has been referred to by numerous members of the House, is the reverse onus provision at sentencing after a third conviction of a certain type of very serious crime.

● (1525)

We have heard some people say that this offends the presumption of innocence, which is an historical criminal law principle in our legal system. However, the trouble is not with the presumption of innocence, which is subsection 11(d) of the charter. The question is about the reverse onus of the burden. This is not a conviction matter. It is not a presumption of innocence because the person has already been convicted for the third time.

What we are talking about is whether fundamental justice, in reversing the onus on such an extraordinary punishment, can meet the tests under section 7 of the charter for fundamental justice. There is strong authority that this simply cannot be done. This does not meet the tests of fundamental justice. It involves, for instance, the convicted person proving a negative into the future. Yes, it is on the balance of probabilities and, yes, as the member opposite said, there is judicial discretion to determine whether that onus is met or not, but there is still a reverse onus and, in many cases, it is an impossible burden to attempt to prove a negative into the future.

It is also a problem because it offends section 7 as being against the principles of fundamental justice and it is a problem under section 1 as to whether this is a justifiable limit on the rights under the charter. Is it a substantive need? Is it a rational connection? Is there minimal impairment? I would say that under all those cases this reverse onus does not meet the test. This is highly constitutionally suspect. Why, when we have a provision that is working well, would we want to throw ourselves into very likely years of constitutional charter litigation when we have charter compliant provisions now for dangerous and long term offenders?

We also have a problem that this will not be enforceable. This is ultra vires of the federal government to tell the provincial governments, which are responsible for the administration of criminal justice, who they should prosecute and what sentences they should ask for. That simply cannot be supported in our constitutional division of powers and, therefore, it is inappropriate for the government to put this forward.

There are also dangerous unintended consequences that could come to the fore here. We have long delays in our criminal justice system today. A report in the paper last week showed that in the province of Ontario 100,000 charges have gone beyond the nine months before they actually go to trial. This is bouncing very perilously close up against the Supreme Court of Canada Askov decision where all members will remember with regret that 30,000 criminal cases were dismissed because it took too long for people to get to trial.

If people are facing this so-called simplistic, superficial three strikes and they are out law, which has been so disastrously unsuccessful and dangerous in the United States, they will insist on going to trial more often. There will be less guilty pleas which will cause further delays in the courts and perhaps more cases will be thrown out because of charter violations.

The one side of it is that there will be more trials, longer delays and more costs to the prison system. I have not even begun to talk about the hundreds of millions of dollars in capital costs that will be required to build the prisons that will hold these long term offenders.

Costs will be going up, delays will be longer and cases will be thrown out for charter violations because of delay. The other dynamic that may happen and where prosecutors, with long dockets and not wanting to have further delays in trials, may charge people with lesser offences than would otherwise justify a conviction for a more serious case that may give them a longer prison term, or the convicted person may plea bargain to a lesser offence.

● (1530)

Both of those dynamics are more likely to put dangerous people on the streets and put in danger the men and women the member opposite was just speaking about. We have to be very careful when we tinker with these laws, especially if we are doing it superficially and against the evidence of criminologists and social scientists as to what is effective and what is not.

Let us turn for a moment to what being tough on crime by being smart on crime really means. It means a national crime prevention strategy, such as the one the previous government put into place across this country over a period of 13 years, funded in a very targeted way, to help kids have things to do after school. If I may indulge myself in a short phrase, it is about shooting hoops, not drugs. There are sports programs across this country in the evening and even far into the night where kids who otherwise would have been getting in trouble are involved in healthy activity.

We have to watch for issues of poverty and cultural exclusion.

We have to look at the issue of legal aid, which is in underfunded disrepair across this country, thus involving people in perhaps building up criminal records when they should have been having trials and pleading not guilty. They are pleading guilty because they cannot defend themselves in the courts without assistance.

We have to look at issues of homelessness. We have to look at issues of mental illness. The Kirby-Keon Senate report was an extraordinary statement of sound thinking about how to deal with those with mental illnesses, who unfortunately fall into the ranks of the homeless as well as the ranks of the criminal justice system, which is the worst place for them to be. We have to rethink this and meet our social contract around the concept of deinstitutionalization, whereby governments emptied the mental hospitals but then did not provide services in the community to support people.

We have to look at drug courts. They are operating in Toronto and Vancouver and in numerous American states. That is one example of where the American criminal justice system has actually been a stunning success at diverting people out of the criminal system if they will go into detox and treatment.

We have to look at issues of harm reduction. Drugs, addiction and substance abuse are great parts of the despair that leads people into the criminal justice system. Harm reduction, of course, involves needle exchanges and safe injection sites, which the government has failed to guarantee would be extended in Vancouver, when it has been an example for literally the world to consider the effectiveness of harm reduction in that situation, to help motivate people into detox.

We need shelters for them. We need transitional housing. We need skills training. We need affordable housing. We need jobs. In fact, the social enterprise initiatives of the last Liberal government, which were ready to go across this country, certainly in my province of British Columbia, were cancelled by the current government in its last budget. Those are the things that can assist people to not fall into crime and into despair, which leads them to become dangerous for other members of society.

What are we going to do instead? We are going to dismantle the gun registry. It is amazing that any thought could be given to that at this stage after the tragedy at Dawson College in Montreal.

We have a Prime Minister who will not go to an international AIDS conference in Toronto. We have a Prime Minister who did not go to a world conference on harm reduction in Vancouver last April.

We are simply looking in the wrong direction. We have to be tough on crime, I agree with all members opposite, but we are going to be tough on crime by being smart on crime and not by being simply superficial and using slogans.

● (1535)

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Mr. Speaker, a member opposite has mentioned that I am a little slow getting out of my chair—

An hon. member: He's old.

Mr. Ken Epp: Yes, I am getting old, Mr. Speaker. There are only five MPs in this House who are older than I am, so I will take my time getting up.

The member opposite, speaking on behalf of the Liberal Party, misses a whole bunch of points. One thing he said, to which I took great offence, was that he mentioned that our party just wants all of them to go to jail. This is not accurate. It is a downright misrepresentation. I will tell him personally and all who are in the House and anybody else who will listen that I think the saddest thing in the world is for people to get into in crime and end up wasting their lives in jail. That is absolutely true.

There is a maximum security institution in my riding. I visited it a number of times even before the boundary changes put it in my riding. It is incredibly sad in there. No one knows how I wish that every one of those people, mostly young people, although some are older, would have had a decent, moral education when they were growing up so that the type of activity they were involved in was just so wrong they would not contemplate doing it.

Where do we get the idea that it is all right to bludgeon a person to death? We get that in our society. Where does that come from? That would be impossible for me. I venture to guess that it would be impossible for my children because of what we have taught them about what is right and what is wrong.

I think that is the part that is missing in our society. In regard to anything moral, we have decided that we cannot impose our morals on anybody. However, we impose morals on people when somebody comes up to a member of my family and kills them. That has happened. It is not acceptable. That is an imposition of morality. Teaching of a morality and having them make their own choices because they have been taught correctly is valid and good.

I take great umbrage at that remark of the member.

I went to a youth incarceration centre and saw 13 year olds and 14 year olds who were there because they knifed somebody. Where did they get that idea?

This is not the venue in which we can contemplate this, but I absolutely believe that we need to do more to prevent people from going to jail.

When they do go to jail, we give them a sentence and we say, "Yes, they have another chance". They go out and do it again and we say, "Okay, one more chance". We are talking about serious crimes here, not just petty theft or things like that, as bad as that is. We are talking about attacks on human beings, brutal attacks. We are saying to them that obviously after someone has been convicted the third time, that person is a dangerous offender. Unfortunately, as much as we regret it, we tell criminals that for the good of society and the protection of law-abiding citizens, they are going to find some way to spend their lives usefully behind bars because we cannot trust them.

To me that is dreadful, but it is a valid choice we have to make if we are going to have a society in which our citizens feel safe.

The member is just wrong in his approaches and some of his statements.

● (1540)

Hon. Stephen Owen: Mr. Speaker, unfortunately I think the member set up a straw person to burn down. I do not think I said or suggested in any way that the Conservative government wants everyone in jail. I do not believe that and I did not say that.

However, the member makes a very good point in terms of the life chances of young people and the tragedy that occurs when, because of a lack of life chances, they get into criminal activity and end up in jail. I cannot think of anything that could possibly be worse for a child of mine or any other children.

When I hear comments like this that make perfect sense to me, I wonder how that could equate to the decision to cut literacy programs, which actually give people life chances so that they do not end up in poverty or despair. I wonder how the court challenges program could be cut when over the years it has championed charter rights for people who sometimes are in the greatest despair in our society and in the most marginalized groups. It is those people, of course, who are most at risk, through despair, poverty and exclusion, of ending up involved in criminal activity.

I agree partially with the member opposite. We need to improve and we need to do do everything we can for real early childhood education and development, for instance, to ensure that the life chances of our young people steer them away from crime, not toward crime.

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, I want to pick up on the hon. member's distinction between being smart and being tough. I do not think there is any argument about being tough on crime. The question is whether we are smart at the same time. Any fool can be tough. It is much more difficult to be smart.

It seems to me that there is a pattern here. I want my hon. colleague to comment on it. The pattern is that we create a fear, which the party opposite seems to be particularly skilled at, we propose a solution to a fear, and then we pat ourselves on the back and walk away, having created a whole bunch of unintended consequences.

I want the member to comment on why he thinks this is a stupid bill. It is tough, but it is stupid. Why does it not make Canadians any safer? What are the unintended consequences? What is it really like, if one has three convictions, to try to prove, either on the balance of probabilities or beyond a reasonable doubt, that one will not likely commit the fourth crime?

● (1545)

Hon. Stephen Owen: Mr. Speaker, if I may correct the hon. member at the outset, I did not call this stupid. I called it superficial. I think that is the danger. I do not attribute this intention to the government, but I do warn of the consequences. When we raise fears beyond reality in order to justify, for whatever reason, having tougher laws in terms of putting people in jail for a longer time, and having more people in jail, which is a hateful and depressing situation for anyone to be in and a very poor place for people to actually recover balance in their lives and become responsible citizens, then we waste money. In fact, we cause more dangerous people to get out of those prisons sometimes.

As I say, the vast majority of them get out eventually. They are not all Clifford Olsons. If these people are not treated in the context of their lives and measured against their contribution and their determination to improve their lives with the prison correctional programs that are available, if they are treated improperly because they do not have proper legal representation due to legal aid funding cuts and do not get a balanced trial and feel as if they have been stuck in a place where they are being improperly punished, they perhaps in the end will come out being more dangerous. That is one of the unintended consequences.

The other, which we see in minimum sentences as well, is that the prosecutors simply do not charge at the appropriate level sometimes when they do not believe that the minimum punishment, or in this case the dangerous offender designation, is appropriate. They will undercharge and the person may get away with an inappropriate sentence because it is a lesser charge, so then the streets are more dangerous as well.

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, I was somewhat dismayed and rather surprised and shocked to hear the comment made that this side of the House is creating fear. With all due respect, there is fear all across our nation because victims of crime are just afraid to come out onto the streets.

What do we tell the family of the woman in Winnipeg who was swarmed the other day by children 12 years of age and under who kicked and beat her until she died? What about her rights?

What about Mr. McLaughlin? What do we tell him when his son is murdered behind a hotel in Fort Garry because he was beaten up and the offender gets out in a very short time?

What about the rights of the victims of crimes, the rights of Canadian citizens who want to live and work in their communities and walk on their streets at night? What about their rights?

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Vancouver Quadra, a short response, please.

Hon. Stephen Owen: Yes, Mr. Speaker.

The member opposite raises an excellent point. I thank her for doing it. There are dangerous people in our society and there are horrible crimes committed, but what we as legislators have to be very careful of is not to take those horrid examples where people are terribly victimized and spread the idea that this is a general situation in society, because then we get public pressure to overreact and we create the more dangerous situations that I have already described.

Ms. Helena Guergis (Parliamentary Secretary to the Minister of International Trade, CPC): Mr. Speaker, I am splitting my time with the member for St. Catharines.

I am very pleased today to speak to Bill C-27, an act to amend part XXIV of the Criminal Code, dangerous offenders, and sections 810.1 and 810.2, peace bonds.

Few issues trigger more emotion than how the government treats our most dangerous criminals, especially when it comes to sex offences against children. While it is one thing to be convicted of such a crime, it is quite another to see someone commit a child sexual offence who has been convicted three, four, five times or more and is back out reoffending.

As such, I support this legislation. I urge every member of this chamber to do the same. It is time to move forward with tougher legislation that protects Canadians and their families.

Quite simply, the current provisions are not working as well as they should. It saddens me to think of the Canadians whose lives have been changed forever because of a hardened repeat offender. We can and we should do something about this now.

I have looked over the bill and I wonder how anyone can stand against these reforms. I look at the requirement for a crown to stand in open court and declare whether, on a third serious violent conviction where the prior offences received a two year sentence, a dangerous offender designation would be sought, and I ask "why not?" Why we should not require a crown to specifically consider this issue and declare his intention?

I see the proposal to reverse the burden of proof onto the offender convicted for a third time of a third serious sexual offence in a dangerous offender hearing. I look at the reform of the peace bond provisions that seek to extend the duration from 12 months to 24 months for convicted offenders in the community. I note that judges will be called upon to consider more vigorous conditions to ensure the public safety. Again, the question should not be why, but why not.

So far the only real reason given by members opposite as to why the bill should not be supported has been that the rights of the offender have been compromised. I find myself greatly disturbed by the claims of the opposition. In my opinion, the opposition members, who cite the rights of offenders being that more important than the rights of victims and survivors, should be ashamed of themselves.

I listened to the comments of the Minister of Justice. He indicated that these provisions were carefully crafted to ensure constitutionality. He has indicated, for example, that the provision imposing a reverse onus on the offender where there has been a third violent or sexual offence conviction is constitutional.

He indicated it was constitutional because it was narrowly designed, that it reflected the types of convictions that commonly led to a dangerous offender designation. He said that these offences were violent and harmful by their very nature and that they all required intent to harm another person. He spoke of how these qualifying offences were restricted to instances that carried a two year or more sentence. It appears to me, therefore, that the criteria to trigger the reverse onus were not simply drawn from a hat. These were not randomly chosen offences, nor should they be.

As I understand it, the inclusion of any offence on the primary list of offences is based on the following criteria: that there is at least a 10 year maximum sentence allowed; the nature of the offence is such that there is a sufficient element of brutality and harm intended; there is a common occurrence of the offence in the historical application of dangerous offender applications: and, the offence is not so overly broad by its nature so as to possibly allow an absurd result by its inclusion in the primary list of offences.

I looked closely at these offences. I wanted to know what would justify triggering the reverse elements. After checking, I completely support the Minister of Justice.

In the first place, I note that of the 12 primary designated offences that trigger reverse onus, 7 are sexual offences, divided between sexual offences committed against adults and offences against children.

It was 15 years ago that I entered into the rape crisis centre and received training in crisis intervention. I volunteered there for seven and a half years. I want every member of the House to know that the statistics, which were so alarming back then, have not changed. I suggest to the opposition parties that are so opposed to the bill that what we have been doing for the past decade has done nothing. It has not worked. It is time to change the strategy.

● (1550)

I note that according to analysis from Correctional Services Canada, over 80% of all dangerous offenders were designated as a result of a predicate conviction for one or more of the seven listed primary offences. About half of these offenders committed their offences against adults and half against children. Of the remaining 15% to 20% of offenders who were designated as dangerous offenders for other offences, about three-quarters of them were so designated as the result of a conviction for one of the five remaining listed primary offences. The remaining handful of offenders were convicted of a wide variety of offences including, for example, arson and fraud.

This seems to illustrate that there is a clear and precise logic behind the design of the primary offence list. For example, I look at the kidnapping offence. Interestingly, a quick look at existing case law indicates that a large number of non-sexual dangerous offender designations had one or more kidnapping convictions, but also many of them had sexual assault offence histories prior to the dangerous offender application.

A review of case law indicated that a total of 15 individuals were subject to a dangerous offender application since 1997 based on a kidnapping offence. Fourteen were designated as dangerous offenders and one was a long term offender. Again, this illustrates that kidnapping belongs on the list.

Then I looked at the same period for the offence of forcible confinement. I could see only five incidents of a dangerous offender application being sought in those cases. In four of those cases there were one or more of the other primary offences also listed. In addition to the low incidence of such an offence triggering a dangerous offender application, I noted that in half of these cases the dangerous offender designation was denied.

Finally, I note that while there are typically about 1,500 convictions each year for forcible confinement according to Statistics Canada, there are less than 100 per year on average for kidnapping. While forcible confinement offenders receive an average sentence of about six months, the average conviction for kidnapping is about three years. What this tells me is that the offence of kidnapping should be a triggering offence for the reverse onus, but forceable confinement should not. Kidnapping meets the criteria; forceable confinement does not.

The bottom line is the list of triggering offences makes sense. While I am sure there will be much discussion in the chamber and at committee about which offences should be in or out, at least it is clear to me that there has been some consideration in the development of the list.

I have the utmost confidence that these reforms will accomplish what the Minister of Justice has set out to do. A lot of concerns have been expressed by police, by victims, by many volunteers in crisis centres and by provincial ministers of justice that in too many cases individuals were being set loose in the community even though they were clearly uncontrollable.

There was a broad consensus that since 2003 the dangerous offender provisions had become difficult to use even as the shield of last resort against predators who were bound to reoffend if released. I believe these reforms address those problems, but I also belive they do so in a very measured and balanced way that fully respects fundamental principles of justice and human rights.

As such, I fully support these measures that seek to restore to a reasonable level the protection that Canadians want and need against the very worst sexual and violent offenders in the country.

● (1555)

Mr. Sukh Dhaliwal (Newton—North Delta, Lib.): Mr. Speaker, I am a very strong supporter of the efforts to protect Canadians and punish repeat offenders. My riding of Newton—North Delta used to be called the capital of car thieves.

The legal community has come to me and raised some issues. In Canada an individual is considered to be not guilty until proven guilty. In this bill the people would be considered guilty until they prove they were not. How would we handle this situation?

Ms. Helena Guergis: Mr. Speaker, I appreciate the concern of the hon. member and I sense some support for what we are attempting to do here. However, he is in fact incorrect. I think he is referring more to the "three strikes you're out" law in the United States. With this legislation, it is not an automatic sentence on a third conviction. People need to have the convictions before a crown can go forward to seek dangerous offender status. Once they have been convicted of a third crime, afterwards a crown can seek the dangerous offender status.

● (1600)

Mr. Laurie Hawn (Edmonton Centre, CPC): Mr. Speaker, I applaud my colleague's remarks and I note her experience in the rape crisis centre. As the father of a daughter, who is long grown now, one of the things I always feared was a sexual offence against my daughter.

We talk about the rights of victims as well and the things that victims carry for years and years. Has the hon. member any personal experiences in dealing with victims, which I am sure she has, which might illustrate that point?

Ms. Helena Guergis: Mr. Speaker, after seven and a half years, I have a great deal of experience, some things I wish perhaps I had not had the opportunity to experience. Nonetheless I value the experience and the education I gained from my volunteer work at the rape crisis centre.

It was very much a learning experience for me. I will explain one specific situation to try to get my point across as to why I am specifically supporting this legislation from my personal experiences, unlike listening to the Liberals who are suggesting we are doing this based on slogans or trying to create fear that goes beyond reality.

I have seen too much of the reality. Part of my responsibility as a rape crisis volunteer was to provide support in the courtroom for victims who were survivors. All the volunteers in the centre became very close and very supportive of each other.

I remember a volunteer who was working with one of the survivors in court. She was a survivor herself. She sat there for two weeks, listening to testimony and supporting the survivor. She listened to what the victim had to say about what happened to her. Then this woman, who became a good friend of mine, broke into a cold sweat. It was at that very moment during the trial when she saw the accused that she realized the person was the exact same person who committed the crime on her. It was a very violent crime.

It is for those reasons that I support this legislation.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I represent a low income inner city riding of downtown Winnipeg Centre where 47% of all families live below the poverty line and 52% of all children. While there is no direct connection, it is statistically proven that low income people are more likely to be exposed to or victims of something to do with crime, violence or the criminal justice system. That relative connection cannot be denied. I can say without any fear of contradiction that crime and safety are the number one top of mind issue for the people I represent.

I have been listening to this debate all through the day as we try and get our minds around the reverse onus concept. I would ask my colleague perhaps to consider one thing. Overwhelmingly, the face of poverty in my riding is North American Indian, aboriginal. We cannot discuss crime and justice without at least recognizing the appalling overrepresentation of aboriginal people in our criminal justice system and in our prisons.

Does she not agree that the bill will exacerbate and even compound that social inequity, which exists in our prison system today, that overrepresentation of poor aboriginal people from places like the inner city of Winnipeg?

Ms. Helena Guergis: Mr. Speaker, first, if the hon. member had been listening to my remarks today, most of my focus was on the sexual offences. He is absolutely wrong if he was trying to explain to the House that perhaps an economic situation of someone would perhaps be more inclined to be sexually offended. One of the biggest myths out there, with respect to sexual assault and sexual violence, it is geared to only one person in society or one group. It actually happens to anyone and everyone and it is very unreported, so we also need to address that.

● (1605)

Mr. Rick Dykstra (St. Catharines, CPC): Mr. Speaker, among the many duties of government perhaps none is more important than the protection of our citizens from crime. Not only is it our duty, it is also part of the commitment the Conservatives made to the citizens of this country. It also flows from what was learned in my community earlier this summer when the Minister of Justice participated in a round table discussion with people involved in or affected by our justice system. This bill is a crucial part of our justice package aimed directly at that goal.

Those of us who live in St. Catharines understand all too well the absolute necessity of effective dangerous offender legislation. It was 15 years ago that our city was gripped by fear, sparked by the horrific crimes of Paul Bernardo and Karla Homolka. The brutal murders of Kristin French, Leslie Mahaffy and Tammy Homolka have not been forgotten in St. Catharines, and I doubt that they ever will be.

Arising out of this horrific situation was the fact that Paul Bernardo was determined to be a dangerous offender and will remain in prison indefinitely. The people of St. Catharines breathed a huge sigh of relief when that decision was made. We know that some people, like Bernardo, are not capable of being rehabilitated. We know that for some criminals reoffending is not just a statistical probability, it is a certainty.

Many Canadian communities have been victimized by repeat sexual or violent offenders who have somehow slipped through the cracks of the justice system and have been allowed to repeat their crimes again and again. This cannot stand. Catch and release is a great way to spend an afternoon fishing. It is not the way to protect Canadians.

An article in last Thursday's *Edmonton Journal* underlines the glaring hole in our justice system that Bill C-27 is needed to fill. The article is entitled "Notorious rapist deserves prison forever, 1969 victim says". It details a lengthy criminal record of Stephen Ewanchuk. His 1969 victim was choked, beaten and raped. He was later convicted for that rape and sentenced to three years in prison. Between that rape and the later conviction, he was again convicted in 1969 for a different rape.

In 1972 he was sentenced to 10 years for yet another rape. In 1986 he was convicted of sexual assault and sentenced to 15 months in prison. In 1994 he was convicted of another sexual assault and sentenced to two years. I am not done. In 2005 he was convicted of sexually assaulting an eight year old girl. There is an old saying that says once is chance, twice is coincidence, three times is a pattern.

With Ewanchuk it has been six times and that is a farce and a mockery of justice. Now, after six sexual offences, it is the Crown that must prove that Stephen Ewanchuk is a dangerous offender. After six offences, this should not be a question. Under our legislation it would be Mr. Ewanchuk who would face the burden of proving that he is not a dangerous offender. Justice demands no less.

In addition to this reverse onus provision, this legislation will strengthen sections 810.1 and 810.2, high risk peace bonds, by doubling the duration to 24 months and clarifying that a broad range of conditions may be imposed in order to protect the public. It should be obvious that no one's rights are more grievously violated than the victims of violent sexual offences, but for 13 years the rights of victims were ignored. Today we are taking an important step toward rebalancing the scales of justice. Canadians want these laws in place. They know that the coddling of violent criminals must end.

A couple of weeks ago I received an email from a constituent named Les Hulls. He was forwarding me a message that he had sent to the member for Mount Royal. Mr. Hulls was upset that the Liberal member had criticized Bill C-27. He wrote, "If you look to the United States for the 'three strikes you're out parallel', you'll find that they've been moving away from it..."

● (1610)

In his email to the member for Mount Royal, Mr. Hulls also said, "Canadians want tougher laws when dealing with repeat offenders of violent and sexual crimes. I am a voter and I do not care what the Americans are doing".

I could not put it better myself. Canadians are fed up reading stories about crimes committed by five, six and seven time violent offenders, and rightly so. Canadian streets belong to hard-working and law abiding citizens. This legislation is a big step toward winning those streets back. It is, quite simply, the right thing to do.

Of course, not everyone agrees that the legislation is the right thing to do. A Toronto defence attorney, Clayton Ruby, had this to say about our bill: "The Tories get votes from bashing criminals and Canadians simply seem stupid enough to bite on this again, and again and again." Judging by the slipshod logic of some of the criticisms I have heard of the bill, Mr. Ruby is not the only one who thinks Canadians are stupid.

At this point I would like to discuss two criticisms. In particular, that Canadians are far too smart for them. One criticism made by a number of people, including the member for Windsor—Tecumseh, is that the reverse onus provision will be struck down by the Supreme Court as a violation of the charter guarantee of the presumption of innocence.

I would note first of all that this is a peculiar position for my friend from Windsor—Tecumseh to take when one considers his party's platform from the last January election. That platform claimed that the NDP would introduce an omnibus safe communities act. It went on to list a number of measures, one of which was, "Support a reverse onus on bail for all gun related crimes".

We believe that was a good idea, so you can understand my confusion, Mr. Speaker, upon hearing that the member for Windsor —Tecumseh, the NDP justice critic, now believes reverse onus provisions are unconstitutional.

More generally, I think anyone who claims the bill violates the principle of innocent before proven guilty is being disingenuous. Unlike Mr. Ruby I recognize that the Canadian people are anything but stupid. They cannot help but see, therefore, that the provisions of the bill apply only to those offenders who have already been proven guilty. Again, for those who have already been proven guilty for a third time no less of designated sexual or violent offences, the presumption of innocence has nothing to do with sentencing. Sentencing is the only area that the bill will affect.

I know this is clear enough for Canadian voters because a number of them have contacted me to express their strong support for the bill. I hope I have made this clear enough for my friends across the aisle.

There is a second criticism that has been levelled at the bill. I know that Canadians are too smart to buy this one as well. That criticism is that California's three strikes has not worked, so therefore our legislation will not work. The problem with this line of reasoning, of course, is that our bill barely even resembles the California law.

Under California legislation, any third felony conviction automatically results in a life sentence. Our bill however significantly improves on that legislation in two crucial aspects. First, it is not automatic. Offenders will still have the opportunity to prove to the judge why they should not be labelled dangerous offenders.

Second, and unlike California law, our legislation will only apply to violent or sexual offenders. It is true that we will not declare anyone a dangerous offender for stealing a slice of pizza, not even three slices of pizza.

According to the justice policy institute, an American think tank, approximately two-thirds of convictions under California law were for non-violent offenders. By avoiding that defect, our bill would avoid all of the associated problems while still acting as an effective deterrent against violent and sexual offenders.

Again, unlike Clayton Ruby, I do not believe that Canadians are stupid. I know that Canadians understand the points I have just made, but I hope the members opposite do as well. Our job is to protect Canadians. I stand here in my place and say that we will fulfill that duty by passing this important piece of legislation.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, there was a statement earlier by the member's colleague that the only opposition to this bill by the other parties was the argument that they were in need of protecting the rights of the offender. If the members would look at the record, the member for Vancouver Quadra laid out some interesting possibilities which would be a bad outcome for all Canadians, and that is with regard to the constitutionality issues.

The member will know that should this bill pass and get royal assent and be proclaimed to become law, it can be subject to a charter challenge. That could hang up the law for years of very protracted constitutional hearings, which is a problem. The second is the ultra vires argument or the problem whether the federal government can tell the provincial government who to charge and with what to charge the individuals. This was also another constitutional matter.

I raise it for the hon. member that the arguments are not so much about what about the offender, but it could very well turn out that the legislation would never be operable until charter questions were dealt with in the courts, which maybe is an issue we can deal with now before we have the risk of falling into that protracted delay and having good legislation.

● (1615)

Mr. Rick Dykstra: Mr. Speaker, I appreciate the comments from the member opposite. I take them, certainly, at face value. In terms of weighing this whole issue of whether it actually is constitutional, there are dozens of reverse onus provisions in the Criminal Code. I will provide a few for the member: bail provision, sex offender registry applications and, also, not criminally responsible. These certainly indicate that there is clear evidence that the reverse onus clause, certainly from a constitutional perspective, is open and possible.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, my colleague from St. Catharines is showing a level of optimism here that is not warranted when he says that he is looking forward to working hard to implement this bill. I have been listening to the opposition parties here and all three of them are opposed. This might be the first bill that I have ever seen that goes down at second reading, that does not even make it to committee.

I have a question for my colleague. What kind of flexibility are the Conservatives going to show that would garner some level of support from the other opposition parties? Without some generosity of spirit or some accommodating of the legitimate points of view that have been raised by all three of the other opposition parties, and put forward very respectfully, I might add, where are the Conservatives going to give and where are they going to move to ensure this bill does not die right at second reading?

Mr. Rick Dykstra: Mr. Speaker, one of the fascinating pieces of information that I picked up while researching this legislation, in terms of how it is going to move forward, how we are going to work with each other, and how we are going to understand it, was indeed that part of the NDP platform. The member's party was in fact implicit and spoke directly to reverse onus. I would simply say to the member that in that context this bill addresses some of what his party was trying to get at during the election in order to form government, that is, to implement some form of a justice strategy. This reaches out to the exact area he and his party were trying to reach in terms of reducing crime in our country.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I would like my colleagues opposite to listen to what I have to say. I hope you will forgive me at once, Mr. Speaker, if, in the course of making my argument, I refer to you as “your honour” because my 25 years of practising criminal law will have shown through and caused me to err in that.

In fact, Mr. Speaker, I would be showing you respect because if I were to call you "your honour", your salary would increase by nearly $100,000. This is why we have judges who, as a matter of conscience and in the work they do every day, are able to decide the appropriate sentence for any individual appearing before them. There is a fundamental flaw in the bill before us; Bill C-27 is making a big mistake and the party in power must realize that. If we have to, we will defeat it before it even reaches second reading because this bill seeks to punish crimes, not individuals. Allow me to explain.

When an accused person appears before the court, he is accused of an offence and must answer for his actions and, of course, his offence. Let us take, for example, one of the offences this bill seeks to punish: attempt to commit murder or invitation to sexual touching. Actually, take any one of the offences mentioned in the bill. If we take attempt to commit murder, the individual who appears before the court must be sentenced.

The party opposite is forgetting one of the fundamental principles: the sentence must be individualized. I repeat, Mr. Speaker, it must be individualized. This means that the judge addresses the individual and hands down a sentence that takes into account the sentencing criteria established by the courts of appeal and the Supreme Court. For the information of my colleagues opposite, these are called "sentencing principles".

We humbly believe that this bill is contrary to all those principles, because what the Supreme Court has said over and over, and will say again if this bill has to end up before the Supreme Court, is that a sentence is unique. It must be addressed to the individual who is before the judge. That is not what this bill is trying to do. What this bill is trying to do is make it so that if an individual is convicted of a serious crime for the third time, he or she is then "out" for life. The person is in prison.

That is not what must be done. It is unacceptable to think like this. Yes, there really are dangerous criminals in society. But saying that is not a solution to all our problems. We have to make it so that people who do not deserve to live in society are excluded from society, for as long as possible, when they exhibit such little respect for the laws of this country and continually reoffend.

We have before us a bill that goes even farther, in that it reverses the burden of proof. I am going to provide some further explanation for my colleagues opposite. One of the most important principles, as stated by the Supreme Court and by the Privy Council in London, a principle that is the backbone of the legal system, the criminal justice system, in Canada, is that the Crown has the burden not only of proving beyond a reasonable doubt that an individual is guilty, but also of showing what sentence must be imposed on the individual.

● (1620)

What this bill is trying to do is to reverse the burden of proof. I can tell this House, from experience, that it is unlikely that the Supreme Court will give this bill its approval, for more than one reason. First, and particularly, because of section 16 of the Canadian Charter of Rights and Freedoms, which our good Prime Minister prides himself on his respect for. He is not respecting it with this bill. He is placing the burden of proof on the accused.

It seems to me that we did a good job. In fact, the Bloc Québécois was not always opposed to this bill. The evidence of that is that as recently as yesterday I was saying to this House that Bill C-22 was a good bill. The people on the other side of the House can get things right. I will keep saying it: unfortunately, they are trying to punish the crime rather than the individual who committed the crime. That is unfortunate, and it is unacceptable. The Barreau du Québec, the Law Society of Ontario and the Canadian Bar Association have said so repeatedly and will say so again when they appear before the Standing Committee on Justice and Human rights, of which I am a member.

Members will realize from this introduction that the Bloc Québécois is against this bill. I hope that is quite clear. The Bloc is against it for a number of reasons. This bill proposes a harmful and ineffective approach that will not improve public safety. Worse yet, it would allow for automatic sentencing, which is dangerous and irresponsible. I rise in this House to say that reversing the burden of proof is not justified.

If my colleagues opposite had had good lawyers, they would have turned to section 753 of the Criminal Code. Section 753 of the Criminal Code is clear, or at least I think it is. I have relied on it a number of times in court. This is what that section says:

> 753. (1) The court may, on application made under this Part following the filing of an assessment report under subsection 752.1(2), find the offender to be a dangerous offender if it is satisfied—

The court may find the offender to be a dangerous offender if all the conditions are met. The Criminal Code has all the arguments, all the elements and all the clauses to control dangerous individuals.

Section 753 asks that the following conditions be met:

> 753. (1)(*a*) that the offence for which the offender has been convicted is a serious personal injury offence described in paragraph (a) of the definition of that expression in section 752—

I will spare you all these details and focus on the essential point. When arguing before the court, the Crown must show:

> 753. (1)(*a*)(i) a pattern of repetitive behaviour by the offender, of which the offence for which he or she has been convicted forms a part, showing a failure to restrain his or her behaviour and a likelihood of causing death or injury to other persons, or inflicting severe psychological damage on other persons, through failure in the future to restrain his or her behaviour—

I did not make this up. It is in the Criminal Code. I repeat, it is in the Criminal Code. We do not need Bill C-27. Paragraph 753(1)(*a*)(ii) adds:

> 753. (1)(*a*)(ii) a pattern of persistent aggressive behaviour by the offender, of which the offence for which he or she has been convicted forms a part, showing a substantial degree of indifference on the part of the offender respecting the reasonably foreseeable consequences to other persons of his or her behaviour—

● (1625)

I will spare the House the rest but will translate it into plain language for my hon. colleagues across the aisle.

This is what is happening now, this very day, before a court somewhere in Canada. I have had to argue cases and can tell the House how it works.

It can happen as early as the first offence or the first charge. An individual is brought before the court accused of attempted murder. He shows no signs of remorse. He even says and repeats that if he is freed, he will take care of a few other people too. That has already happened.

Here is another example. A serial rapist says, "If I get out, don't get all worked up, but all women are going to get it". That is totally unacceptable.

So what do we do? What does the crown attorney do? He asks the court to declare the person a "long-term offender". That is done now. There is no need for evidence beyond a reasonable doubt. Legal precedents and the testimony of people who know the accused are submitted and the court hands down a decision. It is true that this decision can be appealed, but it certainly is not easy. Once a court has handed down a judgment and supported it well, it is virtually unassailable. That is how it is. We have already been through it. This procedure exists and can be implemented as early as the first offence.

So why Bill C-27? In the Bloc Québécois—I am one of those who say it along with my hon. colleague from Hochelaga—we say that justice must be based on a personalized process that is geared to each case and based on the principle of rehabilitation.

I will put that into plain language for my hon. colleagues across the aisle. One of the most important principles established by courts of appeal and supreme courts is that punishments must be just and proportional to the offence but also aimed at rehabilitating the accused. With this bill, the government wants to get rid of rehabilitation. There is no place for rehabilitation in a country with a bill like this, and it does not look as if the government wants reconsider its position.

Let us take this even further. As if that were not enough, we have section 761 of the Criminal Code, which is also clear. It exists. It is still there, just as it was there yesterday when I looked at the Criminal Code. It has not disappeared. Section 761 states, and I quote:

> —where a person is in custody under a sentence of detention in a penitentiary for an indeterminate period, the National Parole Board shall, as soon as possible after the expiration of seven years from the day on which that person was taken into custody and not later than every two years after the previous review, review the condition, history and circumstances of that person—

What does that section mean? It means that if we have a dangerous, long-term offender as identified by the court, the court sends that offender to an institution where he is held in custody. After seven years, the National Parole Board will again carefully review that individual's case to determine if that individual can possibly, I repeat possibly, be rehabilitated or if that individual has begun a rehabilitation process. If that is not the case, the National Parole Board must justify its decision.

We already have all the tools we need. We do not need Bill C-27. Neither Quebec nor Canada needs it. I hope this is clear enough. We already have all the tools we need to put away individuals who do not deserve to be and should not be in society.

● (1630)

Only after a fair and equitable trial, after the court has declared an individual to be a dangerous, long-term offender, can this apply. Then, the sentence will be individualized. That is what this bill does not do. We must not forget that this is extremely dangerous.

This bill would make changes to the process of declaring someone a dangerous offender. An accused person would be presumed to meet the criteria for designation as a dangerous offender as soon as he is convicted of a third serious offence. There is no middle ground, it is all or nothing. Rehabilitation is no longer an option.

Even worse, that presumption would shift the burden of proof from the Crown to the accused, who would then have to prove to the judge that he should not be declared a dangerous offender.

With respect, I must say that the Canadian judicial system will never tolerate that. In my opinion, reversing the burden of proof is unfair and would violate section 16 of the Canadian Charter of Rights and Freedoms, which entitles us to a full defence. In Canada, it is not up to the accused to defend himself—we will have to explain this again to our colleagues opposite—it is up to the Crown to prove beyond a reasonable doubt that the accused is guilty.

If the Conservatives want to change that, if they want to reverse the burden of proof and take a new approach, let them table a bill, but not one like Bill C-27. This new bill would probably be unacceptable as well because the Bloc Québécois does not believe that Canadian and Quebec societies would accept the reversal of the burden of proof.

If the colleagues opposite, in government, believe that this bill will fight crime, then I have good and bad news for them. The goods news is that is false. The bad news is that it will completely choke the justice system. Before a case is closed, what will happen when an accused discovers that he may be declared a dangerous offender with the reversal of the burden of proof? It is not difficult to see that all proceedings will be taken as far as possible and the court rooms will be overflowing.

We already have this problem. In Quebec City, Toronto, here in Ottawa, Kingston and Vancouver the court rooms are full. It is not this kind of bill that will solve the problem of crime in Quebec and in Canada.

As I only have one more minute I will conclude my speech. Time goes so quickly that I will allow myself to answer the questions.

Based on my 25 years of experience in criminal law, this reversal of the burden of proof is wrong and unacceptable, and I believe that we would be going in a very dangerous direction, to the far right, were we to accept even considering this bill and having it adopted by Parliament. I therefore urge all members of this House to vote against the bill.

● (1635)

The Acting Speaker (Mr. Royal Galipeau): 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 Saint-Bruno—Saint-Hubert, Labour; the hon. member for Acadie—Bathurst, Minister of Public Works and Government Services; the hon. member for London—Fanshawe, Homelessness.

● (1640)

[*English*]

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Mr. Speaker, I listened with great interest to the 20-minute speech by the member from Quebec. I think he may be missing the point, and perhaps his whole party is missing a very serious aspect to this bill.

We are not talking here about a reverse onus in terms of the conviction for the offence. Indeed, what we are doing is giving the perpetrator yet another chance. All the member has to do is read the bill. I noticed in several sections, but it is in proposed section 752.01 where it says:

> If the prosecutor is of the opinion that an offence for which an offender is convicted is a serious personal injury offence that is a designated offence and that the offender was convicted previously at least twice of a designated offence—

We are talking about an individual who was charged and convicted. In other words, the crown prosecutor was able to prove that the individual was guilty, otherwise he would not have been convicted. The onus was on the crown to prove the conviction. The second time the individual appears, after he has served his two years or more, on a similar type of crime, again the crown proves that he is guilty and hence he is sentenced. He then comes before the judge a third time. The whole trial has to do with whether the person is guilty, and the onus is on the crown to prove it. The conclusion will be, if this bill is enacted, that that person just is not learning his lesson and he is a continued danger to society.

I would urge the member to read the offences that are being included here. We are talking of crimes as heinous as committing murder, discharging a firearm with intent; in other words, an individual fires a gun at someone and has the misfortune of missing, but still the individual is firing a gun at a person with the intent to murder. We are saying that for a person who has three of these offences, for the protection of society we are going to put that person in jail, but notwithstanding that, we will give that person yet another chance. If that person can prove to us that he or she is not a danger, we will listen.

I do not know how any member in this House can say that that is really tough, that we are getting too tough on crime. The NDP and the Liberals ran on a crime ticket last time just to try to gain a few more seats, and now that the election is over, they are arguing against a bill that is as soft as this one. I cannot believe it.

This legislation is reasonable. It is not a violation of the Constitution. The Constitution says clearly that the causes here can be given as pertaining to a just society. I would just urge the member and all members to think carefully before they vote against this bill. It is not nearly as onerous as they claim it is.

[*Translation*]

Mr. Marc Lemay: Mr. Speaker, I thank my hon. colleague for his question. I will respond with two points.

First, I would remind the House that the Bloc Québécois worked very hard to have the Criminal Code amended with respect to the proceeds of crime. It is possible to seize the house—or mansion—of someone who has made hundreds of thousands of dollars in drug trafficking. It is up to that individual to prove that their mansion was not purchased using the proceeds of crime. The Bloc Québécois achieved this.

I would have liked my hon. colleague to come to a court of law. Consider, for example, an 18 year old who discharges a firearm. That is one of the crimes. That young man is incarcerated for one year. At 22, that same youth is a member of a street gang and again discharges a firearm. He is imprisoned again and released at age 25. If he commits a third offence, any offence at all, his name will automatically be put on the list of dangerous offenders.

I have tremendous respect for my hon. colleagues across from me. However, their problem stems from the fact that, with this bill, they are sentencing the crime and not the individual who commits it. That is what the Bar reminds us and what judges will remember if this bill is enacted, which I hope does not happen. The crime must be dealt with based on the individual before the court, and nothing else.

● (1645)

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, I listened with interest to the speech by my hon. colleague and to the questions from my colleagues opposite. In my opinion, it is important to put certain people in prison to protect the Canadian public and to punish offenders who repeat various offences. That is why Canada has some of the toughest laws in the world on dangerous offenders.

In my opinion, we need to have intelligent laws and intelligent approaches to criminals and criminal law.

As my hon. colleague said, many members of the Canadian Bar Association and the Canadian legal community have shared their concerns about this bill, especially when it comes to the issue of the Charter of Rights and Freedoms. Many of them have argued that this bill would be dismissed in court because of this concern.

In my opinion, it is not smart to create a risk whereby the part of the legislation on dangerous offenders may be completely dismissed. Does the hon. member agree?

Mr. Marc Lemay: Mr. Speaker, I want to thank my colleague for his question and I would refer my colleague—not to avoid the question—to two Supreme Court rulings.

I invite my colleagues opposite to go read them. In 2003, there were Supreme Court rulings in the Johnson and Mitchell cases. These rulings reminded us that the underlying principles of sentencing require that the sentence fit the offender's situation. In other words—this is at least the fifth time I have said this—we sincerely think that under the Canadian Charter of Rights and Freedoms, if by some misfortune Bill C-27 became law, constitutionally, it would not pass the test of the Constitution of Canada, with all due respect, given the recent Supreme Court rulings.

[*English*]

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, this bill is talking about convictions for very serious, horrible crimes, and not one conviction, not two convictions, but three convictions.

My colleague from the Bloc Québécois talked about how he has been in practice for 25 years. God bless him, I expect most of the time it has been in defending these terrible people and naturally his whole knowledge is with respect to the criminal.

I listened to his speech very carefully. It was a good speech. I did not agree very much with it, but I listened to it very carefully. He never mentioned the word "victim" once. It was all about the rights of the criminal; it was all about whether these people are receiving a fair deal. These are after the convictions. We are talking about sentencing.

My question for the member and all the Bloc Québécois members if they are all going to take this position is, do they not care about the victim? The people whom I speak to in my riding care a lot about the victim. They are fed up.

[*Translation*]

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Abitibi—Témiscamingue has 30 seconds to reply.

Mr. Marc Lemay: Mr. Speaker, I will try to quickly answer in 30 seconds.

In Quebec, we have the crime victims compensation act. I would like to remind my hon. colleague opposite that the Criminal Code, as indicated by its name, is there to punish a crime committed by an individual. Nowhere in the Criminal Code is there any mention of the fact that we have to protect the victims. The Criminal Code does not state in any section that the priority is to defend the victims. However, in the Criminal Code—

● (1650)

The Acting Speaker (Mr. Royal Galipeau): Order, please. The hon. member for Mississauga South on a point of order.

* * *

[*English*]

BUSINESS OF THE HOUSE

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, discussions have taken place between all parties with respect to the debate scheduled for later this day on the motion by the member for Malpeque to concur in the second report of the Standing Committee on Agriculture and Agri-Food and I believe you would find consent for the following motion. I move:

> That, at the conclusion of today's debate on the motion to concur in the second report of the Standing Committee on Agriculture and Agri-Food, all questions necessary to dispose of this motion be deemed put, a recorded division deemed requested and deferred until 5:30 p.m. on Wednesday, November 1.

The Acting Speaker (Mr. Royal Galipeau): The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

* * *

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-27, An Act to amend the Criminal Code (dangerous offenders and recognizance to keep the peace), be read the second time and referred to a committee.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, this being Halloween, it is with some sadness that I rise in the House. It is the first Halloween in the history of my fathering three children, Maeve who is 10 years old, Megan who is 8 years old, and Bronwyn who is 7 years old, that I will not be with them to go door to door. However, I do hope that their costumes, which I had a preview of, are effective. I hope they are nice little girls who go door to door and give a lot of joy on this joyous evening.

I also hope their costumes are more effective than what I would call the Prime Minister and the Minister of Justice dressed up as sheriffs through their justice rubric, which is really disguised as effective and, to the point of Bill C-27, masquerading as good law. On all of those three counts, the Conservatives, the Prime Minister and the Minister of Justice and this bill fail. Their disguise is thin and their masquerade is not working.

[*Translation*]

I am pleased to address the House today on the matter of Bill C-27. This bill amends the Criminal Code with respect to dangerous offenders and recognizance to keep the peace.

I will not comment on recognizance to keep the peace. We on this side of the House, myself included, agree with the provisions of this bill.

[*English*]

Although the main goal of Bill C-27 is to make it easier for crown prosecutors to obtain dangerous offender designations, it touches upon an important concept in our entire justice system. It is not just the justice system that prevails in Moncton, New Brunswick or, indeed, in Canada. The aspect that is being reviewed, which must be given the spotlight and the microscope, is a fundamental principle of justice in the common law world and that is the presumption of innocence.

This bill reverses the burden of proof from the crown to the defendant. If Bill C-27 were to be adopted in its entirety as it is, an offender found guilty of a third conviction of a designated violent or sexual offence would need to prove that he or she does not qualify as a dangerous offender. That in summary is the issue to be debated.

I might, by way of introduction, suggest that every criminal was a child at one time, and what night could be more fitting to speak about children than Halloween, and every child, as he or she goes down the road of life, makes steps, some wrong, some right and some in the middle.

Not every child has the privilege of coming from a home with two parents, from a home that is affluent enough to afford the necessities of life, from a home that advocates literacy or from a home full of love and caring. There are many homes where this is not the case. Many homes and families are broken either by economic ravages or social blight.

However, in the Conservatives' *Leave it to Beaver* world, everyone has this perfect home and everyone must grow up like Wally and Beaver to be productive citizens of society. Although we do not really know how Beaver and Wally ended up, I suspect some of them may have ended up on the other side. The social policies of the government are destroying the fabric of the community and they will lead to more crime.

When certain individuals have gone down the wrong side of the justice road toward the dangerous offender designation, things have gone terribly wrong for them. Let us leave aside the issue of mental health and the fact that the only option for some people is treatment for the long term. Let us talk about the people left behind on the social strata from leaving the field that the government has posited on social programs in the community. Those people could end up on the dangerous offender road.

The combination of these laws and this policy regarding social re-engineering, à la George Bush, will leave us with more criminal justice issues. It is an important context to remember.

We on all sides of the House agree that dangerous criminals should be kept locked up for our own safety and the safety of society but that is not the issue. We must do all we can to ensure dangerous criminals do not take advantage of legal loopholes to fall through the cracks of our judicial system. Most important, we, as members of Parliament, have the duty to ensure that the bills and changes we adopt meet constitutional standards and rigorous test and that they do not jeopardize the protections we have in place.

The theme of my speech and my point is that this bad law would actually put the victims of crime in greater jeopardy. If this law is, in any way, struck down, the people who perpetrate crimes, who might be designated dangerous or long term offenders, might go free. That does not help victims. We want laws that work.

Locking up dangerous criminals is not a new or Conservative idea. In 1997 the Liberal government created new legislation addressing long term offenders and ensuring sexual and violent offenders received the special supervision they deserved from our judicial system.

● (1655)

It is important to understand that in the long term offender and dangerous offender categories we are not talking about millions of people or thousands of people. We are hardly talking about hundreds of people. In the province of New Brunswick right now there is one application for a dangerous offender designation. In the briefing that members of the justice committee received from the justice department, the number of applications per year is about 24. This vacillates somewhere from a low of 12 to a high of 48. These people we are talking about are dangerous. They are bad apples and they need to be locked away.

That is why the long term offender legislation is also at play here. If someone does not meet the dangerous offender plateau, then a judge must consider the long term offender designation, which is less onerous and does not involve indefinite sentencing without parole for seven years at least.

The problem with this legislation, as justice officials indicated to us, is that it was well on the way to being introduced whether the Conservatives, the Liberals or, God forbid, the NDP or the Bloc formed government, and it was to close a loophole that had been created by the well-spoken upon decision of R. v. Johnson. The loophole had to be closed so that it was very clear that a judge must consider whether the accused met the long term definition before the dangerous offender designation took effect.

As of 2005, a total of 300 offenders across Canada have been designated long term offenders, not dangerous offenders.

* * *

WAYS AND MEANS

NOTICE OF MOTION

Hon. Rob Nicholson (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, pursuant to Standing Order 83(1), I have the honour to table, in both official languages, a notice of a ways and means motion to amend the Income Tax Act, and I would ask that an order of the day be designated for its consideration.

* * *

● (1700)

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-27, An Act to amend the Criminal Code (dangerous offenders and recognizance to keep the peace), be read the second time and referred to a committee.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, contrary to what the minority government across the way would like Canadians to believe, the current system with respect to dangerous offenders and long term offenders does work well.

[*Translation*]

Unfortunately, Bill C-27 seems to me to be more motivated by the Conservatives' partisan political agenda than by a real desire to better protect Canadians. It is unfortunate that this minority government thinks its partisan agenda is more important than the greater good of its citizens.

Even more importantly, Bill C-27 is a direct attack on a key concept in the Canadian justice system: the presumption of innocence.

[*English*]

In Canada, the presumption of innocence is guaranteed by section 11(d) of the Charter of Rights and Freedoms which states that any person charged with an offence has the right "to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal".

One wonders in that last term, with the spate of Conservative appointments to the judiciary, whether we could find an independent and impartial judge of recent appointment who has not been a major contributor to the Conservative Party or has fundamental Christian beliefs. All of the appointments have not been filled and I would not make that comment until they are. One hopes for impartiality and independence in the tribunals.

The real point in this legislation is whether the person charged with an offence has the right to be presumed innocent. There are two parts to this: the part of the trial and the part of the mini-trial with respect to the designation of dangerous offender.

[*Translation*]

The reversal of the burden of proof set out in Bill C-27 is questionable.

Many legal experts have already said that the legislation could be challenged in court. Their arguments seem to me to be serious enough to warrant taking the time to examine this seriously.

[*English*]

In light of the provisions of the charter, Bill C-27 creates a problematic situation with regard to the reversal of onus. The burden shifts. In the past the Supreme Court of Canada has said that the presumption of innocence will be violated whenever a trier of fact may be led to convict an accused person, even though there is reasonable doubt as to some essential element of the offence. I think all parties are on the same page with respect to the conviction of the accused and the burden of proof.

Although the proposed legislation does reverse the onus, we must keep in mind that this reversal only comes into play once the offender has been found guilty of the designated, serious violent or sexual offence three times. Each time the offender is accused, he would have benefited already from the presumption of innocence. Thank God that has not been taken away. This essential principle will not be changed by Bill C-27 as it relates to the finding of guilt, but what about the effect of this guilt?

Under the proposed legislation, the offender who has been found guilty already three times of one of the listed offences in Bill C-27 will no longer be presumed innocent. As a matter of sentencing law and not constitutional law, the Supreme Court has previously held that on sentencing, any aggravating fact that is not admitted by the offender, must be proven by the Crown beyond a reasonable doubt. Let us keep that clear. On sentencing, the Supreme Court of Canada has said that we still have to prove things beyond a reasonable doubt when it comes to the aggravating circumstances in that conviction. I would say it again if I thought the other side was listening or could understand.

This rule has since been codified under section 724(3)(e) of the Criminal Code, that big book the criminal law is in. In the context of dangerous offender applications, section 753 (1.1) would undo this long standing judicial principle and rule.

Furthermore, some could argue that not only does Bill C-27 deprive offenders of the right to be presumed innocent until proven guilty, as stated in section 11(d) of the Canadian Charter of Rights and Freedoms, and this is more telling and more appropriate to the argument before us today, it also allows for deprivation of liberty as stated in section 7 of the same charter. This creates the right not to be deprived of life, liberty and security of the person, except in accordance with the principles of fundamental justice, a key term.

● (1705)

[*Translation*]

It is not clear that transferring the burden of proof from the Crown to the accused, as set out in Bill C-27, respects the principles of fundamental justice. It is not at all clear. For a long time now, the concept of fundamental justice has been one of our justice system's guiding principles. This applies to the legal system in Moncton, in New Brunswick and in Canada, as well as to all countries whose legal system is based on British common law—the root of our own common law—including the United States.

I would even go so far as to say that the Crown's duty to prove beyond a reasonable doubt the existence of aggravating factors when determining the sentence is now a widely accepted concept. It is so widely accepted in our justice system that it can now be called a principle of fundamental justice, as it is written in section 7 of the Canadian Charter of Human Rights.

[*English*]

Under the current provision of the dangerous offender section of the Criminal Code, which is charter proof, 360 offenders have been designated as dangerous offenders and are currently behind bars. The system works.

Once again the minority government is all about sentences and law and order. My colleagues on the other side of the House might argue that these measures will protect innocent Canadians. As I have just said, section 7, the reasonable demands of having fundamental justice at any stage in the judicial determinations, puts in question whether this law, as presented and not yet amended at committee albeit, is in danger of falling like a house of cards on the dangerous offender designation system that already exists. It was put in place and monitored by Liberal governments. It was in the process of being improved because of the R. v. Johnson decision until the wrench was thrown in the problem.

The Conservatives have become the architects of disaster in suggesting we put in the reverse onus and the "three strikes you're out" because Arnold Schwarzenegger and those guys like it. What they are doing is possibly putting in jeopardy the whole system and that is not going to be good for victims.

Most of the justice legislation currently before the House will do little to protect Canadians and do very little for the victims. In fact, by cutting conditional sentences, sending more convicted individuals to the criminal schools of higher education, our jails, by building more jails and cramping the budget room for other needed programs, by putting longer sentences in place that will surely bring out a whole new round of graduated criminals determined to do more harm to victims and by cutting preventive and rehabilitation programs, we have no reason to think the crime rate is going to go down in Canada.

Furthermore, many studies, which is not germane to this discussion but very much germane to the discussions we have had at the justice committee, clearly indicate there is absolutely no link between harsher sentences and a lower crime rate.

It is quite telling at the committee level. When the proponents of the Conservative agenda on law and order are asked to bring witnesses who will prove empirically and objectively how these programs will work, they have very few names to present. On the other side, the people who suggest that harsher sentences do not lower crime rates have a plethora of witnesses available. That comes down to a determination by the Conservative minority government that most of those are criminal lawyers, professors and people who believe the criminal.

We have to ask ourselves this. If it is a truism that more sentences, harsher sentences and more people in jail will result in lower crime rates and a safer society, where is the proof? Canadians want the proof. Liberals want the proof. Liberals have been determined, with a justice program of over 13 years, to continually work with the outdated Criminal Code to modify the laws, as Canada grows, to protect society and victims.

In a non-partisan half second I say that is the same goal for the Bloc Québécois as well as the NDP. I know it is the same goal for the Conservatives because they keep saying it. However, they do not act in furtherance of that objective. They in fact act against that objective. They are not making the communities safer by locking everyone up. We ought to really take a non-partisan moment and say that if there is proof that these things work, show us. We are open to it.

In summary, Bill C-27 is no different than most justice bills recently tabled. It puts the political agenda of the Conservatives before the greater good of Canadians. The proof of that is they have overloaded the committee with so much work. Probably all the justice bills they keep tabling have no real intention of coming back to Parliament before what we perceive will be the next election.

Canadians have to ask, what was the objective in that? What was the objective in putting forward Bill C-9 and Bill C-10 separately? We now know that the list of witnesses is the very same and the hearings will take double the time. Why not propose them as one bill? The reason is simple. The Conservatives want to scare people into thinking we do not have a safe society. We do have a safe society. We support law and order. We support the victims in the community. We support the average Canadian who wants to be safe in his or her home.

● (1710)

Average Canadians are safe in their homes, even on Halloween when we have politicians masquerading as the proponents of law and order and when we have policy written on the back of a napkin dressed up as the law of the country.

We should take our duties more seriously. We should be earnest parliamentarians and pass good laws, not laws that are destined to be broken down by the loopholes contained in them by Conservative writers.

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, I am amazed at what I have heard from members opposite. In the last election a lot of the parties ran on tougher on crime and the protection of citizens. As a result of what happens in the House, every member of Parliament will have to wear how they vote on this bill.

We are talking about a dangerous and high-risk offender. That is not the first-time offender. Nor is it the second-time offender. That is the third-time offender.

In status of women meeting this morning many witnesses said over and over again to get tougher on the laws. They are sick of lawyers getting criminals off without any ramifications. The officers are sick of judges letting people out on the streets before the paperwork is even done to incarcerate them.

On this side of the House we have tried to address the concerns of Canadians. Dangerous offenders are high-risk, most dangerous, violent, sexual predators on innocent populations. We are not talking about someone who has made a mistake the first time. We are talking about serious offences.

Is that member prepared in the next election to give the same kind of speech he just gave? Is he prepared to say that Canadians have not told him the message, that he knows better? Is the member ready to do that?

Mr. Brian Murphy: Mr. Speaker, many of the members comments are very well-founded and from the heart. I appreciate that.

She asked a very personal question. My uncle was a former member of this chamber and he was a provincial court judge for 35 years. I am not worried about getting re-elected on a law and order platform in Moncton—Riverview—Dieppe.

However, if she had perhaps listened to the pith of the speech, this law may be struck down, particularly under section 7 of the charter. The existing dangerous offender legislation is working. Well over 400 people are behind bars with indefinite terms because of the that legislation. I hope the member knows this.

However, this bill is perhaps putting that in jeopardy. If section 7 is to be read clearly as to what fundamental justice, or the principles thereof mean, smart lawyers, who the other side seem to loathe so much, may well attack their legislation and dangerous offenders could be back on the street because of this weak legislation.

Who cares about citizens and who cares about the crime rate more? Is it the people who say that this legislation will not work and that there will be more dangerous offenders on the streets of Moncton, or wherever, or the people opposite who cannot accept that the law, as it exists, works?

● (1715)

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Mr. Speaker, I thank the hon. member for his erudite and considered remarks, and I mean this quite sincerely.

My question has to do with the ideological conflict that surrounds this issue. I will get beyond the technicalities and ask the hon. member this. Why does he believe that those who do not accept the Conservative Party's view of law and order are somehow vilified and seen to be soft on crime? Over and over again today, members from the government have stood and said that Liberals and members of other parties who did not support them were soft on crime.

What is it that would make some parliamentarians soft on crime and put other parliamentarians on the side of virtue? Are we not all concerned about violence? Do we not all want to live in safe communities? Do we not all want our families to be safe? What is the ideological basis for this seemingly irreconcilable difference of opinion?

Mr. Brian Murphy: Mr. Speaker, the member's insight is very germane to the question. There is no ideological difference. There is a political difference. This whole Conservative justice policy is a policy by innuendo, a policy of fear, of creating fear where it did not exist, and third, because there are three prongs to it, it is a policy of having drive-by legislation that is poorly written and will not stand the test of law. In the long run, it will actually make the citizens of this country less safe in their communities.

What I said during my discourse, which I believe and I will give credit to the opposing party as well, is that every member in the chamber believes in law, order and safety in our communities. It should be a matter of rudimentary self-respect and mutual respect. No one is soft on crime. Some people want laws that make sense and will be effective and some people want to have 20 announcements on the six o'clock news across the country, putting fear where fear does not belong and promising security where security will never be.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, one of the key issues discussed in the debate today is the aspect of constitutionality.

Indeed, there is some concern that should this bill pass and become law there will inevitably be court challenges to its constitutionality, which could be tied up in the courts for a very long period of time and in fact leave us with no law whatsoever.

The other aspect in terms of the legalities or the constitutionality has to do with the principle of ultra vires and whether the federal government in fact can instruct the provincial government as to who it should charge and for what. I wonder if the member could provide some input to the House.

Mr. Brian Murphy: Mr. Speaker, the hon. member for London West addressed the issue of mandatory orders to provincial prosecutors, which may well be constitutionally ultra vires. She laid it out in a most articulate fashion. I will not repeat that.

The key issue of our position is that subsection 11(d) and section 7 of the Canadian Charter of Rights and Freedoms are very much at play. Any lawyer could actually make the application to strike this legislation as being unconstitutional. On this side, if this law were to pass, as the majority of Parliament may wish it to, we have obligations to stand by the law. One would hope that section 11 would be read as not being about denying the presumption of innocence because it is after a conviction. One would hope that we could read section 7 of the charter not to include the fundamental principles of justice with respect to liberty under seven years. That would be a stretch and I think it is the strongest argument.

One would hope as well that we would not have to go to the Supreme Court of Canada five years from now to see in the end that the Conservatives brought in legislation which was hasty and designed for the six o'clock news and really left citizens vulnerable to more dangerous offenders and long term offenders being on their doorsteps.

I think that on Halloween evening it is a pretty important point to make. Five years from now on Halloween, do you, Mr. Speaker, want more dangerous offenders on your doorstep because of a bad law struck down by the Supreme Court of Canada? I do not. Canadians do not either.

● (1720)

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Mr. Speaker, I want to get into that guy's head a little. He is saying that this bill is going to be subject to a charter challenge and the Supreme Court may shut it down. Is that not exactly where we are right now? If the bill is ultra vires, then we would have no act proclaimed. I do not understand how we should not, as members of Parliament, try to put a stop to these dangerous repeat offenders. I do not understand that. We need to try. If the court rules that it is not legal, then we will try again. Meanwhile, this is a good shot at it.

The member is expressing some opinions that some lawyers will take this to court. I think there are just as many lawyers who will say we will win it, that it is legal. I think he is just fearmongering.

Mr. Brian Murphy: Mr. Speaker, one really has to question who is fearmongering with the public. It is not this side. What we are trying to do is suggest that the responsible course, and perhaps it will get there in committee, is to tone it down, to put some water in the wine and suggest that the government does not have to mimic the United States in everything it does. The "three strikes and you're out" American concept imported here for the six o'clock news is not the way to go.

Sound law, agreed upon with the constitutional imprimatur of the Attorney General's department, which was not forthcoming at committee, would be the way to go: make it constitutional and we are with that side of the House. We are with every aspect of the bill that not against the law. One would think that the Minister of Justice and the government in power would want to have legal laws. It is what they are supposed to do.

I will send the hon. member all of the information I have from the justice committee. He can put it in his third office, because it is quite voluminous. It might take him a while to read it.

[*Translation*]

Mr. Guy André (Berthier—Maskinongé, BQ): Mr. Speaker, I am pleased to rise today to speak to Bill C-27, An Act to amend the Criminal Code (dangerous offenders and recognizance to keep the peace).

This bill, which was introduced on October 15, 2006, by the Minister of Justice, has provoked many reactions among Quebeckers and Canadians, because it brings important changes to the process of designating dangerous offenders.

Some people in my riding asked me if this bill will improve the Criminal Code. Will it make families and children safer in the community? Will it help reduce crime?

After looking at this bill, after being asked questions by a few members of my community, after discussing it with my Bloc Québécois colleagues and other members of this House, my answer is no. This bill will do nothing to improve the Criminal Code or to improve safety for the citizens of my riding or for other Quebeckers or Canadians.

Bill C-27 amends the Criminal Code to provide that the courts declare someone a dangerous offender if that individual is convicted of three serious crimes, unless that person can prove that he or she does not meet that definition.

As members of Parliament, we are concerned about public safety. We can be concerned about public safety and the well-being of our fellow citizens and yet still be opposed to this bill. In our opinion, it does not improve public safety.

Obviously, we want an improved, effective justice system that will protect everyone's safety. After analyzing this bill, my first reaction is that, once again, the Conservative government is trying to impose a "made in the U.S.A." approach to justice.

Having expressed its intention to eliminate the gun registry and stated that imprisoning young offenders from the age of 12 and giving them longer sentences would help fight youth crime, the Conservative government is now proposing to introduce the "Three strikes and you're out" approach, as some American states have done. I will come back to this later.

This approach has not been found to reduce the crime rate in the United States. Studies have shown that this measure has no impact on the crime rate. On the contrary, as we know, the crime rate in the United States is often higher.

We feel that constantly following the model used in the United States, where the incarceration rate is much higher and sentences are longer, is a bad strategy, because there are three times as many homicides in the United States as in Canada and four times as many as in Quebec.

Instead, the Bloc Québécois suggests that the Conservative government follow the model used in Quebec, which has achieved success with its approach to fighting crime, based not only on repression, but also on re-education and social reintegration.

I urge my dear colleagues in the Conservative Party to ask the Conservative members from Quebec whether the justice system in Quebec is having a positive effect on crime.

We in the Bloc Québécois believe that it is better to attack the roots of violence—poverty, social exclusion and social inequality—than to send more and more people to prisons, which often serve as crime schools.

We are not opposed to incarceration, because some crimes are serious and we must protect our fellow citizens.

● (1725)

As already mentioned by some of my colleagues, the Bloc Québécois opposes this bill. It is based on an unproductive and, above all, ineffectual approach. We are convinced that it will in no way contribute to improving the safety or our fellow citizens.

Were Bill C-27 to be adopted, it would make significant changes to the dangerous offender designation system. According to the government proposal, an individual could be declared a dangerous offender when found guilty for the third time of a serious crime. Bill C-27 creates a presumption: the accused is a dangerous offender when convicted of three primary designated offences for which he has received a sentence of two years or more.

In addition, Bill C-27 transfers the burden of proof from the Crown to the accused. This means that the accused will have to prove to the judge that he should not be designated a dangerous offender.

The Bloc Québécois believes that any measure that automatically determines the extent of the sentence imposed is a dangerous and irresponsible approach. As for the reversal of the burden of proof, it is not justified. If the offender runs the risk of spending the rest of his life in jail, it stands to reason that the state prove that he should be designated a dangerous offender.

In addition, as some of my colleagues have already mentioned, we have serious—

● (1730)

The Acting Speaker (Mr. Andrew Scheer): I am sorry to have to interrupt the member.

It being 5:30 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[*Translation*]

PHTHALATE CONTROL ACT

The House resumed from June 20 consideration of the motion that Bill C-307, An Act to prohibit the use of benzyl butyl phthalate (BBP), dibutyl phthalate (DBP) and di(2-ethylhexyl)phthalate (DEHP) in certain products and to amend the Canadian Environmental Protection Act, 1999, be now read the second time and referred to a committee.

Mr. Marcel Lussier (Brossard—La Prairie, BQ): Mr. Speaker, Bill C-307, introduced by the member for Skeena—Bulkley Valley, seeks to prohibit the use of phthalates in certain products. Last week, I commented on perfluorooctane sulfonate (PFOS), which Bill C-298 seeks to add to the Virtual Elimination List under the Canadian Environmental Protection Act.

My argument last week was based on two studies conducted at great expense by private organizations to determine whether 68 toxic chemicals were present in blood and urine samples.

The first study, conducted by Environmental Defence and entitled "Polluted Children, Toxic Nation: A Report on Pollution in Canadian Families" included 13 individuals—6 adults and 7 children.

The second was mentioned by Kenneth Cook of the Environmental Working Group in Washington, D.C., during his testimony before the Standing Committee on the Environment and Sustainable Development.

The results of these two private studies—and I use the word "private" because they had to assume the cost of the analyses themselves—are alarming. In the first study, 68 chemicals were analyzed and 13 individuals participated at a cost of $10,000 per person for a total private investment of $130,000. As for the second study, Mr. Cook said that the 10 blood samples cost $10,000 each for a total of US$100,000.

In other words, when an individual conducts a study he has to invest over $100,000 to get results. Despite this significant investment, subsequent criticism is often on the statistical reliability or the sample coverage.

I was saying that the alarming results of both studies led me to conclude that the toxins absorbed or accumulated by adults, through ingestion, inhalation or contact with the skin, can also be transmitted to the fetus through the placenta in the uterus. This is an incredible discovery that demonstrates that newborn babies no longer have the option of taking positive action against toxins later on in life through healthy living, a strictly controlled diet or a pure environment. Babies no longer have that option later in life, for they already have toxins in their system from birth. They are born contaminated.

The results of the analyses of the 68 chemicals studied confirmed that on average 32 chemicals were detected in the parents and 23 chemicals were detected in the children who volunteered for the first study.

What we do not know about is the synergy in this cocktail of toxins in the organism. In chemical reactions there are reducing agents, oxidizing agents and buffers. How do all these chemicals react with one another? Do some chemicals wait for certain others to reach certain concentration levels in the blood to start a reaction produced by another latent toxic chemical? Who knows? No one knows because such in-depth research is rarely ever done.

There are many unknowns when it comes to the interaction of toxins in the human body. Far too often, medicine detects results without knowing the cause: cancer appears, fertility decreases, fetal weight drops, a number of cases affect childhood development, respiratory problems increase—especially asthma in young children—as does the incidence of diabetes.

Who is responsible for this? Is a combination of toxic chemicals responsible? Medicine cannot pinpoint the guilty party.

● (1735)

As for phthalates, Bill C-307 proposes limiting, as much as possible, the exposure of vulnerable populations to such products based on the precautionary principle.

By virtue of that principle, when there are reasonable grounds to believe that an activity or product could cause serious and irreversible harm to human health or the environment, measures must be taken to mitigate the risk until the effects can be documented. Such measures may include, if a certain activity is at issue, reducing or ending the activity or, if a product is at issue, banning the product.

Accordingly, PVC-based soft materials must be kept away from children's mouths. Manufacturers, importers, distributors and retailers are obligated, under Health Canada regulations, to ensure that soft plastic teethers and rattles do not contain phthalates. The same is true for children's educational toys. The full array of products intended for commercial and private use is far too extensive to list here tonight. Suffice it to say that the majority of items made from PVC-based plastic, whether rigid, semi-rigid or soft, contain phthalates.

Furthermore, I do not mean merely traces of phthalates in these products, since certain products can contain up to 50%. These include the plastic bags we use everyday, food wrap, plastic rain gear, your shower curtain, Mr. Speaker, waterproof boots, garden hose, children's bath toys and intravenous blood bags. In short, phthalates are everywhere in our daily lives.

We agree with the principle of this bill. We believe, however, that some of the bans proposed in this bill are already effective enough, while others perhaps go too far, considering that practical, effective and safe replacement products are not available. Accordingly, we will propose some amendments at the committee stage.

Ms. Denise Savoie (Victoria, NDP): Mr. Speaker, I am pleased to take part in this debate. I want to thank my colleague from Skeena—Bulkley Valley for all the work he has done on this very, very important bill.

As has already been pointed out, Canadians are very concerned about the number of toxins found in our bodies. In fact, this was discussed at a meeting on health and the environment that many people in Victoria attended last weekend. They wondered about the lack of interest and the lack of urgency that the Liberals had shown and that the Conservatives are now showing with regard to regulating the 4,000 chemicals that were approved before the government passed the Environmental Protection Act and that are still on the market, such as the phthalates we are talking about this evening.

Two decades went by before these products received serious study in Canada. The three chemicals we are talking about today are among the 69 substances on the priority list for the CEPA review process. Two of them, DBP and DEHP, are already considered toxic, within the meaning of section 64 of the act, and a decision on the third, BBP, is pending.

We know that these chemicals are toxic and represent a threat to our health. How could we let them into our lives?

It happened because our governments, the people who are responsible for acting in our best interests, protecting us and protecting our health and that of our children, have long been refusing to act according to the precautionary principle. In fact, during the last debate on this bill in this House, the parliamentary secretary seemed more concerned about the economic impact than about the health of Canadians.

● (1740)

[*English*]

One of the great failings of our society is our persistent refusal to act according to the precautionary principle when it comes to toxins in our environment. As far back as 1964 the World Health Organization told us that 80% of all cancers were due to synthetic human made carcinogens. Now there is overwhelming evidence that the huge increase in cancer rates is linked to the increased chemical production of the last 100 years.

What have we done with that knowledge? We have put, it seems to me, profit before people. We have allowed chemicals to enter our environment, our household products, and our children's toys. If we want to have a sustainable health care system, we will use preventive medicine. Reducing toxins is our first start.

[*Translation*]

We know that, compared to the European Union, Canada is dragging its feet on regulating these chemicals and that it is not acting according to the precautionary principle.

What I do not understand is that we, the public, have to prove that these chemicals are hazardous, whereas the chemical companies do not have to prove that their products are safe.

We have to start shifting priorities.

[*English*]

Let us remember this principle requires government to act even in the absence of certainty if there is a risk of irreversible damage. Studies have linked serious health defects to all kinds of problems, from endocrine disrupting mechanisms to developmental and many others.

[*Translation*]

This bill is important, because it points to the need to act.

[*English*]

I would like to address this evening some of the parliamentary secretary's concerns during the last debate. He indicated, for example, that the human health assessments concluded that two of the three substances, namely DBP and BBP, do not pose any undue health risks. He failed to mention that there are few cumulative or interactive studies possible, given the wide number of chemicals we are exposed to on a daily basis.

The U.S. national academy of sciences has decided that DBP is a developmental toxin and BBP is a development and reproductive toxin. California has placed these products on the proposition 65 list of harmful substances. Yet, we have not ensured that Canadian children are protected from direct exposure to these chemicals.

The parliamentary secretary also indicated it would be premature to act in light of the ongoing study of the 4,000 products still on the market. I certainly agree that a comprehensive response is needed, but a specific response to these particular chemicals does not preclude comprehensive action as he suggests. Indeed, both are needed. How long does it take to put in place regulatory mechanisms, especially for known toxins such as the phthalates.

Canadians have in fact benefited somewhat from decreases in some of the phthalates due to actions not taken in Canada, but from other jurisdictions.

Canada does need a regulatory backstop to ensure that Canadians are protected and Canada does not become a dumping ground for these toxins. The question when addressing potential toxins should not be, do we remove them? It should be, do we allow them to enter our environment in the first place?

Many Canadians have concerns about the way we still approve chemical products. Is it too lax? Are enough tests done? The onus is on whom to show that the products are safe?

Bill C-307 should be brought to committee to highlight that the chemical approval process in Canada should find ways to better protect our children. That must be the fundamental goal. I urge my colleagues to approve this bill at second reading and to bring it specifically to the committee's consideration to bring out these various issues.

● (1745)

Mr. Dean Allison (Niagara West—Glanbrook, CPC): Mr. Speaker, I appreciate the opportunity to speak to Bill C-307, an act to prohibit the use of certain phthalates, BBP, DBP, and DEHP in certain products, and to amend CEPA 1999.

The health of Canadians and our economic and social progress are fundamentally linked to the quality of our environment. This government is committed to the protection of human health and the environment and is taking action on a number of harmful chemicals. We are doing so under the Canadian Environmental Protection Act, 1999, CEPA 1999, which is one of the government's most important progressive tools for achieving pollution prevention and sustainable development.

Through an open and transparent process established under CEPA 1999 the government ensures that substances used in Canada do not pose undue risks to Canadians or to the environment. For instance, since 1994 no new substances can be manufactured or imported into Canada until the potential risks to human health or the environment are assessed and appropriately managed. If risks cannot be managed, the substances are banned in Canada.

CEPA 1999 also mandates the government to review, and where necessary to manage, risks associated with the large number of substances that were already being used in Canada before 1994.

CEPA 1999 is guided by a set of principles that guide actions to protect our health and our environment. The act seeks to: contribute to sustainable development by preventing pollution; promote coordinated action with partners, including the provinces, territories, and aboriginal governments to achieve the highest level of environmental quality for the health of Canadians; and manage risks from substances and virtually eliminate releases of substances that are determined to be the most dangerous.

The CEPA management process is composed of a number of integrated components. Under CEPA the government has established programs of research and monitoring to strengthen the scientific basis for making decisions. For example, CEPA requires research to determine how substances are dispersed and how pollution can be prevented and controlled. Research into the impacts of substances on both the environment and human health are also mandated by the act. This includes investigation into the role of substances in illness and health problems and specifically, substances that can affect the endocrine system of humans and animals, including fish.

The results of such work, as well as information gathered through monitoring changes in the environment and human health, are vital to building sound knowledge for decision making under CEPA 1999. They also inform the public, industry and other interest groups about the environment and human health issues.

Science is also at the heart of assessing the impacts of substances on the environment, as well as the risks to human health of exposure to harmful substances.

Risk assessment also helps to identify the sources of pollution that pose the greatest risk. In essence, risk assessment provides information on which many activities under CEPA 1999 are based.

CEPA 1999 defines a process for ensuring that the public and interested groups have adequate time and opportunity to comment on or object to the results of risk assessments before decisions are made and action is taken. Once a risk has been determined, action is planned on how to manage it.

Under CEPA 1999 a variety of tools may be used to take the best action, action that protects the environment and human health, that is cost effective and that takes into account social, economic and technological factors as well as provincial and territorial governments.

CEPA 1999 provides for certain instruments to be developed, ranging from regulations to the requirement to prepare and implement pollution prevention plans, to guidelines and codes of practice.

● (1750)

Other approaches outside of CEPA 1999, such as voluntary agreements or actions under other federal, provincial or territorial legislation may also be used to manage the risks.

Follow-up to ensure that risk management decisions are carried out is as important as assessing the risks and putting the risk management tools in place. In fact, involving the public and other interested groups in the creation of effective approaches to reduce risks helps to promote awareness and to achieve high levels of compliance with the management decisions once they are made. When non-compliance is a problem, a range of activities will be used, from promoting awareness of the measures required to reduce or prevent risks, to strict enforcement actions.

CEPA 1999 provides the framework for the identification, prioritization and assessment of existing substances and for the control or management of those considered to pose a risk. This framework is broad, open, transparent and evidence based.

With regard to the phthalates targeted by Bill C-307 specifically, the government has undertaken thorough environmental and human health assessments under the Canadian Environmental Protection Act of BBP, DBP and DEHP.

Furthermore, the government has taken action to address the risks that were identified through these assessments. From a health perspective, the human health assessment concluded that two out of the three substances, namely BBP and DBP, did not pose any undue health risks. However, the human health assessment of the third substance, DEHP, concluded that there are health risks associated with the exposure of this substance.

In response to the assessment conclusion of DEHP, Health Canada requested the Canadian industry to discontinue the use of all phthalates in the manufacture of soft vinyl teethers and baby products that could be mouthed.

This government is committed to the protection of human health and the environment, and we have already taken the steps through the appropriate procedures and authorities in regard to BBP, DBP and DEHP. This government is concerned that the legislation proposed by the member for Skeena—Bulkley Valley would circumvent this process. At the same time, we understand and share the concern of the member for Skeena—Bulkley Valley that the health of our children is too important not to impose some sort of precautionary principle or backstop regulation.

This government is committed to addressing risks from substances wherever they are identified through a comprehensive, open and transparent approach and through cooperation with other governments and all stakeholders. We will continue to work with all of our partners to ensure that Canada is at the forefront of international chemicals management and that Canadians and the environment are protected.

[*Translation*]

Hon. Robert Thibault (West Nova, Lib.): Mr. Speaker, it is a pleasure for me to participate in the debate on this bill.

First of all, I would like to congratulate the member for Skeena—Bulkley Valley for bringing this matter to the attention of the House. I would also like to thank the member for Niagara Falls for explaining the government's activities in this regard and how he sees the matter unfolding.

● (1755)

[*English*]

Ordinarily I might not be predisposed to support a private member's bill of this nature because there is a governmental process and regulatory process to deal with these issues. The member from Niagara illustrated that process quite well. The member will understand, as I am sure the member for Skeena—Bulkley Valley understands, that there are frustrations with the process. Quite often the speed at which it goes forward is not satisfactory to Canadians. It is sometimes good that a member brings forward a bill like this one. For that reason, I will be supporting this bill.

It is important that the bill go forward to committee for refinement. At that time the government will have a chance to make a presentation in the committee and if it has had a chance to advance the markers far enough, then the member may be convinced to withdraw his bill if the markers are brought forward in a way that meets these commitments.

It seems to me that when we are talking about the health of infants and when there is enough evidence to show that there is a substantial risk to infants, then we have to advance quickly. The Canadian Environmental Protection Act foresees this, but it does not prevent our doing it in the manner that has been brought forward, that it be done a little bit in advance.

As was mentioned, BBP would be banned from children's toys and anything meant for use in children's mouths. DBP would be banned from children's toys and again anything meant for use in children's mouths, and from cosmetics. DEHP would be banned from children's toys, anything meant for use in children's mouths, cosmetics and medical devices other than blood bags.

In all cases I believe there are alternate products that can be used, which should be explored as is being done in other jurisdictions. It is a bit disappointing that Canada would be behind the others. It puts us at additional risk. As these products are being replaced in the market, if we do not have the legislative or regulatory framework to advance the markers in Canada, we will probably be the last ones receiving this excess production of these chemicals. They will continue to be used in Canada while alternatives are used in other markets.

The coming into force of the ban is not quite what I would have liked. I would have liked it to be better than a year after the bill goes through the House. Again, there is a regulatory framework within Canada that has to be dealt with. Hopefully at committee some improvements can be made.

Generally speaking, when commercial enterprises in this country realize what Canada is doing, what the Government of Canada wants to advance and what Parliament is suggesting, quite often we can get some cooperation. I certainly would hope that we see cooperation from the market on this point and that products which are intended for use by children and infants and which contain these chemicals would be pulled back.

There is a lot more that the government could do to assist. How can parents be expected to know about all this? I have seen initiatives that have been cut by the government that could have helped.

We had the child care program. I visited a day care in the town of Yarmouth that was looking forward to the child care program which had been signed with the province of Nova Scotia. It would have been able to expand on its parent education programs. That day care could advance these types of things with parents and work with the communities. Unfortunately that was not passed. Five billion dollars were removed and another $6 billion for the anticipated years. Hopefully that will be brought back.

What are phthalates? They are used in many plastics to help make them softer and more pliable. Many are used in cosmetics to add lustre and texture. They are also used in fragrances to preserve the scent. In some cosmetics the concentration of phthalates is as much as 20% of the weight. Every year 4.5 million tonnes of phthalates are used worldwide.

Phthalates have no chemical bond to the products to which they are added, so they often leak out, or off-gas, as has been said. The new car smell, the smell of a new shower curtain or the scent of new plastic is undoubtedly largely comprised of phthalates.

If we look at plastics being more pliable, different scents and lustre in cosmetics, we will see, I think, that civilization does not depend on the continued use of these chemicals. Somehow civilization will find a way to get through without them. If there is any sense of risk, I think they should be removed from the market.

More importantly, phthalates are bioaccumulative and not water soluble. They persist in the fatty tissues of animals and humans, so the more contact infants, individuals or animals have with these products, the more this builds up in their systems. We might remember mercury as being another product that did that. We easily understand the dangers of mercury. This is similar.

Links have been made between BBP, DPB and DEHP and certain reproductive and developmental disorders such as abnormal reproductive development in infant boys and links to other health defects such as child allergies, premature births, damaged sperm, genital defects and testicular cancer. In animal tests, exposure caused reduced fertility, testicular atrophy, spontaneous abortions, birth defects and damage to kidneys and liver.

If we think of more pliable plastics, lustre in cosmetics and having a little more scent around and compare that to the lifelong risks, beginning at birth and early childhood and continuing on, I think it is quite easy to decide what we should be doing.

There are alternatives, as I mentioned. The corporation BASF has already excluded DEHP from production in Europe and has replaced it with safer alternatives. Why not Canada?

Companies like Reilly Industries and Velsicol produce alternative plasticizers that are safer and better performing. The alternatives work at lower temperatures and lower concentrations.

Some cosmetics companies have already started to phase out use in response to the phthalate ban in Europe. Again, why not Canada?

Argentina, Fiji, Finland, Japan and Mexico have banned this group of chemicals from children's toys. Again, why not Canada?

If we look at the act, as was mentioned by the member from Niagara, we see that the Canadian Environmental Protection Act, 1999, is an act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development.

Government is committed to the implementation of the precautionary principle and this is what it says in this act:

> —where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation....

If we look at bioaccumulation in the fatty tissues of infants and the risk of developmental problems in infants and later in adults, the risk to health is quite easy to see.

We should be taking effective measures to prevent environmental degradation.

The act is reviewed every five years. Two committees of Parliament are now apprised of the act: the House of Commons Standing Committee on Environment and Sustainable Development and the Senate Standing Committee on Energy, the Environment and Natural Resources. However, we should not consider that just because the act is already under review, and probably other substances will be considered, we cannot act on these substances. We have enough knowledge to bring it forward, to bring it to committee, to have expert witnesses appear, to make modifications if they are required and thus protect our children and our environment.

When the member for Don Valley West spoke in the House, he mentioned that the addition of toxic substances such as the three phthalates is not something that requires us to wait for a CEPA review. Since 1999, we have added various substances to the list on a fairly regular basis and nothing precludes us from doing the same now. Environment Canada and Health Canada carried out assessments on these three phthalates between 1994 and 2000, so there should be a lot of knowledge about this.

My time is running short, but I think that if we look at what has happened internationally, it is quite easy for us to see that we should be doing the same in Canada. It is the minimum we should be doing.

● (1800)

There are many other products like this in our environment, such as linoleum, where children play, where we live every day. Many plastics products include these chemicals that surround us. As a start, the very minimum we should do is get this away from infants. Then, through the Environmental Protection Act, we can make sure that we remove these chemicals from circulation generally if that is what is needed and would improve our environment.

We know that there are alternatives out there and we know they are effective. They perform better. They are not more expensive. The more their production is in demand, the more there will be and the better they will be used. I am pleased to support the bill. I congratulate the member for bringing it forward.

● (1805)

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, it is with great pleasure that I have listened to the debate this evening. Canadians watching and members of Parliament listening in on the debate will wonder why so specific a private member's bill has come up, a bill so specific in its target. Why go after these three chemicals in particular?

We believe that this goes to the very heart of the debate on chemicals in our society and government's responsibility to attempt to protect those citizens we represent. The evidence is conclusive on the effects, as listed tonight, that some of these chemicals have on Canadians and in particular young Canadians, those who certainly cannot make the choices for themselves, small infants and even babies.

The effects and risks posed by these chemicals far outweigh any potential benefit we can see in having these chemicals in our society. What also goes to the heart of the matter is the way in which the burden of proof is on governments or citizens at large to somehow prove a chemical unsafe, rather than on the companies that have introduced those chemicals into our society to prove the safety occurs in the chemicals themselves, to prove that these are safe products to put on the market. These chemicals are certainly put in products for those who are most at risk in our society, those who have the least amount of power, children in particular.

The debate also calls into question the very fundamental nature of the one act, the most important one, that we are now dealing with in Parliament with respect to the environment, the Canadian Environmental Protection Act. The government has made claims, as have previous governments, that the act is strong enough to protect Canadians' health, that the act is well placed to keep those harmful substances away and well regarded in the international community. Yet when we look at it, there is a particular list, a list that calls for chemicals to be virtually eliminated. It is a list of banned substances. When we look over the entire life of the act and the use of the list, we see that there is not one single chemical that has made it onto the list all the way through the many hoops and processes that are in place.

Of all the toxins that exist in our society in the manufacturing and chemical sectors, not one single toxic material has been placed on the virtual elimination list in all the years that it has existed. Clearly, in this system, while the CEPA tools and components are there, governments have refused to act with the courage and conviction to actually use those tools effectively.

This bill changes that story. Based on the precautionary principle, which is used around the world and has not been properly adopted in Canada to this point, it suggests for the first time that the burden of proof must be on those who are introducing the chemical and that if there are risks, even though the science is not 100% complete, then the precautionary principle states that citizens should not incur those risks. Clearly, citizens cannot go out and do the research to understand all the thousands of chemicals that are in our society and have a full and comprehensive understanding of what the effects may or may not be on their lives.

That is the responsibility of this place. It is the responsibility of government and the people working on behalf of government to keep Canadians safe, to keep those harmful elements away from us, particularly when they are of such a complicated nature like these chemicals.

A lot of people will say that we need 100% proof, that we need to have complete and conclusive science not to be refuted in any way. This very much reminds me and other Canadians of the debate around smoking. For years upon years, the smoking industry said it had scientists and health officials who said it was okay to smoke. For years and years, governments delayed and stalled, but finally they took courage and acted.

What we know is that the onus must be placed upon those introducing the chemicals to Canadians. What we know is that the responsibility of parliamentarians, if nothing else, is to try to protect the health of Canadians. We look forward to the full study and the speedy passage of this act to finally change the story, to finally give Canadians the assurance that the people they elect and send into this place are defending their interests and defending the health of all Canadians.

● (1810)

The Acting Speaker (Mr. Andrew Scheer): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Andrew Scheer): The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

An hon. member: On division.

The Acting Speaker (Mr. Andrew Scheer): I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Environment and Sustainable Development.

(Motion agreed to, bill read the second time and referred to a committee)

Mr. Rick Casson: Mr. Speaker, I believe if you seek it you would find unanimous consent to see the clock as 6:30.

The Acting Speaker (Mr. Andrew Scheer): Is that agreed?

Some hon. members: Agreed.

ROUTINE PROCEEDINGS

[*English*]

COMMITTEES OF THE HOUSE

AGRICULTURE AND AGRI-FOOD

The House resumed from October 18 consideration of the motion.

The Acting Speaker (Mr. Andrew Scheer): The hon. member for Winnipeg South Centre has four minutes left for her speech.

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, I am pleased to have this last few minutes to speak about the importance of the Canadian Wheat Board, what it means in Manitoba and what it means to Canadians.

I am going to very quickly touch on three main points. My colleagues have spoken on a number of them. I want to talk about the tainted task force report. I want to talk about the Canadian Wheat Board II that is proposed and its difficulties against the giant American companies. I want to touch on the loss of the Canadian Wheat Board and the impact it will have on my home city of Winnipeg, which is significant.

I want to say that the tainted Migie task force is totally lacking in two key areas. There was no information on who was consulted. We know that producers were not. We know that academic experts on grain economics were not. We know that provincial agricultural ministers were not. We know there were no public meetings. We know there was no list of submissions. We know there was no input except from those the government wanted to hear.

There was no discussion in the report about the economic advantages of destroying the Canadian Wheat Board. There is no economic analysis of any sort. There is even no argument presenting the economic advantage of dual marketing versus single desk. Why?

The task force report states that hopper car assets, the building on Main Street in Winnipeg and a contingency fund will be transitioned to the new Canadian Wheat Board II. This package is worth approximately $109 million.

The international grain trade, as we all know, is dominated by five very large players. Cargill, Archer-Daniels-Midlands, Bunge, Louis Dreyfus and ConAgra simply dwarf the Canadian Wheat Board.

For example, Archer-Daniels-Midland's net earnings for the quarter just ended equalled $403 million, $292.3 million more than the assets that the Canadian Wheat Board would receive. ADM has assets of $16.3 billion. How the tainted task force members and my colleagues opposite think that the new Canadian Wheat Board II could compete against such a giant is clearly flawed logic, exactly like the report states.

Archer-Daniels-Midland has a board director named Brian Mulroney, the former prime minister of Canada. What a convenience to the current Prime Minister.

The Americans have tried for years through the WTO to eliminate CWB single desk marketing. It is what they want. It was reported in *Inside U.S. Trade* magazine that "the timeline is not crucial to U.S. producers, so long as Canada eliminates the monopoly powers".

The loss to Winnipeg is significant: 2,200 jobs in Winnipeg, 460 jobs at the Wheat Board, more than $66 million in wages and salaries, and a gross provincial income impact of $86 million.

We need a plebiscite.

In this House we speak of laws every day. We speak of new laws and of upholding laws already in existence. The Canadian Wheat Board Act is the law when it comes to grain farmers.

What we need is this: that the farmers will decide, that there will be a plebiscite held with a clear question, and that we will all abide by a democratically arrived at decision by the farmers. The provisions of the Wheat Board provide this mechanism that will settle the debate. It is incumbent upon us as legislators to honour the law of this land.

● (1815)

Hon. Raymond Simard (Saint Boniface, Lib.): Mr. Speaker, it is a pleasure to rise today to speak on my hon. colleague's motion, which would ensure a plebiscite was held by farmers on whether they support the single desk selling of the Canadian Wheat Board. However, like many Manitobans, I am extremely concerned with the Conservatives' objective of destroying the Canadian Wheat Board for purely political reasons.

I am receiving a lot of calls from people in Winnipeg who realize the importance of this institution to the province of Manitoba. It is important to speak about the Wheat Board and the critical role it plays in western Canada.

The Canadian Wheat Board has been in existence since 1935. It is the largest single seller of wheat and barley in the world. It sells to customers in more than 70 countries. Annual sales revenues average $4 billion and an independent study has indicated that the Wheat Board nets an additional $265 million per year for producers in western Canada.

In 1998 the government changed the structure of the Wheat Board and put in place a board of directors composed of 10 members elected by the producers themselves and five members appointed by the federal government. The reason I say this is because it is important to note once again that this is a democratic organization run by western producers and recent polling has actually indicated that the Canadian Wheat Board is supported by 73% of western farmers. It is respected worldwide as a premier institution in the sale of wheat and barley.

The new Prime Minister and the Minister of Agriculture and Agri-Food want to essentially gut the Wheat Board and do away with this essential tool. I do not think anyone on this side of the House is surprised by this. The new government, as it likes to call itself, has not exactly been a model of democracy over the last eight months. We have seen it in the muzzling of not only its members of Parliament but also of the civil service. Civil servants are being intimidated into not cooperating with members of Parliament. I have never seen anything like this. I have never experienced this in my four and a half years here in the House of Commons.

I am beginning to understand why the PMO is now being called the Kremlin. Not only are the Conservatives prepared to act on bringing in a dual marketing system without a plebiscite as required by law, but they are also now selectively removing 16,000 names from the voters list in an effort to determine who will be able to vote in the next board of directors election.

The anti-democratic way the Conservatives are going about destroying the Wheat Board is one thing, but they also have to consider the economic impact. My colleague has just mentioned the incredible economic impact it will have on the city of Winnipeg if we include the Wheat Board itself and all the spinoff industries, the Cargills and the other organizations that are set up in Winnipeg because of the Wheat Board.

I can assure everyone that the Liberals are not the only ones saying this. The premier of Manitoba, Gary Doer, has stated publicly that "destroying the Wheat Board would have a major economic impact on Manitoba". What bothers me is that the Conservative MPs from Manitoba know all this. They know their constituents are furious with the Conservatives over this. They know the economic impact to Winnipeg and Manitoba will be devastating. They know the Wheat Board works well for farmers. The proof is when the local Winnipeg media tries to contact them to defend their government's position, they are nowhere to be found. It is obvious the gag order is on once again, just like for every other issue the Conservatives have brought forward.

The only member of the Conservative Party who has stood up for his constituents is the member for Dauphin—Swan River—Marquette. He has publicly stated that he will support the Wheat Board because his constituents have made it clear where they stand.

If the Conservative MPs from Manitoba and the prairie provinces are so convinced that their constituents would agree with doing away with the Wheat Board, why not allow these same people to vote on it? It is a simple question. Allow the farmers to vote on this issue and we will all live with the outcome of such a plebiscite, but it has to be done fairly. The list of farmers cannot be manipulated prior to an election or a plebiscite. There also has to be a clear question.

The Conservative party members talk about transparency and we have seen nothing but back door ways of obtaining their objective of shutting down the Wheat Board. I can only hope that at one point the Conservatives' obligation to their constituents will outweigh their obligation to their leader.

It is important to note as well that numerous producers who have traditionally supported the Conservatives and never thought their party would go through with this are now saying that they will never vote for the party again and that is a very strong message. It is more than that. There is a more cynical plot behind this. This is seen by many as the first step in dismantling Canada's vaunted supply management structure. I am being contacted by groups in Manitoba that have absolutely no link to the Wheat Board that are terrified with what the Conservatives are doing.

● (1820)

The milk producers for one feel that if the Conservatives can do away with an institution that has worked as well as the Wheat Board, why would they not attack supply management next? We all know supply management has served its members extremely well and it has been a thorn in the side of our American neighbours. I guess it begs the question, whose interests are the Conservatives protecting here?

Yesterday the Minister of Agriculture tabled his task force report and I put the onus on "his". This is a task force appointed by the minister with a very specific objective: the dismantling of the Canadian Wheat Board.

The report's recommendations were a foregone conclusion and let me say that the reaction has been harsh. Stewart Wells, President of the National Farmers Union, said of the report:

> Buried in the platitudes is the underlying theme of absolute government control of the Canadian Wheat Board.

Mr. Wells also said:

> It is significant that the task force report was first unveiled not to western Canadian farmers or even to the Canadian public, but to a large U.S. business publication *Inside U.S. Trade*. That should provide some indication of whose interests are being served with this report.

David Rolfe, President of the Keystone Agricultural Producers, had a similar reaction to this report and the negative impact it will have on farmers. He said, "This report is a fraud. It's a cover-up for something this government was planning on doing for a very long time. It doesn't speak to any economic reasons why you should dismantle the Wheat Board. It doesn't recommend a vote by farmers as required by law. It doesn't address the true consequences of introducing a dual marketing system. The fix was in and we got exactly what we anticipated".

This has to be stopped. The producers are the ones who should be deciding on how their crops are marketed. Why would this new government that apparently believes in transparency and accountability not allow this democratic process to proceed? What is it afraid of?

If the government has such a good pulse on the wishes of producers, as it claims, then it has nothing to worry about. The reality is different. We can look at the recent cuts the Conservatives have made to many programs to our most vulnerable people and the enormous backlash they are facing.

In fact, the government is showing that it is totally disconnected with the Canadian mainstream and its right wing ideology is not selling at all, so it must be forced down people's throats. It is wrong. It is undemocratic and producers, who the Conservatives have always taken for granted, will remind them of this in the next election.

● (1825)

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, my colleague has talked somewhat about the impacts in Manitoba. Would he elaborate for members of the House on the very serious impact that a dual marketing system would have on the port of Churchill and how important the port of Churchill is to the economy of the north and to Manitoba?

Hon. Raymond Simard: Mr. Speaker, our colleague from Churchill has been in the House debating this question as well. She has indicated very clearly the impact that Churchill will face.

The mayor of Churchill, Mr. Spence, has also come out publicly indicating that it would devastate the town and there is absolutely no doubt about it. It is not only the town, but also all these small towns along the railway line would be affected by this decision.

As members may know, people feel that the port of Churchill, in the next five or 10 years, may play a much greater role in moving wheat and barley across the world. There is no doubt that this will obviously have a devastating impact on the town of Churchill, the port of Churchill, and also all the small communities along the way to the north.

[*Translation*]

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): Mr. Speaker, I would like to ask my colleague from Manitoba a question.

He often uses the term "right wing ideology". I would like to point out to him that in my province, Quebec, we suffer from Liberal party policies that are on the extreme left.

In 1968-1969, led by the then honourable prime minister, you recognized China, a country which is currently closing down companies in the province of Quebec. There was no plebiscite and you never asked for permission.

My question for my colleague from Manitoba is as follows. When Manitoba is involved, all is well and good. However, when the province of Quebec is starving because you recognized China, which is competing fiercely with us right now, that does not bother you. I would like your comments on this.

[*English*]

The Acting Speaker (Mr. Andrew Scheer): I remind the hon. member for Charlesbourg—Haute-Saint-Charles to address questions and comments through the Chair.

The hon. member for Saint Boniface.

[*Translation*]

Hon. Raymond Simard: Mr. Speaker, I thank my colleague for his question.

In a way, he is quite right. I have always wondered how the Quebec Conservatives, who are usually a little more to the left, could be part of a party like the one we see today. I sit on the committee with my dear colleague and I find that he is a very reasonable person. I am surprised that he can fall in with a right-leaning party as we see him doing today.

We are not talking about a progressive conservative party, we are talking about something totally different. We are talking about a party that sets aside democracy at every opportunity. If we are truly convinced that an open market is the solution, why not ask the producers? That is what surprises me. If the people on that side of the House are so convinced that the market will work, then quite simply let us ask farmers the question—we will be prepared to live with the answer.

[*English*]

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Speaker, the Conservatives seem to have a propensity these days of manufacturing a crisis in order to bring in their own policies to fix that manufactured crisis. I speak of my experience in Ontario from 1995 to 2003 when Mike Harris was the premier and a number of his ministers, one in particular, Mr. Snobelen, was heard to say that if one wanted change, one manufactured a crisis and then brought in the change to respond to that manufactured crisis.

I just want to ask the hon. member for Saint Boniface whether there is a crisis in the west where grain and wheat are concerned. Will doing away with the Wheat Board somehow fix the problem or is this just another manufactured crisis?

I was here the other night speaking to this issue and members around me from Saskatchewan and western Canada suggested that I really had no place speaking about something that I lived so far away from. I told them that my concern was, as you said in your speech, first the Wheat Board, then supply management and what would be next. As you are closer to the situation, is there a crisis that this is responding to?

● (1830)

The Acting Speaker (Mr. Andrew Scheer): I would just remind the hon. member for Sault Ste. Marie to address his questions and comments through the Chair.

Hon. Raymond Simard: Mr. Speaker, it is important for people from eastern Canada to discuss this issue as well. This is not just a western Canada issue. Obviously, people in western Canada are affected the most by it, but I have had some people from Quebec calling me because they are concerned about supply management.

The Wheat Board has been doing extremely well. The latest reports indicate that farmers have really benefited from the Wheat Board. It is absolutely impossible for the government to manufacture a crisis on this. Every report seems to tell us that farmers are doing better with the Wheat Board than without it. Obviously, the government will not be able to manufacture a crisis in this case.

I appreciate the question because it is important. I do not think members on this side of the House should be muzzling other members who are interested in knowing what is going on in western Canada with the Wheat Board.

Mr. Rick Casson (Lethbridge, CPC): Mr. Speaker, I am pleased to address the government's vision for the future of the Canadian Wheat Board because the future of the Canadian Wheat Board will be bright.

To speak to the motion before, we fully realize that farmers want input on this issue before any changes to the Canadian Wheat Board are made. We are committed to moving forward in an orderly and transparent manner.

There should be no surprises and no hidden agenda. We will be clear and up front with Canadians about our commitment to marketing choice for western Canadian wheat and barley growers.

We were clear and up front with the sector about our commitment to consult and to listen. On July 27 we held a round table discussion in Saskatchewan with a cross section of western Canadian farmers and stakeholder organizations that support marketing choice. Some good ideas came out of that exercise, including the recommendation to launch a task force to explore transitional and structural issues.

We went ahead on that and yesterday the minister was pleased to release the findings of that task force report. The report recommends a four stage transition from a Canadian Wheat Board with monopoly powers to a marketing choice environment, preparing for change, forming a new Canadian Wheat Board and launching the new Canadian Wheat Board with transition measures and post-transition.

We are very appreciative of the work of the task force. It did a lot of hard work on a short time line. We will be examining the report in detail and we would like to consult on the ideas the task force has put forward.

As part of that consultation, an hour ago the minister announced that a plebiscite on barley will be held in the new year. The government considers that this plebiscite will form part of the ongoing consultation with producers on the issue. The plebiscite will be on barley only.

We think farmers are ready to make a decision on the barley side. It will have a wide voter base and be founded on a clear question. This is in line with provisions in the Canadian Wheat Board Act which requires that the voting process be determined by the minister.

The minister will wait until the beginning of the plebiscite period before he will announce the voter's list and the exact question or questions which will be put on the ballot. Until then, he welcomes and we all welcome the input of farmers and farm groups on what these questions should be. The minister also wants to engage in a more general consultation about the ideas from the task force or others on how a voluntary Canadian Wheat Board can be a viable player in a marketing choice environment.

When we cut through the rhetoric and the noise that we hear constantly around the wheat board issue, what we are really talking about is opportunity. Opportunity is what brought people to Canada and it is what continues to draw them today. Opportunity is what settled the west and made it the agricultural powerhouse it is today. Opportunity is what will carry the Canadian agriculture and agrifood sector into the future.

On January 23 of this year, Canadians voted for change and Canadian farmers voted for change. We campaigned on the promise to create new opportunities for Canadian farmers. What is our rationale for that change?

First, the government intends to do the things we promised to do. People voted for change and that is what will be delivered.

Second, producers tells us that the current system is suffocating innovation and stifling entrepreneurship. Farmers are independent-minded, which is why they have chosen the path they are on. They are entrepreneurial business people. They want to call their own shots on when to plant, when to harvest and how to market.

Canadian agricultural producers want and need opportunity. Like their forebears who first broke the prairie ground, they want the opportunity to succeed and the freedom to make their own choices on how they produce and market their crops. They do not think they should be criminalized for that, as they have been in the past.

In the face of a long term decline in bulk commodity prices, farmers want the opportunity to add value to their crops and capture more profits beyond the farm gate. They take all the risk and they make all the investment. They deserve to have the opportunity to seek out the best possible return for their product, just as they would with canola, pulse crops, apples or hogs or a number of any other farm products raised in Canada. For most of the past seven decades, western Canadian wheat and barley growers have not had that choice.

● (1835)

The Canadian Wheat Board monopoly on wheat and barely was imposed by the Parliament due to a variety of different dynamics. The system was essentially designed to collect the grain produced by thousands of small farmers at small country elevators, market it around the world as a uniform commodity on the basis of grade standards and divide the returns from this process among all the producers who contributed the grain.

Today, those dynamics have changed and our approaches and structures need to change with them.

The idea of selling a uniform commodity made much more sense in the days when a few countries dominated the grain export market and large quasi-government buyers negotiated long term supply contracts on a national level.

Today, there are numerous new or growing exporters in South America, the former Soviet Union and Australia.

The buy side of the market, too, has moved away from the commodity procurement model of the past toward a situation in which a large number of mainly private buyers select a range of quality attributes for particular market segments. Due to low cost competition, the commodity end of the market is under relentless pricing pressure.

We must make no mistake. Farmers do see a future in grain. However, they are looking for new, value added revenue streams and greater marketing flexibility. No longer are Canadian producers the proverbial hewers of wood and drawers of water. Over the last 15 years, there has been a paradigm shift. We are seeing the advent of the value added side of agriculture, the agrifood side, and it is doing very well. It has seen huge increases. It is controlling the vast majority of the exports and domestic use in this country now.

Currently, by law, western Canadian wheat and barley growers are fenced off from that business. They are prevented from having the same rights as every other producer in the country about where to sell their product, starting a pasta plant, for instance, or a value-added organic grain business, or supplying high yield low protein wheat to ethanol plants in the U.S.

Those are only examples. Every producer and every situation is unique. The best person to decide the best production and marketing options for their farms is the person who makes the decisions, takes the risk and lives with the consequences. We want to level the playing field and give western Canadian grain producers the same rights and opportunities that other farmers in Canada have.

To those who want to continue to restrict western grain producers from having the same rights as others, I ask them to show me solid proof that such a ban is actually paying benefits for them. I have yet to see any.

Our vision for the Canadian Wheat Board is a strong, voluntary and profitable wheat board, one that can offer farmers a viable but not an exclusive marketing choice.

There are some out there who would say that we should get rid of the Wheat Board but I am not one of them and neither is our government. We want to have a wheat board but we want it to be in a marketing choice world.

We see a bright future for a strong, viable and voluntary wheat board for those who choose to pool together and use its services. Western Canadian wheat and barley farmers have a world-class product. They will now be given the opportunity to use their savvy, market intelligence and initiative to maximize their returns. If they choose, they will still be able to sell to the Canadian Wheat Board.

Even farmers who strongly criticize the current federal government imposed monopoly have said that the Canadian Wheat Board needs the opportunity to succeed in a commercial environment and to be a viable, ongoing marketing option for producers. I see no reason why the board cannot continue to function and be a strong force in the international grain market.

To conclude, change is never easy, especially change of this magnitude. There will be adjustment and transition but I am convinced that at the end of the day the sector will be stronger and more viable with marketing choice than without.

I started out talking about opportunity. Despite the negativity that is out there, we see a bright future for the Canadian Wheat Board if things are structured properly and in a way to meet producers' needs.

What must drive everything we do is meeting producers' needs. This is why we, as government, are moving forward on better business risk management programming, on biofuels, on restoring beef trade, on science and innovation and on a number of other critical issues where action has been long overdue. It is why we allocated $1.5 billion to this sector in this year's budget, three times our original commitment. It is also why we are moving forward on marketing choice for our producers.

● (1840)

The grain industry is of vital importance to Canada's economy and it is a proud part of our natural history. The government intends to serve it well and it intends to act in a way that provides the best chance to earn a living for these proud men and women who toil in the fields so all Canadians can enjoy the fruits of their labours.

Hon. Raymond Simard (Saint Boniface, Lib.): Mr. Speaker, I apologize because earlier on, when I was speaking to this, I was speaking mostly from Manitoba. I know you are from Saskatchewan. If you were not neutral, if you could speak on this, I am sure you would probably support everything I have said, but obviously you cannot do that.

One of the things my hon. colleague has mentioned is that the dual system will provide options and choice to farmers. Every expert, who has spoken on this lately, has indicated very clearly that if the current Wheat Board loses its monopoly and leverage to sell on the world stage, it will disappear. Could my colleague expand on that?

Second, why would the Conservatives not ask farmers the question? Why not put it to them? What is so wrong with the democratic process of asking them the question? Let them decide on their futures.

Mr. Rick Casson: Mr. Speaker, the member opposite should be brought up to speed. A few hours ago the Minister of Agriculture announced that there would be a plebiscite on barley. We are going to go to the farmers and asking them what they want to do.

Furthermore, it is interesting that this is called the Canadian Wheat Board, but it applies only to three provinces and the Peace River district of B.C. It is the western Canadian Wheat Board. It restricts western Canadian farmers.

Over the last number of years of dealing with the Canadian Wheat Board issue, one of the things that has stopped innovation and value added industry from starting, is the Wheat Board's buyback. To start a pasta plant that takes durum and turns it into a product, the durum has to be sold to the board and bought back, adding a cost to that product.

We are not saying that the Wheat Board does not have a place in all of this, but we could take away that monopoly. It is a move that we will put to the producers in a plebiscite, as has been asked for day after day in the House. One would think the members opposite would be rejoicing that the government is doing this because they have been asking for it. If we are truly going to move into the next century and if we are going to allow our producers the freedom and the ability to maximize their returns, then we have to move in this direction.

I do not consider myself a farmer. I have some farmland. This year I grew malt barley and it managed to make the grade. If I want to sell that barley for malt, I have to move it through the Canadian Wheat Board. I have no option.

There are options out there for producers. The bottom line is trying to maximize returns on investments. Land prices and input costs are going up. Producers need to have the freedom to maximize what they get back in their pockets. Giving them the tools to do that is what this is all about.

The member opposite says to go to a plebiscite. We are doing that.

Hon. Raymond Simard: On barley.

Mr. Rick Casson: On barley, of course, but we are taking one step at a time. When we take the monopoly off barley, it will become very clear in a very short period of time that this is the right thing to do. We will see a value added industry. We will also see a higher return to the producer.

If we put that in with the other initiatives the government has come up with in the short period we have been in government, the biofuel initiative will absolutely be a critical part as we move forward from this point. All the other things that we have done to help the producers maximize their returns and to keep them on the land is absolutely critical, and this is a big part of the puzzle as we move forward.

● (1845)

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Speaker, I listened intently to the speech by the member. He said Canadians voted for change. Yes, they did, because they were unhappy with the Liberals, but they did not give the Conservatives a majority government. They gave them a minority, which means they are supposed to work with all of us around the House. To come in with such a unilateral aggressive move where the Wheat Board is concerned does not portray that at all.

The hon. member referred to a meeting of July 27 in Saskatoon. I was in Saskatoon that day at another meeting across the road with about 250 farmers, leaders of farm organizations from across the country. They were not invited to that meeting. Why?

The hon. member also said that there would be a plebiscite on barley. Then he went on to say that the government would wait until just before the vote to share information on the question in that plebiscite, how the voting process would take place and who would be allowed to vote. Why not be open and free and sharing with the farmers about the question, how that vote will happen and who can vote? What is it about democracy that frightens the Conservatives so?

Why were folks across the road not invited, the 250 farmers and the farm leaders, to the meeting in Saskatoon on July 27? Why will the Conservatives not just have a plebiscite like all plebiscites happen? Let us have the question. Tell us what the process will be and who can vote.

Mr. Rick Casson: Mr. Speaker, the issue is it will be an open process. The first step was announced today. There will be a plebiscite. The consultations will continue. We are hoping there will be input from all parties on the wording of the question and the process that plebiscite will take.

Right now we are at the start of an election process for the elected members of the board. Does the hon. member want us to become involved in that? I do not think so. Let us wait until that transpires.

The member has mentioned the fact that this is a minority government and not a majority government. The government has moved forward on many issues as a minority government, working with all parties, moving ahead. Our budget went through. We have bills that have gone through the House. The federal accountability act, the most sweeping legislation to come through government in the history of the country, is languishing in the Senate. We have done an awful lot.

On the issue of majority, I invite the member to look at the rural ridings in western Canada on the electoral map to see who is representing them. It is members of this government. We campaigned on the issue of dual marketing and marketing choice. The people in the rural areas responded. They want to see some change. They have seen declining returns for years and they want the tools put into their hands so they can turn that around. Today's announcement on the plebiscite on barley was the first step to get that done.

● (1850)

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, I am quite excited that we are holding a plebiscite on barley and that we are moving ahead in listening to producers. This is what we stand for as a party. Part of our platform was that we would move ahead on choice. We also said that part of our policy was we believed in consultation with producers, and a plebiscite is the best way to do that.

I am not at all interested to hear the rhetoric from the opposition parties on this. The only opinion that counts is that of grain growers. That is the exact feedback we will get through a plebiscite.

I am a farmer in my rural riding. There are producers on both sides of this issue. This is a divisive issue, but they want to know which direction we are taking. We will move ahead on the issue of barley and all things will come about in time. Right now we know that producers for some time have considered whether having barley on the Wheat Board is worthwhile. It is a rather small crop that has been marketed by the Wheat Board, so let us go forward on that side of it.

I want to have a little more input from my hon. colleague, another farmer as well in Lethbridge. I want to hear the thoughts of the producers in his area, which I know are very strong for choice.

Mr. Rick Casson: Mr. Speaker, I and many members of Parliament have been getting 50 to 100 letters from farmers every night on our fax machines The balance is kind of interesting. I have had three or four from my riding who are strong Wheat Board supporters and support its monopoly.

The rest of the farmers are looking for some help. They appreciate what the government is doing to help them, but they want to help themselves. They want to maximize their own returns and to do that we have to give them the tools they need.

People all across the country were clamouring for a plebiscite and our government is delivering. There will be one. In a very short period of time we are going to see a change to the agricultural community in our country, particularly to our grain and oilseed producers.

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Speaker, I appreciate the opportunity to speak to this very important issue.

There is an axiom that many of us in public life should remember: if we cannot be helpful, at the very least, we should do no harm. I would suggest that in this instance the government would want to be really careful because it is walking a fine line.

I have heard from farmers in my own area. On July 27 I was at a meeting in Saskatoon where some 250 farmers from Manitoba, Saskatchewan and Alberta gathered in a room. If what I heard from the farmer leadership that day is any indication of what the government will do over the next number of months as it does away with the Wheat Board, it is going to do great harm to the farmers across this country.

The farmers in my own area understand that when the Wheat Board goes, the next target could very well be supply management. They have gone through some very difficult times over the last number of months and years in the beef and dairy industries. They know that supply management is the only thing that saved a number of farmers.

When they speak to me or when there are public gatherings, there is always a very strong message to government and to those of us who represent the farmers and speak on their behalf to government that we must protect the instruments that have been put in place by the farmers themselves over a number of years to protect themselves. This is especially so in this global economy in which we find ourselves. When product can be moved so easily from one country to the next, competitiveness becomes very important and we have to have some advantages. The farmers look at countries around the world that provide subsidies to their farmers, such as just across the border in the United States. We do not do that for our farmers but they have to compete against that.

The only vehicles that are unique to our country are supply management and the Wheat Board. The farmers are very concerned that if that is taken away and they end up having to compete in this world where huge subsidies are being given to farmers across the continent, they will be even worse off than they are now. Indeed many of them are struggling now.

I say to the Conservatives who are here tonight and to others that if they are going to do this, at the very least they should respect the democratic principles upon which this country is based and which we use so often to solve issues such as this one when there is a difference of opinion. They should respect the democratic processes.

The member who spoke before me said that the Conservatives are going to have a plebiscite on barley. He then went on to say that they are going to consult some more, but they are not sure with whom. We know whom they consulted with to arrive at the report they tabled today. We know whom they consulted with in Saskatoon on July 27 of this year. They consulted with their friends in the corporate sector who want to get rid of the Wheat Board because it gets in the way of their reaping even more profits at the expense of the farmers.

They will consult with those they think will give them the answers they are looking for, and that is a problem. They have done that up until now to arrive at the report that was tabled today. I suggest that as they move forward with this plebiscite on barley the process that the member spoke of should be the same. He said they will not announce until just before the plebiscite what the question will be, what the process for the election itself will be, and who will vote.

That brings me to my next question for the government. It is a warning to everybody and the government again about democracy concerning this issue and the election of the Wheat Board. We know they have summarily decided through an edict, an order in council driven by the Prime Minister that unilaterally 16,000 farmers cannot vote for the Wheat Board. How democratic is that? What is it that the government is afraid of where the democratic process is concerned?

● (1855)

When I was an MPP in Ontario, I heard the Conservatives at that time as they drove their agenda, and I mean drove their agenda, in 1995 until 2003. They said they did not need to consult with anybody because they had consulted in the election. There is consultation in an election in a very superficial way, in a brief and busy way, but there is no in-depth consultation or effort to figure out the pros and cons. As I said, try as much as one can, if one is not going to help, then do no harm while moving forward.

The member who spoke before me said that the people of Canada voted for change. Yes, they did. They voted to change the government that we had; they were not happy with the Liberals because of all of the shenanigans that they were reading about. But Canadians voted for a minority government, a government they thought would be thoughtful, process oriented and willing to sit down and work with others to move things forward, such as the evolution of the Wheat Board.

When I was in Saskatoon on July 27 I heard the farmers and the farm leadership say that they were not against the evolution of the Wheat Board. They knew there were some shortcomings and that they had to get into the day that they were in, make change, listen to farmers and respond to the concerns that the farmers were bringing forward. They were committed to doing that and wanted to do that and would have liked some help from the government, some resources so that they could do the proper consultation.

But no, that is not what the government chose to do. It did not choose to sit down with the farmers and the Wheat Board. As a matter of fact, the Conservatives have told the Wheat Board that it should stop its lobbying, stop acting as it naturally should do on its own behalf in order to protect what it has to protect, that vehicle which has served farmers so well will continue to serve farmers well as it evolves.

That is my first concern regarding this concurrence motion, along with the action of the government where the Wheat Board is concerned. There is the whole issue of freedom and democracy and yes, true choice, not manipulated choice and not as we saw in Ontario, the creation of crises so people might begin to believe they have no other choice in a given matter.

I am here tonight to put my own thoughts on the record along with the thoughts of my farmer constituents whom I spoke to only two weeks ago as I went through our area with my colleague, the member for British Columbia Southern Interior, who is our agriculture critic. He asked me to put on the record some thoughts on behalf of our caucus, on his behalf and of course, as I said, on behalf of the farmers with whom he met in my constituency and in the constituency next door, Algoma—Manitoulin—Kapuskasing. I will put on the record the thoughts that I heard very clearly and confidently from the over 250 farmers and the leadership of agricultural organizations across the country who met in Saskatoon on July 27 this past summer.

The Conservative government is not acting in the best interests of democracy. The whole process of the Canadian Wheat Board task force is a sham and a needless waste of energy.

I will repeat what my colleague from British Columbia Southern Interior has said and what our leader has stated, that it is important for farmers to have a say in their future. This should take the form of a vote or a plebiscite on the Canadian Wheat Board as a single desk seller and not a plebiscite manipulated by the government in the way we are beginning to see with the plebiscite on barley. Instead, the Minister of Agriculture has chosen another approach in choosing a task force of anti-Wheat Board individuals to recommend how the Canadian Wheat Board, a viable, credible player on the international scene, can be transformed into the Canadian Wheat Board II, another grain company that will somehow be able to successfully compete with the powerful multinational stakeholders.

● (1900)

A thought came to me as I was saying that. There is one comment that I heard and which really struck me when I was at that meeting on July 27 in Saskatoon with those 250 farmers and the leadership of the agriculture community. The comment was about there being people out there who are willing to pay more for the barley than what is being paid now and that those people will come forward once the Wheat Board is gotten rid of. It was said tongue in cheek, but I think they were serious and it is something we all ought to think about. Is there someone out there who will pay more for the barley and the wheat once the Wheat Board is gotten rid of? I do not think so.

It is a further insult to farmers. The minister has changed the format of the Canadian Wheat Board director election in midstream to sow confusion among farmers. He recently fired a Canadian Wheat Board director who spoke out against this nonsense. That is the process that is in place now. That is the kind of thing that is going on as we speak.

Let us look at this so-called report. In essence, it is the wrong approach, ideologically driven and a blueprint for the American-ization of our grain industry. We have seen an approach by the government to bring a group of people together who agree with the destruction of single desk selling of the Canadian Wheat Board. Then a so-called task force was appointed to recommend how this should be done.

Before looking at this totally undemocratic process, perhaps we could suggest what could have happened instead. The minister could have met with the Canadian Wheat Board board of directors to discuss the possibility of change, for example, to leave the current status quo as a possible option. A balanced task force could have been set up to discuss all options and include a truly representable segment of farmers who currently use the Canadian Wheat Board.

The conclusions of these deliberations could have been provided to farmers to make an informed decision on their future by way of a plebiscite. Obviously, to respect the democratic process, there would have been no tampering with the Canadian Wheat Board director election process. This would probably have taken more than a month, but could have resulted in a fair and balanced review of the Canadian Wheat Board. Instead, we have big government interference and steps of how to fulfill this bizarre agenda.

One of the rationales for doing away with single desk selling has been the supposed effect this has had on our milling industry. Yet statistics show that Canadian wheat and durum milling has increased by 31% since 1991 compared to 14% in the United States. Canadian flour mill capacity has grown from 7,700 tonnes per day to about 10,300 tonnes per day. Canada's mills enjoyed the sharpest increase in flour production among the leading milling nations since 1990. I do not know where the problem is here that we are addressing.

If the Conservative government has its way, its Canadian Wheat Board II will just be another grain company with no power to secure and maintain quality world markets.

Here are some very possible scenarios: one, farmers uncertain of the future would not buy shares in the Canadian Wheat Board II; two, rail rates would increase to conform to the U.S. rates; three, Canadian Wheat Board II would be marketing U.S. grain; four, Churchill would suffer and jobs would be lost; five, the Canadian Wheat Board II would not be allowed to administer cash advances. This could hit farmers hard.

Basically, the transformation to the new free for all system would cause confusion and uncertainty not only in Canada, but in the global marketplace. This would wind up to be another bad deal for Canada, just as the softwood lumber agreement is a bad deal for Canada.

This exercise is a sham, a waste of time and a slap in the face to the democratic process. Hopefully, reason and good judgment will prevail in the months to come.

● (1905)

The Acting Speaker (Mr. Andrew Scheer): There are a few minutes left before the time allotted for this debate is to end.

The hon. member for Bruce—Grey—Owen Sound.

Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC): Mr. Speaker, to my hon. colleague from the NDP, I am farmer. I am a producer. I have sold wheat. In Ontario I have a choice. I can sell my wheat directly or I can sell it through the Ontario Wheat Board. It is my choice. What a concept. Obviously, the party across the way does not believe in that. Obviously, the party of my colleague to my right does not agree with that.

That is what this is all about. The political rhetoric in trying to make this into something that it is not is wrong. I have relatives in Saskatchewan and in Alberta. I do not in Manitoba, but they all ask me why should they not have the same choice that I have as a farmer in Ontario. I would ask the member to comment on that.

Further, the members bring up supply management and how it will affect supply management. Again, it is nothing short of fearmongering because there is a big difference that has to be recognized. Under the Wheat Board it is split across the country, but in supply management there is 100% unity behind it. How can the member explain that?

Mr. Tony Martin: Mr. Speaker, I appreciate the question from the member for Bruce—Grey—Owen Sound. I know he is a farmer and a good farmer. In eastern Canada, yes, that is the way that producers market grain. In western Canada farmers have chosen to do it differently. Over the years they have elected themselves a board and that is the way that they have chosen to do it.

All that we are saying is if the government wants to make changes, it should at least talk to the farmers. I was in a room with 250 farmers from Manitoba, Saskatchewan and Alberta on July 27 of this year. Every one of them, including the leadership of the agricultural organizations from across Canada, spoke and were in favour of the Canadian Wheat Board. They knew that it was not perfect but they were willing to work to make it better and have it evolve.

However, at the very least at that meeting they were saying, "Let's have a vote. Let's have a plebiscite, not a controlled manipulated plebiscite but a true plebiscite, a free plebiscite. That is what we're asking for". The member accuses me of fearmongering. I have to say it is not me.

● (1910)

The Acting Speaker (Mr. Andrew Scheer): It being 7:10 p.m., pursuant to order made earlier today all questions necessary to dispose of the motion are deemed put and a recorded division deemed requested and deferred until Wednesday, November 1 at 5:30 p.m.

ADJOURNMENT PROCEEDINGS

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

[*Translation*]

LABOUR

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, on October 5, I asked the Minister of Transport, Infrastructure and Communities, and hon. member for Pontiac a question because this minister had refused to meet with the spokespeople from the Outaouais FTQ, led by Donald Roy, who wanted to discuss the anti-scab bill with the minister. According to Mr. Roy, the staff at the minister's office did not even return his telephone calls.

Allow me to take advantage of this adjournment debate to provide the Minister of Transport, Infrastructure and Communities and hon. member for Pontiac the arguments the Outaouais union leaders could have given him during this meeting that never took place, in the hope that the Minister's office is listening. These arguments are all the more significant since, just last week, the Minister of Labour handed out to all hon. members a short study that distorts statistics in order to destroy arguments in favour of anti-scab legislation.

These dirty tricks at the last minute—this study was handed out to the hon. members just a few hours before last week's historical vote at second reading on the anti-scab bill—had no effect. Twenty Conservative members, members of his own party, voted in favour of the anti-scab bill because these members know the benefits of this legislation and they hope to see it applied in their own ridings. By the way, 166 members of this House voted in favour of this bill at second reading. Members from Quebec and from all the provinces voted in favour of it, except the members from Alberta, unfortunately.

According to the Minister of Labour's study, and according to other public statements he made in this House and in committee, banning replacement workers would have no positive impact on labour relations and would provide no advantage, which is surprising because the Minister of Labour and member for Jonquière—Alma previously voted in favour of this bill when he was a member in 1990.

The department's analysis is built on very shaky foundations. The arguments are not supported by good statistics, and some of the numbers were distorted until they corroborated the minister's thesis, which tends to harmonize with that of the owners and executives. Clearly, this reflects the values of a Conservative government that rushes to defend businesses and oil companies while pulling the plug on community organizations that promote literacy and the status of women.

Here is the reaction to his pathetic arguments. Many of the figures, arguments and facts I am about to mention are from the Canadian Labour Congress's response to the minister's questionable logic. The Canadian Labour Congress and its president, Ken Georgetti, did a remarkable job and conducted a careful analysis of the labour relations situation. Their work enables me to respond accurately to the minister's statements today. These researchers rigorously compiled data that are not always easy to interpret. The analysis was cross-referenced and added to relevant data just as carefully collected and rigorously substantiated by Bloc Québécois researchers.

The statistics in the minister's study are at times false or incomplete. Furthermore, much of the data in the background document does not match up with data published by the Government of Quebec. The authors of the minister's study made several errors in comparing work stoppages in Quebec to those in the rest of Canada. The authors of the study claim that over the past few years, there have been more work stoppages in Quebec than in British Columbia or in federal workplaces, but this statistic is meaningless by itself.

I would have liked to have talked more about the benefits of the anti-scab bill, but I will have two minutes later on to do so.

● (1915)

[*English*]

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 truly wish that the hon. member had more time because I know how quickly even two hours in a filibuster goes.

Let me begin by saying that the minister responsible and the majority of members of this House recognize one simple fact. Bill C-257, which calls for changes in the Canada Labour Code in the banning of replacement workers, was accepted in a vote by the majority of members of this House. We accept this and we certainly accept the will of Parliament.

We are pleased to see that this bill will be referred to a standing committee. The committee will be able to examine this bill in far more detail and hopefully make some significant and substantive changes to this bill. I must state that the majority of members on the government's side are opposed to this legislation in principle.

Why? Bill C-257 does not provide in my view any benefits to workers and it does not balance the needs of employers, employees and unions. We all know and we all agree that successful labour relations must have a balance. They cannot be one-sided. The scales cannot be weighted so heavily on one side or the other because that would sort of tip that balance of equity and fairness that both employers and employees feel that they require.

The existing provisions of the Canada Labour Code succeeded in balancing the interests of labour and management, and providing the flexibility needed when dealing with labour negotiations. This bill does nothing to address those issues.

As I said, I am extremely pleased that the bill will be studied in some detail by the standing committee. I am sure that the committee will hear evidence that will convince all members of that committee that this bill is not in the interests of Canadian workers nor the Canadian economy.

Let me reiterate one more time that our government maintains there must be a better approach. There is a better approach to dealing with the issue of replacement workers. I know the minister looks forward to discussing this legislation with the standing committee, so they can both work together to build a workforce and an economy that is both prosperous and cooperative.

[*Translation*]

Mrs. Carole Lavallée: Mr. Speaker, I will respond to the parliamentary secretary.

For there to be balance in a labour dispute, the means of applying pressure must be balanced, and equally and equitably divided. During a labour dispute, employees are left without their income and their work. Employers must also feel pressure through the loss of what they produce so that the conflict is resolved as quickly as possible.

That said, during the historic vote that was held Wednesday, the bill was passed at second reading. It is now at the committee stage.

From now on, I hope the Minister of Transport and member for Pontiac will respectfully welcome union leaders from his region and his riding. The minister likely prefers to meet with CEOs, but workers remain commendable citizens nonetheless, and they deserve to be respected as individuals who have certain rights.

At the very least, when he arrives at his office tomorrow morning, the Minister of Transport and member for Pontiac could return the calls from Donald Roy and FTQ officials from the Outaouais region.

[*English*]

Mr. Tom Lukiwski: Mr. Speaker, I can assure the hon. member that the minister will be meeting with the standing committee as soon as possible. However, let me address one of the points that the hon. member has made.

While in her esteemed opinion Bill C-257 is a bill that will protect both the workplace and the worker, independent analysis and studies have proven just the opposite. In fact, studies have proven that for those companies that do not have replacement workers, the strikes last a shorter duration and the settlements are actually higher. These are well documented.

For those reasons and many more, I would suggest that all members of the standing committee take a close look at the impact that this bill will have. I will assure members that banning replacement workers will have nothing but a detrimental effect on both the employer and the employees.

[*Translation*]

MINISTER OF PUBLIC WORKS AND GOVERNMENT SERVICES

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, on October 23, I put a question to the Minister of Public Works and Government Services. I noticed that he was not in the House. Since the election on January 23, the minister, Michael Fortier, has been like a ghost. He has been missing. It is funny that I should be asking my question this evening, because it is Hallowe'en. He must be hiding somewhere.

Hon. members will remember that when the Conservative Party was in opposition, it said it had principles. One of those principles was that the Senate should be elected. Another principle is that no one should represent the government, especially in a department, without being elected.

Right after the January 2006 election, to Canadians' astonishment, the new Conservative government decided to appoint Michael Fortier as Minister of Public Works and, in addition, as a senator. Just like that, two principles were swept away in the Ottawa River. They were lost.

In response to my question for the government, I was told that Mr. Fortier is doing a good job and that he is representing the government and Montrealers well. But how can the government judge whether Mr. Fortier is representing the people of Montreal well? We mentioned the election in Repentigny. This is the perfect opportunity for him to run. But it seems he is afraid of losing. If he is afraid of losing, or if the government is afraid of losing him, perhaps he is not doing such a great job of representing the people of Montreal.

The worst part is seeing a governing party that believed strongly in democracy when it was in opposition. A person must be elected to represent Canadians. Now, in Quebec, there is no need to be elected.

I remember when the Liberal government appointed Pierre Pettigrew to cabinet. A Liberal member resigned and there was an election. The government did not wait for an election: somebody resigned—or died, as is the case in Repentigny—and then an election was held.

That is also what happened to the member for Saint-Laurent—Cartierville. He was appointed to cabinet at the same time, so one of the Liberal members resigned. An election followed.

Today's Conservative Party, which was in opposition at the time, opposed the Liberal appointments. Now it is talking about Bill C-2, the accountability act.

Can the Conservatives explain to Canadians and to parliamentarians why the Minister of Public Works is not answering questions in the House of Commons? He is hiding in the Senate to avoid answering Canadians. It is shameful.

I would like an answer from the government. I am hoping they do not just tell me he is doing a good job, as they did on October 23. It is not up to the government to decide that. It is up to the citizens. I await the parliamentary secretary's answer.

● (1920)

[*English*]

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 welcome this opportunity to set the record straight. My hon. colleague and I have had discussions on this matter before and I think we both agree to disagree with the method by which the Prime Minister ensured that Canadians from coast to coast to coast would be represented in our cabinet.

I am quite sure that the hon. member would be critical of our government if we had a cabinet that did not have representation from the second largest city in Canada. That is the genesis and the motivation, from the Prime Minister's standpoint at least, as to why Mr. Fortier is now in cabinet. We wanted to ensure that Canada's second largest city had adequate representation.

How does one go about doing that? Constitutional experts will tell us that to appoint someone to cabinet the person must be someone who has been appointed from another House. Since Mr. Fortier did not run as a candidate for the House of Commons or for Parliament in the last election, it would stand to reason, constitutionally, that if we wanted to appoint him to cabinet then he should be appointed from the Senate, which is exactly what the Prime Minister did. He first appointed Mr. Fortier to the Senate so he could then have him in cabinet for representation in Canada's second largest city.

The member may scoff at that and say that it goes against all campaign promises of democracy and accountability. Let me again point out to the member that this is not an appointment, as the Liberals and others have done, to the Senate for life. This individual will be stepping down from the Senate to run in the next general election. That was the commitment of the Prime Minister when the appointment was made and that is the commitment from Mr. Fortier himself.

Let me also say that this is far from being an unusual or isolated case. Over the course of our parliamentary history, many senators have been appointed to the cabinet. I can think of one that sticks in my mind very vividly because he came from my home province. The senator, an individual by the name of Mr. Hazen Argue, who has now passed on, was appointed by a Liberal government to represent voters as minister responsible for the Canadian Wheat Board. There have been several other examples. Again, from a constitutional perspective, this is something that has been accepted and, in fact, from the constitutional side, insisted upon.

It is the right and the obligation, I would suggest, of the Prime Minister to ensure that all Canadians are represented adequately and with full integrity, which is exactly what happened in this case. The Prime Minister appointed someone to represent Canada's second largest city.

Let me just say in conclusion that this is obviously something that took a great deal of internal courage, vision and leadership, because, quite frankly, everyone knew and the Prime Minister certainly knew that he would be criticized for making this move. He did it because the Prime Minister, as I well know, as everyone in the House knows and as Canadians well know, is not guided by political polls. He is guided by principle. He did this, in spite of the criticism, to ensure that all Canadians in the city of Montreal were represented adequately.

● (1925)

[*Translation*]

Mr. Yvon Godin: Mr. Speaker, I have just realized that one principle can trump another. The Conservatives appointed a minister from one of Canada's largest cities. There is currently an election going on in Repentigny. All we are asking is that he run in this election.

The people of Montreal will decide whether they want him as representative. It is not up to the Prime Minister to decide that. It is up to democracy to do so through a vote. Let the people vote and we will see whether they want him for minister.

We are lucky. The first principle of the Conservatives was that senators should be elected. The Conservatives should drop that principle because if senators were elected, they would not have been able to appoint their minister to the Senate. They should be happy.

What is the point in having a principle of an elected Senate if the Conservative government appoints someone just because it feels like it? It appoints someone and then says this is not a partisan appointment.

If I am not mistaken, Mr. Fortier was an organizer for the Conservatives. This is therefore partisanship. Look who was appointed. Is this not partisanship? In my opinion, this is—

Adjournment Proceedings

The Acting Speaker (Mr. Andrew Scheer): The Parliamentary Secretary to the Leader of the Government.

[*English*]

Mr. Tom Lukiwski: Mr. Speaker, I could listen to my hon. colleague all evening but, unfortunately, he only had a minute and I only have a minute to respond to him.

Once again let me reiterate that the public works minister will be stepping down and running in the next general election. He made that commitment when he was appointed to cabinet and the Prime Minister made that commitment when he made the appointment. There is absolutely nothing to suggest that they are not following through on their commitments in terms of re-election.

Mr. Fortier will face the electorate in the next general election. The will of those voters will actually be something that both Mr. Fortier and the Prime Minister will respect. I think the member continues to harp on this issue when in fact he really does not have a constitutional leg to stand on.

HOMELESSNESS

Mrs. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, on October 25, I asked the minister responsible for housing for her funding plans for SCPI for the 2007-09 fiscal years. The minister stated that these programs were still under review. It was also indicated by the President of the Treasury Board that the government did not intend to cut SCPI.

I would like clarification on several things. First, does the government intend to let the SCPI program die by not refunding the line item? The Liberal government only renewed this program to March 31, 2007 and it is set to die at that time.

Second, I read the financial tables from the Treasury Board. If there is no intended cut, could the government explain where the money is for either SCPI or another federal homelessness program? I could not find any indication in the budget or the estimates distributed where this money has been allocated. In a recent release from the minister she announced four new projects, which is great for those communities, but what about the remainder of Canada? Where is the core funding?

Third, the minister has also claimed to have met with homelessness advocates and groups. I would like the minister to tell me the groups with which she has consulted. I too held a round table with housing groups and not one of them mentioned a meeting with the minister. These were groups that work on the ground helping the homeless and those at risk every day.

Fourth and finally, the minister has repeated over and over that the money has been fully allocated for this year. However, there are still four organizations in my riding that have not received their funding for this fiscal year.

There are only five months left to spend this money. This is ridiculous. Will the minister please answer my question and tell me when all the money will be allocated for this fiscal year? I am particularly interested in the following programs: Youth Opportunities Unlimited, Street Connection, Nokee Kwe Occupational Skill Development Inc., N'Amerind (London) Friendship Centre and At^lohsa Native Family Healing Services Inc. I would appreciate a response.

● (1930)

Mrs. Lynne Yelich (Parliamentary Secretary to the Minister of Human Resources and Social Development, CPC): Mr. Speaker, no cuts have been made to the supporting communities partnership initiative.

The government is now reviewing current policies, approaches, partnerships and delivery models to ensure that federal investments provide concrete, meaningful and lasting results for Canadians. There is no question that homelessness is an issue that needs to be addressed and Canada's new government is taking action.

Through budget 2006, the government made $1.4 billion available to the provinces and territories over the next three years to support affordable housing. This is on top of the approximately $2 billion that the government will spend this year, through the Canada Mortgage and Housing Corporation, primarily in support of some 633,000 lower income households.

Canada's new government recognizes the value of the national homelessness initiative. When the program was set to end in 2006, the government provided nearly $135 million to extend it for another year.

In addition, in August we announced that another $37 million in unspent funds from the previous fiscal year would be available for projects this year. We did this because we wanted to make a difference and help our nation's most vulnerable citizens.

The Minister of Human Resources and Social Development recently announced four new projects in British Columbia, Yukon, Quebec and Nova Scotia, for which we have approved over $1 million in funding under the national homeless initiative. These are just a few recent examples of what the government is doing for homelessness.

Looking forward, I can assure everyone that the government will continue to demonstrate a strong commitment to alleviating homelessness. We are now looking at options on how best to address homelessness in the long term.

Recognizing the value of the national homelessness initiative does not mean there may not be a different approach, perhaps even a better approach. We are not ruling that out, but we have a responsibility to review a system that has been in place for almost seven years without any changes or improvements. How can members of the opposition be against the opportunity to consider alternative potential improvements?

Those truly interested in addressing homelessness should be offering constructive feedback, inputs and suggestions. The government has been very clear that it wants to develop long term sustainable solutions to prevent and reduce homelessness and wants to work together to do it.

We need people who have the hands-on experience and first-hand expertise to guide us in the process. That is why Human Resources and Social Development hosted a round table on homelessness in September. That is why Human Resources and Social Development has met with groups across the country and attended various other conferences and discussion fora on this issue. Ultimately, we want to ensure that the federal government's investments provide concrete, meaningful and lasting results for Canadians.

The problem of homelessness demands action from all levels of government in partnership with communities themselves. The Government of Canada plays an important role in addressing homelessness and will continue to do so. I want to reaffirm that commitment.

● (1935)

Mrs. Irene Mathyssen: Mr. Speaker, I think I am going to need a late show for the late show. Action is something we can see and I still have not heard anything about the unfunded projects in London, Ontario.

We need to address the root problems of homelessness and one key step is affordable housing. What we really need is a national housing program to ensure that safe, affordable housing is available to all Canadians.

The minister and the parliamentary secretary talk of reviews and options and accountability, while leaving people out in the cold and on the streets because the government cannot be bothered to put up the funding for basic programs. That is not only morally shameful, but it is fiscally irresponsible.

People living on the streets will be forced into hospitals and jails. Despite the Minister of Finance, who was a former minister in Ontario, suggesting that the jails were the best places for homeless people, it is a much more expensive alternative to affordable housing and shelters.

Mrs. Lynne Yelich: Mr. Speaker, it is so unfortunate that the NDP have decided to approach the issues of homelessness rather simplistically, as demonstrated through their call for a blanket four year renewal of the national homelessness initiative or NHI.

Rational thinking would suggest that if one is going to renew a nearly $.5 billion program addressing homelessness, one should at the very best review its effectiveness for both the sake of Canada's homelessness and Canadian taxpayers.

I am proud to report that Canada's new government is committed to ensuring that federal investments to reduce homelessness provide concrete, meaningful and lasting results for Canadians. Our response to homelessness beyond March 2007 will be guided by such principles.

[*Translation*]

The Acting Speaker (Mr. Andrew Scheer): The motion to adjourn the House is deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 7:37 p.m.)

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