



CANADA

# House of Commons Debates

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OFFICIAL REPORT  
(HANSARD)

**Tuesday, February 6, 2007**

—

**Speaker: The Honourable Peter Milliken**

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# HOUSE OF COMMONS

Tuesday, February 6, 2007

The House met at 10 a.m.

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*Prayers*

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## ROUTINE PROCEEDINGS

• (1005)  
[English]

### CHIEF ELECTORAL OFFICER

**The Speaker:** I have the honour to lay upon the table the report of the Chief Electoral Officer of Canada regarding returning officers.

[Translation]

This document is deemed permanently referred to the Standing Committee on Procedure and House Affairs.

\* \* \*

[English]

### COMMITTEES OF THE HOUSE

#### INDUSTRY, SCIENCE AND TECHNOLOGY

**Mr. James Rajotte (Edmonton—Leduc, CPC):** Mr. Speaker, I have the honour to present today, in both official languages, the fifth report of the Standing Committee on Industry, Science and Technology in relation to our study on the challenges facing the Canadian manufacturing sector.

I would like to add that this is a unanimous report. I thank all members of the committee who put together this report.

#### FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT

**Hon. Jay Hill (Secretary of State and Chief Government Whip, CPC):** Mr. Speaker, there have been discussions and I think you would find unanimous consent for the following motion. I move:

That members of the Standing Committee on Foreign Affairs and International Development be authorized to attend a conference entitled, A Dialogue on Canada's Approach to Democratic Development, in Ottawa on Thursday, February 15, 2007, and that the necessary staff do accompany the committee.

**The Speaker:** Does the chief government whip have the unanimous consent of the House to propose the motion?

**Some hon. members:** Agreed.

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

**Some hon. members:** Agreed.

(Motion agreed to)

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## PETITIONS

### CANADIAN WHEAT BOARD

**Mr. James Bezan (Selkirk—Interlake, CPC):** Mr. Speaker, I have three petitions to present today.

I have two petitions from farmers in my area who believe in the Canadian Wheat Board and wanted to ensure their voices were heard in the decision on the future of barley marketing by the Canadian Wheat Board.

The petitioners are asking the government to hold a plebiscite, which I am glad to say the government is doing.

### CITIZENSHIP AND IMMIGRATION

**Mr. James Bezan (Selkirk—Interlake, CPC):** Mr. Speaker, my next petition is from constituents in my riding who are concerned about Raza Kausar and his family who have taken refuge in the Crescent Fort Rouge United Church.

The petitioners are asking the government to intervene and provide compassionate intervention so the family can live a normal life here in Canada.

### UNDOCUMENTED WORKERS

**Mr. Mario Silva (Davenport, Lib.):** Mr. Speaker, I have a petition that calls on Parliament to deal with the issue of undocumented workers.

I had the opportunity in the last little while to again meet with people in the industry and they tell me that there is an incredible shortage of workers, particularly truck drivers. The industry needs about 35,000 truck drivers every year and there are not enough to fill that particular problem.

In addition to that is the issue of the construction boom that is going on in the Toronto, Vancouver and Calgary areas. The median age of construction workers is about 55 years of age. There is an incredible shortage right now and there will be for the future.

Unless the government deals with these issues and resolves the issue of undocumented workers and people who are already here and contributing to the economy, this problem will continue. We hope the government will find a humane solution to this problem.

*Government Orders***QUESTIONS ON THE ORDER PAPER**

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

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

**GOVERNMENT ORDERS**

[*English*]

**CRIMINAL CODE**

The House resumed from February 5 consideration of the motion that Bill C-26, An Act to amend the Criminal Code (criminal interest rate), be read the third time and passed.

**The Speaker:** When this matter was last before the House, the hon. member for Mississauga South had the floor for questions and comments consequent on his speech. There are 10 minutes allotted now for questions and comments to the hon. member for Mississauga South. I therefore call for questions or comments.

Resuming debate. The hon. member for Sault Ste. Marie.

**Mr. Tony Martin (Sault Ste. Marie, NDP):** Mr. Speaker, I am pleased to stand this morning to put a few comments on the record where this important public business is concerned.

I am particularly pleased to offer some thoughts on the bill and to support it given the journey I have been on over the last nine months across this province to speak with people in the communities about the issue of poverty. I have spoken with some of our more at risk and marginalized citizens about some of the challenges they face as they try to get on with their lives, buy the essentials, pay the rent, feed their kids and deal with the ever-changing financial circumstance that they find themselves in as governments cut programs, the economy changes and housing becomes more difficult to access while looking after children becomes a greater challenge.

At this time in our country we have these payday loan operations setting up in neighbourhoods all across the country. They are on every corner in the downtown area of most communities. The bill today tries to provide some regulation and direction.

The question we all need to ask is why people find themselves so desperate these days that they need to turn to lenders of this sort that charge the high rates of interest that we see in these instances.

As a party we have begun to focus, directly and in a disciplined way, on the whole question of fairness in our country at the moment. Why is it that those who are well off, well placed and have lots of resources at their disposal can get all the services they need to manage their lives while those who are less well off, have fewer resources or are less connected need to beg, borrow and steal? They are the ones who need to look really hard to find institutions that will actually lend them the money they need and will work with them around some of their needs. A large discrepancy exists there.

Why is it that our banking system, which was put in place, I believe, in partnership at one time with financial experts, governments and institutions interested in this public business and who were there to serve all of us, has come to a point where in many communities the only vehicle left for banking is either an ATM that charges people \$1.50 or \$2.00 to use it, or to go to payday loan operations which people, more and more, are flocking to as life unfolds.

It seems to me that somewhere along the line we have missed the ball. We have allowed our banks to become institutions that are no longer charged with the responsibility to service all of us who live, work and raise families in Canada and who try to keep body and soul together in communities in this wonderful country. The banks have become institutions of big investment and of very complicated financial dealings. They are less and less interested in the actual reason that banks were set up in the first place, which was to be a place where we could take the money out from under our beds and mattresses and put it some place where it could be dealt with in an organized and responsible fashion and given back to us when we need it.

The banks, in turn, were allowed to lend that money at an interest rate that would create some profit for them. They could invest it in ways that would allow them to continue to develop ways to be of service to us. Alas, that is not the case anymore.

• (1010)

The big banks are closing down branches all across the country and fewer services are being made available within the existing branches by way of tellers who we can walk up to, speak to and get advice from and by way of the hours of these branches. More and more people are being pushed out of necessity to access the payday loan operations. We in this place need to look at that.

What are we doing to challenge the banks to be more helpful? As I cross the country I talk to people about the emerging and very difficult circumstances of poverty in which many people live. The poor, oftentimes, cannot even open a bank account in some of the larger banking institutions. They need bank accounts to cash any cheques they might receive from government or from work they do but which pays them so little that the banks are not interested in their business.

We need to challenge banks in a way that will once again make them interested in the little accounts that so many of us, when we were younger or starting out, had at our disposal so we could write cheques or access loans whenever we needed them to maybe buy a house, a car or pay for our children's educations.

Literally hundreds and hundreds of people in every community I have visited, from Vancouver to Toronto, Calgary to Victoria, Castlegar to Penticton and Hamilton, are saying that because they cannot access these banking institutions, they cannot open a bank account and, therefore, cannot take advantage of the services those institutions are supposed to provide to all of us. In turn, they must now turn to the payday loan operations, the loan sharks who are all over the place in this country.

*Government Orders*

People who are paying those exorbitant interest rates for that money are finding themselves going deeper and deeper into debt to a point where they lose all hope of ever getting out of it without some serious and significant help from government and from those of us in communities who actually care.

It is good that we are here today and for the last while in this place discussing this issue because I actually do not know what people who are forced to access some of these services would do if these services were not available to them, which flies in the face of some of the comments that some of my own colleagues and people from every party have put on the record here over the last few days where this piece of business is concerned.

They are institutions that take advantage of people by charging these very high interest rates. However, on the other hand, I do not know where some of these people would go if they were not there.

It is good that we regulate. Some in that industry have asked for regulation because they do want to provide a service. They do want to act in good faith and to be controlled. They want control over those rogues in the industry who would give everybody in that industry a bad name and who are some of the people who are pointed to here and talked about in such derogatory terms, as I have listened to the debate.

However, if we, as a Parliament, are not going to take the banks to task and work through regulations concerning those institutions to actually provide to all Canadians the kinds of services that they need to manage their financial affairs, those who are most in need of those services, the most at risk and marginalized of our citizens, then I guess we need to look at where they are going for those kinds of services and ensure they are not again being abused.

● (1015)

That is why I stand today with my colleagues in the NDP, looking for fairness for families, working people and the at risk and marginalized across this country, asking that we at the very least bring the provincial governments in on this and that all of us find ways to regulate so that when people are desperate for money to cover the cost of the very basic elements of their lives they have some protection. We should not yet again, if only by default by not engaging ourselves in this kind of work that puts in place a protective regulatory regime, let down some of our neighbours, friends, family members and citizens across this country. We must make sure they are protected.

There is a bigger challenge, as I have already said, as far as this issue is concerned. As for accessing financing services and allowing people to have the ability to cash cheques quickly and to access small loans when they need them, we need to take a longer and harder look at the regulations that govern the banking industry in this country.

We have heard about the banking industry over the last few years as we or the government have tried to put on the brakes and pull back on the reins a bit as banks turn their attention to the international banking scene more and more and want to do mergers with other banks in other jurisdictions so that they can become even more engaged and involved in that higher level of financial activity.

In doing so, they are forgetting the very basic reason that they were put in place.

I also want to say a word in support of an institution that is actually working very hard to try to pick up some of the slack, to fill some of the void, to paper over some of the cracks in the safety financial net that is out there: the credit unions of this country. These are institutions that in some instances were put in place, I would guess, because of the experiences of ordinary working men and women in this country in dealing with banks. To try to manage their own financial affairs, they came together, pooled their money and formed credit unions. All of us probably have at least two or three credit unions in our own communities, if not more.

In my area, in many of the small towns that I represent, where the large banking institutions have pulled out their branches, the credit unions have moved in. In some instances, they have taken over the buildings that the big banks were in and are now providing financial services. I want to give praise and great credit to our credit union system across this country, which, more so than the chartered banks, seems to understand why it was set up in the first place.

All credit unions have a board of directors made up of people who live in those communities. They hear very readily and regularly from their neighbours and friends as to what services are needed. They try as best as they can to fill that void. Alas, though, they cannot be everywhere. At the very least they have to cover their costs, and they have to try to put away some reserves for a rainy day or when a bad economy hits a particular community so that they can be helpful.

The credit unions provide the kind of service, and more and more of it, that is needed by the ordinary working man and woman and the ordinary working family in this country as they look for fairness and for access to services, because the big banks, frankly, are moving out of that business.

As well as regulating, we need some of these services that always will pop up when there is a demand. It is the nature of the market. It is the nature of our economic system and our political climate: where there is a need, somebody will come forward and fill it. I dare say that the reason some of these payday loan operations are doing the kind of brisk business that they are, and in many instances actually hurting and gouging people with very high interest rates that some folks will never be able to pay off or get out of, is that the big banking institutions in this country, which originally were set up to service all of us, have walked away in many ways from the ordinary man and woman in this country, particularly those who are marginalized and at risk.

● (1020)

These big institutions have done this at a time when they are paying their top executives exorbitant salaries. Top executives are getting million dollar paydays. At the end of every year, we hear banks announcing ever increasing profits. All told, for all of the banks together, I think it was \$19 billion last year in record high profits.

*Government Orders*

We have to wonder about it. Even while banks make all of this money, there is the temptation to make even more of a profit next year because that is the way the economy seems to work these days. It is not acceptable any more for a corporation or a business to simply make a profit like it used to. They have to make more profit than the year before and it has to be at a bigger percentage or else the leaders of that corporation or business are deemed to have somehow been unsuccessful in giving leadership.

Corporations, like banks and others, have the onus on them to improve their profits every year, and we have to ask, where are they going to get their profits from? Alas, I guess they can ask the rich and powerful to contribute only so much, and then they turn to their workers in many ways. As we know, some of the ordinary men and women who work in banks are not making huge salaries. They are not even allowed to unionize, it seems, although attempts have been made. So banks get their profits from their workers in terms of not paying them the decent salaries that, given the work they do, I think they deserve, and then they turn to us. For ever greater contributions, through some of the fees they charge, for example, at the ATM machines, they turn to those of us who work for a living every day, who look after our children, pay our mortgages and participate in the local economy.

It is hard to believe that some folks in our society cannot access these services because they just do not have enough money. These folks are then forced to turn to the loansharking industry and, in this instance, the payday loan operators that exist in all of our communities. They have no other choice, so it is important that we regulate these industries.

As I said, we cannot forget for a second that there is a bigger problem and a bigger challenge here and that is how a government charged with leadership can challenge those larger financial institutions that are not living up to their responsibilities or the understanding that all of us have around what it is that they should be providing in the way of financial services.

That would be my message this morning to those who are listening and to those who will be participating in the furtherance of this legislation as it goes to committee, works its way through that process, and comes back to this place so we can get on with protecting families, those who are most at risk and marginalized and regulate this sector of our financial world.

To wrap up, it is good that we are regulating this industry. The industry itself is asking for it. We need to make sure that we make strong and effective regulations. On the other hand, we need to also challenge the banks to do their job effectively. We need to encourage credit unions to expand into other jurisdictions across this country so that people do not have to turn to these lending institutions as a last resort.

• (1025)

**Ms. Peggy Nash (Parkdale—High Park, NDP):** Mr. Speaker, in regard to the hon. member's remarks on the payday loans bill, this is an issue that we deal with in my riding of Parkdale—High Park, where increasingly the banks have pulled out of neighbourhoods and very quickly the payday loan operations have moved in to fill the gap.

As poverty has increased on the streets of Toronto, we have seen more people falling between the cracks. They are not able to set up regular bank accounts, so they resort to these payday loan operations.

I agree with having some regulation rather than no regulation. That is what the bill would allow to happen.

Could the hon. member elaborate somewhat on what the banks should be doing? When I met with one bank, representatives said that they had a cut-off level of so many transactions at a given branch and if that does not happen then they are out of the community. Does the member think there should be regulation and public debate about that level or some minimal requirement for some regular bank presence in all of our communities regardless of income level?

• (1030)

**Mr. Tony Martin:** Mr. Speaker, I absolutely do. We need to remind the banks of why they were set up in the first place and remind them that they used to provide that service. A bank in one's neighbourhood was a given in the past, and in fact they are pulling out now. I think we need to challenge them to move back in again. They were and could be very profitable with more services to the people of this country.

In my own community of Sault Ste. Marie, for example, a bank in the west end decided that it was going to get rid of the tellers and just have ATMs. That neighbourhood, that whole part of my community, rose up. Many hard-working families, some of them first generation immigrants to this country who had a personal relationship with their teller, said to the bank, "This is unacceptable and we are going to go someplace else". Lo and behold, within a matter of a month or two, the tellers were back.

As a community, we can challenge the big banking institutions in that way. Of course we can also regulate the fees they charge as they find ever new and creative ways to impose them, and we can get them to stop charging those fees, because they do not need to. They are making enough money without them. They do not need to be charging men, women and families that kind of exorbitant fee to access their own money.

**Mr. Lloyd St. Amand (Brant, Lib.):** Mr. Speaker, I listened with interest to the member's speech. I heard him allude to the high profits realized by banks. I heard him refer specifically to, in his view, the diminished level of service or quality of service that is provided to customers of banks and to the closing of certain branches of banks.

I heard all of that, but at the same time, he rather seems, as I understand his comments, to be in favour of allowing other institutions, payday loan institutions, to be allowed to continue to charge rates of interest which are, in my view, far in excess of what a bank would charge and to impose on the consumer additional charges and fees, with the result that the consumer ends up paying an exorbitantly high amount for the loan received.

How does the hon. member opposite reconcile those two views?

*Government Orders*

**Mr. Tony Martin:** Mr. Speaker, I think the member should have been listening a little more closely. I did not suggest for a second that I support usurious fees by payday loan operators. What I am saying is that in many instances that is the only vehicle left for people. They are turning to those places because they cannot get money anywhere else. The big financial institutions, the big banks, will not even allow the very poor and marginalized to open a bank account.

Therefore, at the very least, we have a responsibility to make sure these operators are regulated so that they do not charge the fees that they do and are not gouging and abusing people. That is what I was saying. I do not think we are ever going to get rid of them. I think they are going to be around. If people need to access money, they are going to access it. If they do not get it at the payday loan operations, they are going to get it from Joe or Jack down the road who is going to lend it to them out of the back door. Then they will pay usurious fees. The consequence of that may be way more dramatic and problematic for some of those at risk, who are our neighbours and friends.

Perhaps we should be looking at putting these operations out of existence and challenging the banks to actually provide the service they were set up to provide in the first place, but what I am saying is that if these payday loan operations are going to exist, and it looks like they will for a while, let us at the very least make sure they are regulated.

• (1035)

[*Translation*]

**Ms. Nicole Demers (Laval, BQ):** Mr. Speaker, I am pleased to rise today in this House to debate Bill C-26.

I will be sharing my time with the member for Richmond—Arthabaska, my worthy and eminent colleague, who always comes to the defence of the farmers. He does so in this House and outside it as well, in the ridings and throughout the regions.

I rise in this House to debate Bill C-26 because we in the Bloc Québécois support neither the bill nor the principle of it. I know of no industry that would ask government to legislate a restriction on its profits. My colleague alleged that the industry needed regulation. Regulation of the consumer industry is a provincial and territorial and local business matter. It does not come under federal government jurisdiction.

The aim of the bill, as I read and understand it and as I examine it like my Bloc colleagues, is to amend the Criminal Code, which already contains provisions to restrict the charging of usurious interest rates. Businesses operating in this type of industry want rates higher than those currently in effect under the Criminal Code.

I am not here to protect people represented by other MPs or the people of Canada. MPs will decide what legislation is needed to support their fellow citizens and protect them as required. We must not forget that 547,000 Canadians work for minimum wage and it is primarily they who need payday loans and make use of this industry.

The industry is well entrenched throughout Canada, except in Quebec. Why? Because in Quebec the government has passed legislation in this regard. Rates of interest have been set below the usurious rates charged elsewhere in Canada, well below the figure of 60%. We must keep this in mind.

Quebec passed this legislation because it is entitled to do so under its authority to legislate to protect its citizens, so that all consumers are well protected against an industry that is abusing its power and making money at the expense of the poor.

That is how I see it. It is an industry that makes money at the expense of the poor and, at present, it is primarily the industry that is pressuring the government to reconsider this legislation. That is wrong. Members have to realize that we must not give in to lobbying by the industry and that we must respect those who elected us to this House. We must provide the best framework for our citizens. Once again, this is a provincial responsibility.

Furthermore, if we accept this bill as it is now written, we will be opening the door to a great danger. The bill states that the federal government would have the right of oversight and veto regarding provincial and territorial legislation. Imagine that the Prime Minister in this House decides to examine Quebec's legislation. We decided that an interest rate of 60% was too high and the Prime Minister could say that he does not agree. Would all Quebecers have to pay what the rest of Canadians have decided to pay? That is not right. We have established rules to protect our citizens. That is precisely why it is important that we not adopt this bill. It meddles directly in areas of provincial and territorial jurisdiction.

Since the government was elected, the Prime Minister has been making very public speeches claiming he wants to limit encroachment on provincial and territorial jurisdiction. Yet this bill does just the opposite, giving the federal government even more powers than before. Does that make sense? I am asking you, Mr. Speaker. I realize you cannot answer me, but I know that you have been thinking about this and coming to the conclusion that what the government is doing does not make sense.

I hope my colleagues will also give this some thought and come to the same conclusion that when we legislate, when we decide to bring in a new law, that law has to represent as many people as possible, the interests of as many citizens as possible, the interests of citizens who do not have a voice.

• (1040)

That is why we are here. We are not here to represent industry, though we often do so when it is in our best interest. We defend industry when our citizens have jobs they want to keep and when they have the right to work.

Our first duty is to the citizens who elected us as members of Parliament. We must remember that as we discuss this bill in the House. We have discussed it over the past few days. I hope my colleagues will remember that.

I hope they will remember that the people who use this kind of service are society's poorest—the ones earning minimum wage. If we give people the opportunity to borrow money from these places, they will sink deeper and deeper into a cycle of debt from which they will have a very hard time escaping. We must remember that.

*Government Orders*

Payday lending is short term lending involving unsecured loans for small sums of money—a few hundred dollars for a couple of weeks.

Lenders require that the borrower provide a cheque so that they can get their money as soon as the borrower is paid. Earlier, the claim was made that people earning minimum wage do not have access to banks. But if they are able to write a cheque to pay a loan, then they must have a bank account. We therefore need to work with the banks to make sure these people have access to loans at much lower, much more reasonable rates. Interest rates on personal loans, consumer loans, currently range from 6% to 7%, nowhere near the usurious rates payday lenders charge.

Even the Consumers' Association of Canada is very concerned. Yet the background information on this bill says that it is at the request of the Consumers' Association of Canada and the people who use this type of company that the government is introducing legislation to amend the Criminal Code on criminal interest rates. This legislation has served Canada well to date, but Quebec has more restrictive legislation.

All consumers will lose because of this legislation. The Consumers' Association of Canada understood this. And if the Consumers' Association of Canada understood this, why are we having so much trouble understanding it? If an association that represents so many people properly, effectively and professionally understood it, why are the members who are here to represent their constituents' interests having so much trouble understanding it? The association even believes that the industry is calling for this amendment for its own benefit.

Consumer protection is within the jurisdiction of the Government of Quebec and the provinces. That is why I would ask all my colleagues in this House to think carefully before giving in to pressure from payday loan companies. I would ask them to think about all their constituents who could become trapped in this cycle of debt. We must be very careful. This bill is not what it purports to be. This bill will not help the public. It will help the payday loan companies.

• (1045)

[*English*]

**Mr. Tony Martin (Sault Ste. Marie, NDP):** Mr. Speaker, I am having trouble understanding the member's argument that somehow this is an incursion into provincial jurisdiction. In fact what we are doing is turning over to the provinces the responsibility to regulate and control this industry. Those at risk, marginalized citizens, cannot access charter banks in many instances and they are forced to get money to deal with their financial needs from other places. There needs at least to be some regulation so that the huge interest rates that are being charged can no longer be charged.

[*Translation*]

**Ms. Nicole Demers:** Mr. Speaker, we must not have read the same bill. I do not understand. The objective of the bill is clear. It is not to help the provinces legislate; it is to help the government tell the provinces what to do.

**Mr. André Bellavance (Richmond—Arthabaska, BQ):** Mr. Speaker, I must thank my colleague from Laval who has just spoken with such eloquence that it will be difficult for me to follow her

example during the next 10 minutes. She has very well described the debate and exposed the problem with Bill C-26, while defending the interests of Quebec, of Quebeckers, and of those unfortunate Canadians who are obliged to rely on these kinds of payday loans across the country, but not so much in Quebec. I will have an opportunity to explain that during my remarks.

I am pleased to be able to speak to Bill C-26 for the purpose of condemning it. This bill amends the Criminal Code with respect to a criminal interest rate and seeks to regulate the payday loan industry.

While on the surface it may appear praiseworthy, the bill contains what is known as a hidden defect. I imagine that among the 308 members of this House, there are some who know people who have bought a house and discovered after several weeks or months that the vendor had hidden, knowingly or otherwise, some defect in the house. In the end, those people realize that they should not have paid so much for their home. That is what is known as a hidden defect.

It is the same thing with this bill. Upon initial examination, it appears to be good. However, we notice that there is a serious problem that, in my opinion, has unfortunately been seen over and over, ever since the Bloc Québécois has been here in this House, and which probably also existed before our arrival. Mr. Speaker, during your time in office, I imagine that you have heard these arguments all day long throughout the parliamentary session. Once again, it is an invasion by the government into the jurisdictions of Quebec and the provinces. There is the problem. There is the hidden defect in Bill C-26.

Obviously, for political reasons, they will say that we are in favour of this kind of industry and that we do not want to help unfortunate people to escape from this trap, and so forth. Let it be clearly understood that we recognize the need to attack this new form of exploitation of the most vulnerable workers. We do not dispute that goal; far from it. However, why should the federal government control what Quebec already does well and, in fact, does better than what the provisions of this bill would bring about?

That is the problem. As my colleague from Laval said earlier, the Prime Minister, because of his veto, can decide to impose whatever he wants in this regard on Quebec and the provinces. Obviously, this is a serious problem.

As I said, there is nothing inherently wrong with wanting to regulate the payday loans industry more closely; it is a good thing. However, the way in which it is being done is still problematic in our view. It must be pointed out that the provisions in the Criminal Code and the Interest Act do not at present specifically regulate this new form of loan, which actually came into being in the 1990s. This is quite a recent practice. It is therefore reasonable for this Parliament to want to put some thought into the question. This is a fact of life—these payday loans we are all talking about—that is affecting growing numbers of western countries, including Canada.



*Government Orders*

Today—and this was undoubtedly less common in the past—a person can have a regular job, a wage, but still be living in poverty. This is a fact of life today, even in 2007. People have to use the services of these companies, whose practices may be questionable, including the high cost of loans, unfair collection practices and high interest rates. This what a person has to deal with when they do business with this kind of company. When someone starts to use the services of this kind of business, they are often taking the first step in the vicious cycle of poverty. It is not just an individual who suffers as a result; an entire family may suffer from this situation.

In my opinion and the opinion of the Bloc Québécois, the government should put some thought into this phenomenon rather than infringing on the jurisdictions of Quebec and the provinces. A few days ago, my colleague from Trois-Rivières said that she had looked into this matter. She also gave an excellent speech on Bill C-26 right here in this House. She cited statistics released by Statistics Canada, from which we learned that there are in Canada, at present, 1.3 million more poor households than there were 25 years ago. The government has failed to stem this epidemic of poverty, if you will forgive the expression; the opposite has occurred. The fact that there are growing numbers of poor people is one of the consequences of the proliferation of this kind of business. In Canada, 1,300 of these companies have been identified. There are very few in Quebec.

• (1050)

That is why we have to make a distinction, with what is happening in Quebec at present and the reason why we do not want the federal government to stick its nose into what is happening in Quebec. Quebec has succeeded in stemming the problem of the proliferation of these businesses.

There is also the Canadian Payday Loan Association, with 22 member companies that currently manage 850 service outlets throughout most of Canada. At present, there are none in Quebec.

In the past there has been this sort of company in Quebec, as elsewhere. There used to be even more of them in Quebec. That is why at some point the police, with the help of the Office de la protection du consommateur du Québec, decided to look into it. It was a chance to clean up these companies, especially those involved in loansharking, and they disappeared. That does not mean that pawnbrokers do not exist. Unfortunately, again because of poverty, people are forced to take their precious belongings—a television set, a sound system or even their children's sports equipment—so that they can get a bit of money to buy groceries some weeks. It is easy to imagine what happens because of the high interest rates if the money is not paid back. People unfortunately lose their valuable item.

This still exists and it is too bad. We should look into it and also make sure that these people are not involved in usury.

Quebec has already put in place some tools to oversee and regulate this sort of industry by means of its Consumer Protection Act. Under this law, the interest rate must be indicated in loan contracts, and all charges are included in the annual rate. Charges for opening a file, for forms and so on cannot be added on. Jurisprudence has also established that annual rates of interest above 35% are excessive. I would remind the House that the current Criminal Code sets this rate at 60%. In Quebec, it is set at 35%.

The first thing Bill C-26 does is enshrine the definition of payday loan in the Criminal Code. The exemption mechanism—and that is where the problem lies—is twofold in design. First a province must be designated by the federal government in order to be exempt from the application of section 347 of the Criminal Code and section 2 of the Interest Act so that they do not apply to its payday loan industry. To be designated, the province must apply and meet certain conditions, those infamous conditions. Such designation may also be withdrawn unilaterally when the conditions are no longer met to the liking of the federal government. Another example of *Ottawa knows best*. This is the precisely where the problem with this bill lies. The member for Sault Ste. Marie said earlier he did not see any problems with this bill, but this is where there is encroachment on the provinces' areas of jurisdiction.

I would like to remind the members that the Bloc Québécois is defending the Government of Quebec's position. Quebec's government believes that by making an exemption subject to compliance with the conditions, the federal government is clearly encroaching on a provincial area of jurisdiction. As I said earlier, Quebec is already regulating this industry without having to report to the federal government. I would like to remind the members that Quebec's maximum interest rate is 35%, not 60% as set out in the Criminal Code.

We are against Bill C-26. That said, we are not against it because we support payday lending, a business that, unfortunately, is proliferating almost everywhere in Canada but less so in Quebec. That is not the case at all. We are against it, but we believe that Quebec has the right to regulate the commercial practices of businesses within its jurisdiction, and that the federal government should not veto this in order to apply the legislation.

The federal government certainly has the power to set the maximum legal interest rate. However, it does not have the jurisdiction to regulate industries' business practices.

In closing, thanks to its Consumer Protection Act, Quebec already regulates this industry and prohibits unreasonable practices. That is why we find that Bill C-26 offers nothing new or good for Quebec, which is already equipped to deal with this situation. We do not need the federal government's veto or its encroachment on another area of jurisdiction. Enough is enough.

• (1055)

[English]

**Mrs. Irene Mathysen (London—Fanshawe, NDP):** Mr. Speaker, I listened with real interest to my colleague's remarks, but I do have to tell him that the issue around poverty is not one that has been dealt with by the provinces. In fact, if we look at the province of Ontario, there is a significant and increasing reality in terms of poverty, and 17% of Ontario's children live in poverty.

Governments of the past, be they provincial or federal, have shown very little interest in addressing the poverty that we face in this country.

*Government Orders*

The member said that Quebec has a very good and aggressive way of dealing with these payday lenders who gouge the poor and take advantage of their misery. If that is the case, why is it appropriate for Quebec but not appropriate that other Canadian jurisdictions also have the benefit of this legislation and limits placed on those who would prey upon the vulnerable?

[*Translation*]

**Mr. André Bellavance:** Mr. Speaker, I will not question the statistics on poverty or the increase in poverty that the hon. member was just mentioning. I agree that indeed, there is increasing poverty and that is unfortunate. I too have mentioned the data from Statistics Canada on this.

I hear this question from the NDP often. They ask Quebec, which already has a law or legislation that is better than or equivalent to what is in the rest of Canada, why it refuses to allow the same type of legislation to apply elsewhere in Canada. We are not refusing to allow other places in Canada to legislate in order to counter, or at least limit, the actions of these businesses. What we are saying is that Bill C-26 is an encroachment into provincial jurisdiction.

I do not think this a concern for the NDP. It has always introduced centralist measures. That is the NDP's choice and its right. If people want to elect those members to defend that in Ottawa, that is one thing, but often those members will say that such and such measure needs to be imposed on the provinces because that is what should be done.

In Quebec, we do not operate that way. That would not be accepted and we would not be here in this House if ever we dared operate that way.

Every province is free to legislate on this and so they should. However, it is not up to the federal government to dictate what to do and impose its veto, or to put conditions on this jurisdiction since it belongs to the provinces. That is the problem.

[*English*]

**Mr. Tony Martin (Sault Ste. Marie, NDP):** Mr. Speaker, could the member be a bit more specific? I still do not understand how this is an encroachment into provincial jurisdiction when, in fact, it is turning over responsibility for this very important piece of work to provincial jurisdiction.

[*Translation*]

**Mr. André Bellavance:** Mr. Speaker, if I understand the question correctly, the member is saying he does not understand the meaning of encroachment.

I have been speaking for the past 10 minutes. My colleague from Laval spoke for 10 minutes before that. So for a good 20 minutes he has heard what we mean by provincial jurisdiction. In addition, the Constitution provides for the distribution of powers. On this matter, for example, it is pretty straightforward. It comes under provincial jurisdiction and so the federal has no business sticking its nose in. No further explanation is needed, I believe.

Obviously, that does not mean that the federal government must not examine this situation, but it should perhaps occupy itself with what concerns it. We were talking about poverty earlier. In 2000, child poverty was supposed to be eradicated in Canada. It was an

election promise for 2000. Here we are in 2007, and the rate of poverty among children is higher than it was before the famous promise was made. This is an area of federal jurisdiction. The federal government could therefore attend to that.

This particular matter concerns the provinces. Our legislation in Quebec, for example, is such that this type of business hardly exists at all. So we do not need the federal government telling us what to do and how to do it and that certain conditions would determine whether it could be done. That does not work in Quebec.

● (1100)

[*English*]

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, I am pleased today to rise to speak to Bill C-26, a bill which has been very much pushed by the New Democrats for some time in order to deal with the fact that more and more of our working families and individuals are falling through the cracks because they are not able to access proper banking services and they are being left in the hands of the ATMs, the free mail-out credit cards and the payday loan companies.

In the previous Parliament the member for Winnipeg North had written to the finance minister, who is now the House leader for the Liberal Party, and asked him to work with us and the provinces who were sending a clear message that we did need to make the provisions to set aside parts of the Criminal Code so the provinces could start to set some standards in dealing with the usurious rates we are seeing in the payday lending schemes.

I am pleased now to have this issue back before Parliament. It speaks to the nature of Parliament that we actually are moving for it, except of course for our friends in the Bloc because whatever the political I Ching or the shaking of the bones in their separatist camp, it has made them come out on this bill in whichever way they have. I am still trying to read their tea leaves and I still cannot quite figure out where they are coming from. But that is not really a change in course, that seems to be standard depending on whatever bill comes before the House. I am glad however that at least the majority of the House is taking this issue very seriously.

I would like to point out for the interest of members of the House and anyone back home the long history of banking in my family. I know I might not look like I come from banking stock, but I have a great long history in banking. In fact, both sides of my family were bankers.

When the mines first started to open up in the Porcupine region, the miners were immigrant families and they did not have access to credit. When a miner was injured, he did not have worker's compensation in those days and many people lost their homes. They would have to go to the company stores to get bread. The idea came to the miners to form their own system of credit.

The very first credit union I am aware of in the Timmins region was the Worker's Co-op. It was started by Charley Haapanen, a very good northern Finlander who thought we should bring the miners together. So it was the Finns, the Ukrainians and the Scots who came together and formed the Worker's Co-op. The Worker's Co-op gave credit to people who would not be able to get credit otherwise.

*Government Orders*

Over time there were political fights within the Worker's Co-op. Some people in the community thought it was becoming a little too red and definitely that was not Liberal red, so they formed another co-op which was the Consumer's Co-op which was a little bit more pink, which is not necessarily the pink we are identifying today. There was the Consumer's Co-op and the Worker's Co-op.

Charlie Angus, my grandfather, believed that the only credit union was the Worker's Co-op and we bought all our shares in it because he felt that was what served the working people of the north. My mother's father, Joe MacNeil, was a gold miner from Cape Breton and broke his back in the Macintyre Mine. He became the credit manager at the Consumer's Co-op. As a child I was at the Consumer's Co-op many times and like its counterpart it provided credit to families who would otherwise not have credit.

While other children on Sunday afternoons and on rainy days were playing Monopoly and trying to gather up as much property as possible, our family was learning the good principles of working together in the consumer credit union game. We were raised at a very young age to believe in the principles of the credit union. It is an interesting angle when we are looking at what we are dealing with today.

I should mention that the other credit union that grew out of the area in the north was the *caisse populaire* in the francophone communities. The *caisse populaire* remains in my region one of the central bulwarks for credit, for family finance. It plays a role in our community that is unlike anything done by the banks.

I am raising these examples because when I travel across my vast riding in the north I see that the banks are leaving. They are pulling up stakes. They are leaving and shutting down in communities where they made money year after year. We see them pulling out of Elk Lake, Larder Lake, Virginiatown, Cobalt.

●(1105)

The first bank in Cobalt was the Bank of Commerce. It was a tent in the centre of town. It was there at the beginning of the mining rush, but it is gone now, even though many families still rely on banking services. What do they have when there is no banking service in the town? An ATM at the corner store is their banking service now.

Also, families that cannot get banking services are being mailed credit cards, with a free limit, from these hucksters. We also see payday lenders moving into some of the urban areas now because the banks have pulled out. The banks make \$19 billion a year in profit. They have decided that it is not worth serving average working people. We are talking about an issue of fairness. People who want to have credit and have a savings account have been denied access.

I have a number of examples of how this is done. If people are not exposed to how the banking system runs today, they may not be aware of how people fall through the cracks.

I know a student who tried to open an account the other day. The bank wanted two pieces of picture ID and an ID card with an address. She is a student who recently moved to this town. She brought a signed copy of her rental agreement as proof of where she lived. She had two pieces of photo ID, including a passport, but her

photo ID did not have her address on it. The bank would not accept her as a client. Where is she supposed to go? As she was being denied service, an immigrant man beside her was also trying to get an account for his family and the bank was not interested in him.

What happens is students have to cash their cheques, so they end up going to the Money Mart. That is simply unacceptable.

Now the banks, with their \$19 billion of profit and their increasingly lousy service to average Canadians, want to expand services, such as insurance, in areas where they have traditionally have had no business. One morning last week in Timmins I met with a financial advocates group. These individual brokers provide good service. They have small businesses and have provided service for years. Now the banks want to come in and compete against them.

We know what this will be like. The banks will lower their rates to put them out of business. Then they will jack the rates up once they have no competition. The banks should be focusing on their fundamental job, which is providing credit in communities such as mine in northern Ontario and in places such as Winnipeg. The member for Winnipeg North talked about how the banks pulled out all together. The banks should leave insurance to the independent insurance brokers.

We need to speak about a number of issues in terms of fairness and the ability of people to access credit. We need to look at this proliferation of payday lending schemes that are catching the people who are falling through the cracks because the banks have walked away on their obligation. The banks should address the need for credit by families. People who are falling through the cracks are now having to go to the payday lenders and are paying exorbitant rates. This is creating a cycle of poverty.

We want to deal with helping people get out of poverty. We want to help the working poor. We are speaking about people who want to have a bit of savings and some stability. The last place these people need to be going to are the payday loan companies. Yet in some places that is the only form of financial enterprise that exists. They exist because they are allowed to get away with charging outrageous levels of interest, and the hands of the provinces are tied. We now have before us the opportunity to finally regulate these players and ensure that the area of fairness is addressed.

Banks are private businesses and they are allowed to pull out of communities. We have to start looking at this issue. We have to look at ATM fees and the unfair practices of the banks. We also have to look at the need to encourage our credit unions.

My colleague from Sault Ste. Marie pointed out that just as the credit unions came into the north back in the days when the banks refused to provide credit to working families, we have a role today to ensure that we get the small inner city credit unions up and running. Credit unions are moving into some of the communities I know of where the banks have pulled out. That will provide some measure of stability for families.

*Government Orders*

● (1110)

However, the larger issue is we have to ensure that when people want to cash cheques, they have access to financial services and if they have to cash cheques, they are not charged exorbitant rates and become trapped into the cycle of poverty.

The New Democratic Party is very supportive of the bill. As I said at the outset, the NDP finds it cynically amusing that the Bloc has taken the stance that the federal government, through this bill, will devolve powers to the provinces and somehow, once again, that is an insult to Quebec. That is an absurd argument.

I wonder if my colleagues from the Bloc might change the argument and say that from now on they will only support bills that centralize power in Ottawa and that they will oppose any bill that devolves power to the provinces. Perhaps the real argument is that they will oppose any bill that devolves powers to the provinces unless Quebec has already thought of it. We saw this before when the Bloc opposed a bill in the House to protect children across Canada against pesticides because Quebec already had a bill, so the rest of the country was on its own.

Bloc members say that they have already looked after the payday loan sharks, that people are sitting pretty in Quebec and the rest of Canadians are on their own. They say that if the federal government changes the act in order for the provinces to regulate it, they will oppose it. It is an extremely cynical position and I am very sorry to hear it. Unfortunately, it is typical of the kind of arguments we have heard from the party across, at least since I have been in Parliament. I know the arguments go back a long way.

However, I am very pleased that we have an overall consensus on the need to move forward on the bill right now. It speaks to a notion of fairness. It speaks to the need to ensure that we have some measures in place so our working poor and our young students, who are coming into the workforce, have some protection. The issue before us is that people are being preyed upon because there is no regulatory climate for these payday loan schemes.

I will give another example of how this affects people. I worked with some young first nations people, who needed to cash cheques. They have no banking services on the reserve. They found it very difficult to get banking services when they went into major towns. When payday came, they all went to payday loan companies. That was the only banking service they knew.

Once again, we are talking about breaking the cycle of poverty, of giving people a leg up. A very important and fundamental principle of giving people a leg up is by giving them credit.

A great example of this is the whole history of the co-op credit union movement that came out of Antigonish, Nova Scotia, with Father Moses Coady and Father Jimmy Tompkins. The priests who started to work on the Antigonish movement brought that principle to the third world.

Father Harvey Steel, who was a Scarboro Foreign Mission priest, was very active in bringing the notion of co-op credit to the third world. It was a way of getting people out of poverty. When I interviewed him before he died, he said that in the Dominican Republic, giving people access to credit, allowing them to control

credit and to get micro loans was a fundamental in order to give these people a chance to have a decent society.

This is a similar principle. Whether it is in the Dominican Republic, in a reserve in northern Ontario or in inner city Winnipeg or Toronto, people want to be participants of an economy. They want to have access to credit.

To reiterate my point, right now banks are walking away on their traditional role of providing credit, loans and financial services to average people, so these people are falling through the cracks. The banks would prefer to start moving into jurisdictions that they have no business moving into. New Democrats are very opposed to allowing the banks to move in and act against other business sectors, such as on insurance, because they are not providing their fundamental obligation.

● (1115)

What do we need to do? We need to do two things. First, we need to set this provision before us so the provinces can begin to move to regulate the payday loan scheme. This will some measure of fairness on the ground for families and individuals to utilize these services. Second, we need to find ways of encouraging the access to credit, whether it is in rural regions or inner city regions.

I go back to the fundamental argument I made at the beginning, which is the notion of the credit union. The credit union has proven itself over the last century. It is a way of giving people access, some control and some empowerment, whether it was the old workers co-op back in the days of the boarding houses, the mines and the porcupine in Larder Lake and Kirkland Lake or whether it is in my region today where the *caisse populaire* is stepping in to offer cultural programming, support for regional economic development and ensuring that its members have access to fair loans in a timely manner.

When I first moved back to northern Ontario, I was in a financially risky situation. I was a young worker with a young family and did not have any kind of credit history. It was the *caisse populaire* that gave us credit and allowed us to get that foot up. I will always remember that because we were in some pretty dicey financial situations then. I see young families today who are in that situation. The *caisse populaire* allowed us that first step up and it was a very important step. If there had not been those services and the only option had been the payday loans, I do not know what we would have done at that point.

I will be more than willing to entertain questions and comments at this time.

**Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.):** Mr. Speaker, I listened with rapt attention as the chronicled the history of pecuniary matters in parts of Canada. He speaks warmly of the work of Moses Coady in my part of the country. I share with him the deep anxiety we have in parts of maritime Canada that banks in regions of our country seem to be leaving and people are without that service, but back to the bill.

*Government Orders*

I would like the hon. member to comment on this. It amazes me that the Criminal Code has not been effective all these years in its pursuit of unjust, unfair and criminal loans. As a parliamentarian of some breadth of experience, could he comment as to why he thinks this has happened?

I would also like his comments on the intended application of Bill C-26, which I support fully, as I have stated before. For example, the Mike Harris government would have completely ignored anything touching capitalist and pecuniary interests such as the payday lenders. What does he see in the application of this from province to province, being an effective and fair federal law? What suggestions does he have?

**Mr. Charlie Angus:** Mr. Speaker, my hon. colleague's question raises a large issue. We know there are uneven applications across the country. It sometimes brings us back to the whole role of federal-provincial relations because we do need certain national standards. I would be very much in favour of national standards in terms of our Criminal Code provision for the usurious rates that we see with payday lending.

However, what we see on the ground is we have dropped the ball at the federal level. We are not in the same position as the provinces in terms of applying it. I would like one national standard to ensure that everyone is protected in the same way.

However, in terms of being realistic, at this point we have to look to the provinces to move forward. Will there be a gap? Definitely, big gaps remain. However, I feel we have one national gap right now, so the bill will be a step forward to address some of those gaps.

• (1120)

[*Translation*]

**Mr. Robert Carrier (Alfred-Pellan, BQ):** Mr. Speaker, I listened carefully to the presentation by my colleague from Timmins—James Bay. I especially noted his comments regarding the position taken by my party, the Bloc Québécois. I am concerned and at the same time disappointed by his lack of understanding of the political situation in Canada. Canada is not a unitary state; it is a confederation comprised of ten provincial and two territorial governments, if my memory serves me well.

With regard to jurisdiction in matters of justice, the Government of Quebec already has a law that established an office of consumer protection, the OPC. This law is more than sufficient to meet the requirements of the bill, requirements that will be applied throughout Canada.

Consequently, the present Quebec government, a government that believes in Confederation, also supports the position that its jurisdiction be fully respected with regard to the OPC and that it sees no point in a central government imposing a similar law, one that is less rigorous than its own. At present the ceiling for interest rates in Quebec is 35%, whereas with the current bill they could jump to 60%.

I would like to know what the member thinks of this position on respecting each jurisdiction. The Bloc Québécois is only defending respect for jurisdictions and is quite favourable to all comments and clarifications made by the bill. However, it must vote against the bill since this sector is already regulated by the Government of Quebec.

[*English*]

**Mr. Charlie Angus:** Mr. Speaker, I thank my colleague for his explanation of the Bloc's position, but I return to the original conundrum we are facing here. We are talking about a bill that would change the code so that the provinces would be able to step into a breach on which the federal government has simply not acted.

The fact that Quebec is already there really is of no bearing. Why would Quebec say it would be completely intolerable if we changed the code so other provinces could now step up? I find that argument absurd. We are not taking powers away from Quebec at all. In fact, we are saying at the federal level that we are willing to evolve so that all provinces are allowed to start to regulate.

The argument goes back to the philosophical argument unfortunately, which is it seems that any time the Bloc or the PQ have taken a position, they have said they would block anything that would bring positive change in the rest of the country. I find that an abominable position.

We are here to represent the interests of the entire country. I am not just here to represent the people of Timmins—James Bay, but to make policy that affects people across Canada. When I speak as a member of Parliament about issues in the Maritimes, I am speaking because I am here to represent the best interests of everyone across this country.

I point back to the motion that the NDP brought forward on a pesticide ban, which would have ensured that children across this country were protected. The Bloc Québécois said that Quebec already had that in place so the Bloc members would absolutely oppose any efforts by the House to bring in pesticide protection for children in the rest of the country. I find it an abominable position.

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, I support the bill because we need more transparency in the financial system. We need to make it very clear to the man on the street exactly what he is getting into, whether it is banks or payday loan institutions, and what it is going to cost. We need to protect Canadians from usury.

My question for the member is similar to the question asked by my colleague. Section 347 in the code limits interest rates to 60%, so why is that not working? Why do we not enforce that? If it is not working, why do we not fix it so it will work so all Canadians have that 60% protection at least?

We say the provinces would be exempt from section 347 if they regulate, but the bill does not give them any limits. This is problematic. We are giving them an exemption from the 60% rate and they could regulate at 1,000% or whatever. Where is the protection for lower income people whom we all want to protect?

I want to make one correction to the comments made by my Bloc colleague. There are three territories, not two: Nunavut, Yukon and Northwest Territories.

*Government Orders*

●(1125)

**Mr. Charlie Angus:** Mr. Speaker, I guess the question I would have to ask him would be why we are having to move on this bill now. It is because the previous government did not make any efforts to regulate the payday loan lenders.

We pushed the previous government to take action. If the provisions exist at the federal level for them to act, they could have acted. They should have acted. Why did they not act? They were not interested in acting.

I believe at this point what we are looking at is finding a way to make action possible. It seems that the recommendations coming forward from provinces like Manitoba would change the provisions in the Criminal Code so that a province could step into the gap left at the federal level. The New Democratic Party supports that.

**Ms. Peggy Nash (Parkdale—High Park, NDP):** Mr. Speaker, I thank my hon. colleague for Timmins—James Bay for his eloquent presentation on the bill. I share with him the real concern about growing poverty in our country. That is why I introduced a private member's bill to increase the federal minimum wage to \$10 an hour. We actually have no minimum wage in Canada at this point in time.

It seems bitterly ironic that the people who are at the very lowest end of the economic spectrum, the absolute poorest people in our society, are the ones who end up paying the shockingly exorbitant interest rates from the payday loan companies. The status quo is simply untenable. It is forcing people further and further into a downward spiral of poverty.

I am very familiar with this issue from an urban setting. Even in a place with lots of transit, people have trouble getting to a bank to do their financial transactions. In a riding as remote as the hon. member's, and especially with the large numbers of first nations people, could he talk a little more about some of the examples of people who confront this lack of banking resources in their community?

**Mr. Charlie Angus:** Mr. Speaker, the reality is there are many young working people and young first nations people who have no experience at banking. Their only knowledge of banking is the loan shark they have to see once a month to cash their cheques. Without a culture of banking and savings they are doomed from the get-go.

The issue we are seeing in the north that compounds it is the fact that as the banks move out of areas, especially isolated rural regions, it is affecting seniors also. Seniors lack the ability to travel, especially on the winter roads, for example, between Elk Lake and Kirkland Lake in January, and people have to make do. We see a lot of use of the ATM. The ATM has become the bank for most people and they are paying \$2 and \$1.75 every time they go to access their money. This is not something they are doing frivolously; they do it because there are no services for them. There are people who do not have banking services. People are having to use the ATM.

I want to reiterate there are young people and families who are getting caught up because they are getting free VISA cards from the banks. They are being told they have credit and to go out and buy. They get themselves caught in a cycle of debt because the free credit card they get is the only ability they have to actually have money in their hands.

**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.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

**The Deputy Speaker:** In my opinion the yeas have it.

*And five or more members having risen:*

**The Deputy Speaker:** Call in the members.

*And the bells having rung:*

**The Deputy Speaker:** The vote will be deferred until the end of government orders today.

\* \* \*

●(1130)

[Translation]

**CRIMINAL CODE**

The House resumed from January 30 consideration of the motion that Bill C-32, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts, be read the second time and referred to a committee.

**Mr. Réal Ménard (Hochelaga, BQ):** Mr. Speaker, I am pleased to speak to Bill C-32, which the Bloc Québécois would like to review in committee. In committee, members can realize their full potential and focus on all the details. The Bloc Québécois would like this bill to be referred.

Before getting into Bill C-32, I want to take a few minutes to say that the government, where justice is concerned, has a rather controversial record. We know that this government has been very active, having introduced nearly a dozen bills. I would add that none of the bills really appeal to us.

There was Bill C-9 to amend section 742 on conditional sentencing. The government wanted to remove judicial discretion from the judiciary. One of the characteristics of the government is not to believe that our judiciary is serious and competent. It always wants to control and restrict the capacity of judges and increase their limitations when they pronounce sentences or make rulings.

The purpose of Bill C-9, which amended section 742, was to remove conditional sentences as an option for the trial judge for all offences punishable by 10 years in prison, even if it was brought down to one or two years in prison.

*Government Orders*

Unfortunately, we had to fundamentally change this bill in committee. I think we did our work as parliamentarians. Bill C-32 before us is a little more interesting because its purpose is to harmonize section 253 with everything to do with impaired driving. This is a significant social problem and there is jurisprudence. I will have a chance to say more on this. They want to harmonize the legislation and use standardized sobriety tests. Our challenge, in committee, will be to look into the sensitivity, performance and operational nature of these tests.

There was also the bill on judges' salaries. This is an important debate because we have all studied Montesquieu and I know we are all motivated by the philosophy of strict separation of the legislative, the judiciary and the executive.

It is important for the three branches to live together with a healthy regard for each other's jurisdictions. That is why, when the question of judges' salaries arises, Parliament wants to have an independent commission. It is hard for Parliament to decide how much judges' salaries should be because judges are a major branch of the government involved not only in the administration of justice but ultimately in the interpretation of our laws. As parliamentarians, we make the laws. The government is empowered to implement them, and we hope that judges can interpret them.

For a long time, there was a balance. The Chief Justice of the Supreme Court was supposed to earn the same salary as the Prime Minister, and everything flowed from that. Then the government decided to upset the balance and proposed remuneration levels that were different from what the independent commission suggested. That was another bill we were unfortunately unable to support.

As I was saying, we want Bill C-32 referred to a committee because impaired driving is an extremely serious matter. People who take the wheel and drive on public roads must not pose a danger to their fellow citizens; that is obvious.

Thus, the government has passed legislation on suspended sentences and on the remuneration of judges.

• (1135)

The government has also introduced a bill on dangerous offenders. The government even hopes to establish a legislative committee. Everyone in the House understands the difference between a legislative committee and a standing committee. A legislative committee exists for the life of a certain bill, for example, the air quality bill leading to Canada's Clean Air Act, which has been introduced by the government. My hon. colleague from Rosemont—La Petite-Patrie is one of the Bloc Québécois' leading lights when it comes to the environment and the Conservative government should also recognize him as a leading light in view of his great expertise and the soundness of his views.

It is the Speaker of the House who appoints the committee chairs for as long as the work of each legislative committee continues. It is not the chair's peers, the hon. members assigned to the committee, who elect the chair.

The bill on dangerous offenders is a very bad bill. It is animated by a reflexive reaction that would lead to the "three strikes" kind of approach we see in the United States. This is not a bill that the Bloc Québécois intends to support.

The government has introduced a bill on the age of consent, which is called the age of protection, with a clause that creates an exception when the age difference is less than five years. I believe that the leader of the Bloc Québécois said he was in favour of this bill when he was asked. Clearly, we will have to make amendments to reflect the new reality. It is true that sexuality is probably not what it was in your early childhood or early adolescence, Mr. Speaker. Today, adolescents start having sex earlier, when they are younger. In my day, we waited longer. All that has changed, and we have to take stock of those changes.

The government has also introduced a bill containing amendments relating to summary prosecutions. This is a rather technical bill, and I have to say that we are more or less in favour of it.

The government has also introduced Bill C-10 concerning minimum penalties for offences involving firearms.

Hon. members will remember Allan Rock. I am not sure whether his name evokes good or bad memories for the members of this House. When Allan Rock was minister of justice, he introduced a bill. I think that for my colleague, the former leader of the official opposition, this is an excellent memory. I know he was close to Allan Rock, whom the member for LaSalle—Émard, the former Prime Minister, appointed as Canada's ambassador to the United Nations. I have a great deal of respect for Allan Rock. I think he is a brilliant man who served this House well, except when it came to young offenders. The former government went completely off track on that issue.

All of this is to say that the current government has introduced Bill C-10, which seeks to increase the mandatory minimum penalties for offences involving firearms. Unfortunately, we do not have any conclusive studies on the deterrent effect of mandatory minimum penalties.

This morning in committee, we were doing a clause by clause study of Bill C-10. There is a great deal of wisdom gathered when all of the opposition parties are united in asking the government to do certain things. All of the opposition parties—the Liberals, the Bloc and the neo-Bolsheviks—asked the government to undertake a longitudinal study of the impact of mandatory minimum sentencing to find out whether it works as a deterrent or not.

Simply increasing mandatory minimum sentences is not enough. We have to know whether that will really bring peace to our communities. The Bloc Québécois, with its characteristic complete openness and scientific rigour, will see if the government does agree to the request for a longitudinal study of the impact of mandatory minimum sentences for gun crimes because we have had mandatory minimum sentences for 10 years now.

*Government Orders*

● (1140)

Before I get back to Bill C-32, I cannot help but emphasize the government's remarkable inconsistency. On the one hand, the government is demanding that we increase mandatory minimum sentences for gun crimes, but on the other, it wants to abolish the gun registry. Police officers in Canada and Quebec consult this registry hundreds, if not thousands, of times a day. Before entering a dwelling, officers need to know if there are firearms inside. I cannot for the life of me understand why the government wants to abolish this registry and deprive police officers of a tool they need.

I felt it was my duty to review the government's record. The government also introduced a bill about the national DNA database maintained by the RCMP. The committee will have an opportunity to study this bill.

Historically, the Bloc Québécois has always been concerned about street gangs and organized crime. It is always a pleasure to work with my colleague, the member for Ahuntsic. She and I have agreed on a number of measures and proposals that I will be presenting to the Standing Committee on Justice and Human Rights to ensure that we have the most effective means of combating street gangs and organized crime.

The Bloc Québécois is more committed to an approach that would enable our police to carry out successful investigations than to increasing mandatory minimum penalties.

Having completed this overview, I feel it my duty to begin discussion of Bill C-32. This bill would enable police officers to require that a person suspected of impaired driving due to alcohol or drugs submit to a sobriety test.

At present, the Criminal Code already contains provisions concerning impaired driving involving alcohol. Now, there would be more specific provisions concerning drugs. A person suspected of impaired driving could be compelled to submit to a test. However, jurisprudence is not clear on that subject. The interpretation that the Minister of Justice makes in this bill is to say that the Criminal Code at present does not give police officers the power to require that a person submit to a sobriety test nor to take a sample of bodily fluids as part of an investigation into infractions related to impaired driving.

If Bill C-32 is adopted, police officers will be able to require that a person suspected of impaired driving involving drugs must undergo tests and consent to the taking of bodily fluids for testing.

There is a need for some fine tuning. The work of the committee will be to ensure that the available detection technology—and I believe this is based on experience in the United States—is not unduly intrusive. We have a Charter and judicial guarantees. We want the police to have the proper tools, but it is a matter of balance.

It is important to talk about the difference between drugs and alcohol. As a member, I drink very little alcohol. I can claim no credit for that; I have never liked alcohol, and I do not use drugs. In short, I could be considered rather straight and my lifestyle reflects that. My greatest pleasures are not derived from alcohol or drugs. However, some of our fellow citizens do use drugs and alcohol.

● (1145)

We do not want people with a licence driving out on public roads to pose a threat to their fellow citizens. We believe that the police are empowered under the common law and the Criminal Code to stop people they see in situations of potential risk.

In 1985, if I am not mistaken—I do not want to mislead the House—in the matter of *Dedman v. The Queen*, the Supreme Court examined the legality of the R.I.D.E. program in Ontario. Under the program, road blocks are set up. This is done in Quebec too. Checks are done in busy areas. The police, peace officers on duty, stop people to find out whether they have been drinking. Obviously, when this practice began at the end of the 1980s, there were questions about the legality of the operation.

Usually, under the common law and the Criminal Code, a person stopping someone in a car must have reasonable grounds for believing that the individual is impaired or contravening the law. Operation R.I.D.E., as run in Ontario and as it is now run in Quebec, was simply a preventive measure. The aim was to see that all who were stopped were sober, even if there were not reasonable grounds. But, I repeat, under the common law and the Criminal Code, the exercise of the power to stop and arrest people must be based on reasonable grounds.

The Supreme Court said that people could be stopped to see if they were sober, but that would be as far as it went. When a person is stopped at a roadblock to check if they have been drinking, their car cannot be searched for heroin. The Supreme Court authorized the practices saying that a public goal of sufficient importance was involved to warrant police intervention.

The bill today wishes to go a bit further. The aim is to be able to determine impairment not only from alcohol but also from drugs. A major distinction, however, must be made. The presence of alcohol in the blood is much more easily detected than the presence of drugs. From what we have been told, if a person has consumed marijuana, traces of such consumption can be detected in the blood of this individual for up to seven, eight, nine or ten days afterwards, but that does not mean that the person was intoxicated at the time of their arrest.

That is why the committee must be very careful to recognize that what is actually important to the public is to make sure that the people who are driving vehicles on public roads are completely sober, that they are not intoxicated by either alcohol or drugs.



*Government Orders*

Breathalyzers work according to a different premise. Breathalyzers can determine whether the alcohol level in the blood is over 0.08% or 0.8 grams per litre. These facts are verified and charges can be laid. Where drug detection technologies are concerned, however, we have to make sure that they are sophisticated enough so that peace officers do not end up laying charges against people who are not really intoxicated.

Since I still have a minute, I will close by adding that one of the merits of this bill is that it will harmonize things. Since section 253 provides for different penalties, depending on whether charges are laid under paragraph (a), in which an individual is impaired by alcohol or a drug, or under paragraph (b), in which it is proved that an individual has consumed a specific quantity of alcohol or drugs.

• (1150)

The penalties are not the same, which does not make a lot of sense. It is the consequence of the deeds committed, and not just the evidence provided under paragraph (a) or (b), that should determine the sentences.

In conclusion, the Bloc Québécois hopes that Bill C-32 will be the subject of serious study in committee. I am sure that we can count on all parliamentarians to be thorough and rigorous in their work.

**Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.):** Mr. Speaker, I am pleased to rise in the House today to speak to Bill C-32, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

[*English*]

Sadly, it is quite fitting for me to be discussing impaired driving today. Only a few days ago New Brunswick provincial court judge Sylvio Savoie gave a maximum five year sentence to a dangerous drunk driver who has been a threat in our community for some time. Judge Savoie sentenced this dangerous individual to a maximum punishment, despite the fact that the crown prosecutor asked for a four year sentence, which clearly shows, on this side of the House, that our view to leave discretion with judges often works to the benefit of the community.

Judge Savoie put it in his own words best when he said that it was his duty to see that those people on the highway are protected. That is what we on this side believe about our criminal justice system.

This particular individual could serve as the perfect example for us today in discussing Bill C-32 and criminal legislation in general, in justifying tougher sentences and harsher punishments to put a definite end to impaired driving of any sort.

In fact, this repeat offender served 21 days in 1990 for refusing the breathalyzer, 14 days in 1995 for refusal, 30 days in 1999 for a refusal and 18 months in 2002 for driving over the legal blood alcohol limit. If that was not bad enough, he was given 22 months for impaired driving and driving while prohibited. He returned to court a week later to deal with another outstanding impaired charge and was sentenced to three years.

Last week this five year sentence was added to that list of sentences and to the great benefit of the law-abiding citizens to whom this person represented a severe threat.

It is important to note that this sentence was handed out under existing Criminal Code provisions, the bulk of which have been enacted under Liberal governments. Let us face it, impaired driving is not acceptable. It is a dangerous criminal behaviour that sadly kills too many Canadian citizens every year, lives that could be easily spared.

Quite frankly, I hope one day that impaired driving will be a thing of the past and we simply will not have to deal with bills such as Bill C-32 because all Canadians will know it is not acceptable to drink and drive.

For now, though, we still have a lot of work to do in our society and as legislators in this Parliament to get there. Bill C-32 is a start. It proposes to help curb the problem of impaired driving.

This is not the first time, however, that the House has dealt with impaired driving legislation. In recent years the House of Commons has been in fact quite active. In 1999 a House of Commons Standing Committee on Justice and Human Rights released a report entitled "Toward Eliminating Impaired Driving" which recognized the need to develop better ways to detect impaired driving, especially impaired driving related to drugs.

A Senate Special Committee on Illegal Drugs also published a report called "Cannabis: Our Position for a Canadian Public Policy". Once again, the committee noted that there is no reliable, non-intrusive roadside test for drugs.

In 2003, the Department of Justice also released a report entitled "Drug-Impaired Driving: Consultation Document". Again, conclusions mentioned how drivers do not routinely submit to drug tests and how few measures the police had at their disposal to test drivers for alleged influence of drugs.

This is why in 2004 the previous Liberal government introduced a bill to establish a new national strategy to deal with impaired driving. Unfortunately, this legislation died on the order paper when an election was called. As soon as Parliament was back at work after the 2004 election, the re-elected Liberal government reintroduced legislation to deal with impaired driving and that was known as Bill C-16. It is very unfortunate that this piece of legislation also died on the order paper when the 2006 election was called.

Here we are today with the current Bill C-32 legislation, highly inspired I suggest by the very progressive Liberal justice agenda of previous governments.

*Government Orders*

•(1155)

Let us look at the bill in its pith and substance. Bill C-32 does a number of things. It provides tools to detect drug-impaired drivers and creates the offence of driving while in possession of illicit drugs. This would be routinely known by those of us who have dabbled in law and know that with respect to alcohol-related offences, it is also, under many provincial statutes, illegal to have possession of alcohol in the vehicle, which is a precursor to preventing the improper imbibing of alcohol while driving or being under the influence of alcohol while driving. This is a mere extension of that with respect to drugs.

It would restrict the evidence to the contrary rule, which I will delve into subsequently. It will also create the offence of being over .08, causing death or bodily harm, which goes of course to the alcohol side of impairment. It would increase penalties for impaired drivers and for driving while disqualified under provincial statutes or otherwise. It would, finally, assist the police in investigating alcohol-related crashes.

[*Translation*]

Bill C-32 provides for several means of determining whether a driver is impaired by drugs including standard sobriety tests, training experts to recognize drivers impaired by drugs, taking samples of bodily fluids, and creating an offence for refusing to comply.

In addition, Bill C-32 will establish a new hybrid offence punishable by a maximum of five years imprisonment and prohibition on driving.

The bill will also limit the use of “evidence to the contrary”, better known as the “two-beer” defence, while retaining valid defences.

[*English*]

The elimination of the two beer defence is an interesting point brought forward by this law. Forty years ago, breathalyzers and other machines used to calculate blood alcohol levels were prone to errors depending on operator experience, various circumstances and external factors. Frankly, technology has come a long way.

Therefore, it was possible in the past that individuals were wrongfully accused and sometimes wrongfully convicted after roadside tests and station-administered tests. They were wrongfully accused and convicted of offences relative to the .08 limitation.

However, today increasingly accurate technological advances have ensured that such malfunctions with detection devices are almost impossible. Each machine prints out internal checks before each test. Operators are better educated. In short, we have the science now.

There are very few cases where the calibration of the machine is in error or where the operator did not have specific knowledge of how to administer the impairment test. Consequently, there are very few cases, I am very confident in saying, where the accused are wrongfully accused or convicted of driving over the legal limit of .08 on the alcohol side.

We have made progress. Just as there are very few, if none I might say, wrongful accusations for convictions, I would also say on the other hand that there are more convictions, making our roads safer

places. It is safe to say that in the mores of society, drug impaired driving has not caught up to and maintained the same level of vigilance in detection that alcohol impaired driving has.

Let me for a moment compare the technical aspects of evidence gathering with respect to crime. By doing so I hope to illustrate that we are a long way from being precise on drug impaired driving. We have made great achievements with respect to alcohol impaired driving, and on all other aspects of criminal justice we have made great progress because of science.

Let me compare our state of affairs with respect to impaired driving with the introduction of DNA evidence in the criminal justice system as a whole. With all the technology police and law enforcement officials have at their disposition today, would we ever consider debating a DNA match in court by presenting a few friends who could testify in favour of an accused who was faced with a positive DNA match? I doubt very much that any judge in this country would find the testimony of a few friends of the accused as a valid basis for rejecting accurate, scientifically precise DNA matches.

Oddly enough, on the impaired driving side, if a few drinking buddies are willing to testify that the accused only had a beer or two, a court can today reject the results of highly reliable, technologically advanced, precise instruments that otherwise perhaps would have not been available in the past.

This is how this amendment, building on Liberal traditions, is keeping up with technological advances. It is important to support our police officers, those on the front line who administer such tests, and give them the faith that we should have in the laws as they administer the tests and bring about proper convictions.

In December 2005 the Supreme Court of Canada considered the evidence to the contrary, the two beer defence, and found that the results of a breath test can be disregarded, could be disregarded, without any evidence of machine malfunction if the accused meets the test of raising a doubt, raising evidence to the contrary.

•(1200)

[*Translation*]

Bill C-32 establishes new offences, namely impaired driving causing bodily harm, punishable by imprisonment for a term of not more than ten years, or causing death, punishable by life imprisonment. A new offence for refusing to provide a breath sample, in cases of bodily injury or death, will carry the same sentences.

In addition, penalties for impaired driving will be higher. For a first offence, the fine increases from \$600 to \$1,000; for a second offence, sentencing increases from 14 days to 30 days; for a third offence, sentencing increases from 90 days to 120 days and a maximum of 18 months on summary conviction. Naturally, individuals found guilty of impaired driving will also lose their licence.

*Government Orders*

• (1205)

[English]

Bill C-32 also provides tools to assist the police by enabling them to test drivers within three hours of a collision. It also allows them to reduce the current time between breath tests to three minutes and also to extend the driver's seat presumption for refusal cases.

Let us be clear. As parliamentarians representing all regions of this country, as legislators, we have a special task, but we are all also somebody's son, husband or wife, somebody's father or mother, grandfather or grandmother, and we see, as law-abiding citizens, aside from our role as parliamentarians, the carnage of impaired driving in our society. We react not just as parliamentarians, but as parents, as children, as friends of people who have been hurt by the ravages of impaired driving, whether alcohol or drug. In short, drunk drivers are dangerous not only to themselves but to the whole of society.

That is why Bill C-32, while a good attempt, must be a good law. It must be efficacious. In its current form, it does not address many of the points raised in the multitude of committee and justice department reports that I referred to in the first part of my address.

It is crucial that this law be built on a solid foundation and take the findings of the reports, the commissioned studies and the justice department opinions and effect a very solid law, as we have seen with technological advances on the alcohol side, a law, as administered, that results in convictions, will provide deterrents and also does not lead to wrongful accusations or convictions. But primarily, the law must work.

Bill C-32 raises a number of questions which I as a member of the justice committee will be most eager to delve into so that we can perfect it and hopefully bring it back to the House as a efficacious law. These questions, and they must be raised, are as follows. They relate to how to test drivers on roadsides for drug impaired driving.

The amendments with respect to the alcohol side are terrific amendments and will act as further deterrents and better help on detection with respect to alcohol impaired driving. With respect to drug impaired driving, there are currently no reliable tests. I would quote the Parliamentary Secretary to the Minister of Justice and Attorney General of Canada when he said in the House last week that "we do not have the equipment in place that can provide a roadside test for all drugs in the same way that we have with roadside breathalyzer tests" for alcohol detection.

And never a truer word was spoken by a member of the Conservative Party, a Conservative parliamentarian and member of the cabinet by virtue of being a parliamentary secretary. I want to give compliments where compliments are due. I am certainly open to complimenting my friends on the Conservative side when they speak the truth and are 100% accurate, but 100% accuracy is really the standard which we are trying to achieve, with respect, as parliamentarians in Bill C-32, and the law as drafted cannot be said to achieve that on the drug impaired aspect.

There is another question related to the proposed legislation. I will be happy to study this and help this through committee. What drugs would the police be testing for? All drugs? Certain drugs? This certainly raises many questions. It has been scientifically demon-

strated that cannabis can leave traces in the body for weeks after the physical and mental impairment effects have dissipated. How would the new drug recognition experts panel react to this?

How are we going to deal with the multitude of drugs, perhaps not even listed in the Criminal Code, if they cause impairment? What about prescription drugs? Although acquired legally through a doctor's prescription, many medications have warnings on them. Many people are irresponsible in taking one or several medications without reading the warnings. They put themselves in a position to harm others. They put themselves in a position to be impaired and not capable of driving safely. How does this bill deal with that aspect? How would the new drug recognition experts deal with this?

• (1210)

We live in a country where winter, certainly just lately but before that perhaps not, is very harsh and is synonymous with cold and flu season. That can last up to five or six months. What about the millions of Canadians who take flu and cold medications? For many of those medications, we are told not to drive or operate heavy machinery while taking them. This is a problem that Bill C-32 does not specifically address. I do not think we can leave it to the regulations to detect. This certainly must be canvassed through the best of expert testimony at the committee level.

The standardized field sobriety tests and the pooling together of the experts is an excellent idea, but we have to ask where they would be. Would they be available to every region of Canada? It is a high level of expertise. Will it apply in rural parts of Canada, like the riding of Tobique—Mactaquac, for instance? Certainly in the grand city of Moncton we would get those experts.

Furthermore, the only reliable test for drug impaired driving is a blood sample or a urine or saliva test and many of these might not stand a charter challenge, unfortunately.

In short and in conclusion, Liberals support this bill. We support it going to committee. We support the work of Mothers Against Drunk Driving. We support local operations such as Opération Nez rouge. We want our streets and roadways to be safe. In doing so, we support the bill. We have many questions and we hope those questions will be answered at committee. We hope the House will support the questions and give the committee enough resources and time to proffer the proper evidence and come back with a bill that will protect Canadians.

*Government Orders*

**Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, I want to compliment this member in particular for supporting one more piece of legislation that this government has put forward in less than year. If he is here today supporting this bill not because it is great legislation, which it is, why in the 13 years prior to this did the member and his party do nothing as far as tough on crime legislation goes? In fact, in very short order, we have taken the initiative to do that, to protect Canadians.

Of course in northern Alberta I was involved in any many trials of impaired operation, and I always found in regard to evidence to the contrary, evidence which a particular clause in the bill will in fact rule out in some semblance, that it was shameful, quite frankly, because often people who could afford good lawyers and could afford to go to court and provide evidence to the contrary had a different form of justice than the people who could not. I am hoping that the agenda of the justice committee, which the member sits on with members of the government, will work toward more equalization in the law so that the law and justice are available to all.

I am wondering in particular, though, whether the member has thoughts on how the crown prosecutors across Canada feel about this piece of legislation. How does he feel about the training that RCMP officers are going to need in order to combat and deal with drug offences? Of course, as he is fully aware, it currently is the law that drug impaired driving is not allowed, just as drunk driving is not. It is on the basis of subjective evidence and this bill deals with that in some form.

I am wondering if the member could comment on that as well as the issue of deterrence. Many clients in my office have had 6, 8 or even 10 prior offences on impaired operation, which 20 or 30 years ago of course was not taken as seriously as it is today, not nearly as seriously as this government does.

I am wondering if the member could comment on those two things as well as the positive steps that we are taking to make sure that we, as a Conservative government, deter people from drinking and driving all over Canada, because of course it affects hundreds of thousands of people per year.

**Mr. Brian Murphy:** Mr. Speaker, a lot of work has been done on this aspect. I mentioned in my speech the 1990, 2003, and 2004 reports of various committees with respect to getting tough on crime. The Conservatives cannot take full credit for this bill; this is an evolutionary process.

I will skip quite quickly to the issue of drug impairment detection. It is important to underline to Canadian citizens and members of the House that at the same time the Prime Minister and the Minister of Justice introduced the bill—or I should say, they spoke about it, as it is the norm for the Conservatives to announce a bill and then put it to the committee—they also cut funding for a project and study on the development of tests for the detection of drug impairment. One officer outside my riding called me and suggested that it was a shame that this project and study process had been curtailed.

There has been a promise of further funding for further studies with respect to how the police, the front line officials, can perfect the drug impairment detection test. As yet the details are scarce, which is precisely why this bill needs to go to committee. We need to hear

from law enforcement officials and the attorneys general across the country. The member is quite right in suggesting that we need to hear from crown prosecutors, as they often have to deal with a file that is not perfect and take it to court to prove those convictions.

We will work on this in committee in a very non-partisan way. As I said in my introduction, this is merely an indication that the current Conservative government felt the Liberal justice agenda was a good one. The Conservatives took what we had, put their stamp on it, and we will be happy to work on perfecting it.

● (1215)

**Mrs. Irene Mathysen (London—Fanshawe, NDP):** Mr. Speaker, I have appreciated hearing my colleague's remarks and the interventions from other members. There has been a great deal of discussion and I do have some questions.

Could the member comment on some of the concerns around the costs involved in training officers to do this work? It is very important that our police forces have the proper training to make sure that they are indeed able to move forward and protect the public as the member so wishes.

**Mr. Brian Murphy:** Mr. Speaker, it is very typical in the Conservative justice agenda to make grand pronouncements on law and not back them up with the resources needed to effect the law as proclaimed.

Bill C-9 and Bill C-10 deal with mandatory minimums and conditional sentences. Some \$225 million was budgeted for prisons. Most attorneys general met in Newfoundland last year and collectively said it should probably be something like \$2 billion. With respect to this law, there is no indication that there will be adequate resources to develop the tests for drug impairment detection. We will have a law with no teeth in it.

I can look at the testimony of Chief Blair of Toronto who, using existing law passed by previous Parliaments and extensive resources, had a major and effective crackdown in crime in the GTA. There has been no indication from the Canadian Chiefs of Police that adequate resources will be put in place for the new panoply of Conservative laws which are intended to be tough on crime. Without adequate resources to put its wishes into effect, I am afraid the Conservative government is leading the Canadian public into a false sense of security by promoting law on the 6 p.m. news but not backing it up with the necessary resources. It is cutting funding to everything that is dear to Canadians, including effective, smart, judicial discretion and effective and smart law enforcement. That is what is missing from the agenda.

We are willing to work with the Conservative government as the bills go through the House. I do not know what we do with a minority government that governs like a majority and will not fund the necessary tools to put good laws into effect once they come out of committee.

**Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC):** Mr. Speaker, we are getting the job done and we are moving forward to action.

*Government Orders*

I am pleased to speak to Bill C-32, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts. This bill would bring Canada's impaired driving laws into the 21st century and would greatly assist the police in their efforts to investigate impaired driving incidents and the Crown in its prosecution of alleged offenders.

I know that all members recognize that impaired driving remains the single criminal offence that is most likely to result in death or injury of Canadians. If passed, this legislation would make an immeasurable contribution to the safety of all Canadians. Therefore, I trust that all parties will support the legislation and that we can cooperate so that these needed changes can be considered by the standing committee. I can assure all members that the government is open to consideration of all improvements that the committee can suggest, after hearing from stakeholders, to make the bill even more effective in achieving its goals.

The bill has three main components. First, it would give the police the tools they need to investigate drug impaired driving. Second, it would make changes to reflect the great advances that have been made in breathalyzer technology since Parliament first introduced breath testing almost 40 years ago. Third, it would introduce new offences and increase penalties for existing offences.

Many members in this House are familiar with the drug impaired provisions of this bill. They are virtually identical to the provisions of Bill C-16, which was introduced in the last Parliament, reviewed and amended in committee and reported unanimously with amendments by the committee. However, it died on the order paper.

There is no question that police and prosecutors are eagerly awaiting the passage of those changes.

I will confine my remarks to the new provisions of Bill C-32 so that members will understand what motivated the government to bring these amendments forward.

Probably the most important change in the bill is the proposal to ensure that only scientifically valid defences can be used where a person is accused of driving with a concentration of alcohol exceeding 80 milligrams in 100 millilitres of blood, driving 80 over, or .08, as the offence is commonly known.

Parliament first enacted an alcohol driving offence in 1921. Our current Criminal Code section 253(a) offence of driving impaired was enacted in 1951. It has been known for more than 50 years that a person with more than 80 milligrams of alcohol in his or her system is a danger to himself or herself and others on the road. A person with a blood alcohol content, BAC, of 90 milligrams is estimated by the U.S. Department of Transportation to be at least 11 times as likely to be involved in a fatal accident as a sober driver. Above that level, the risk increases exponentially. At a BAC of 125, the person is at least 29 times as likely to be involved in a fatal accident.

While recognizing the risk of collision with escalating blood alcohol concentrations, the problem has always been how to prove the concentration. Determining the BAC can be done by analyzing blood. However, obtaining a blood sample is intrusive and it can take a long time to complete the blood analysis, during which time the accused does not know whether the charge will be laid.

The problems with blood analysis were overcome in the 1950s with the invention of the Borkenstein breathalyzer, which converted alcohol in breath to alcohol in blood in a reliable, scientifically valid process.

Parliament recognized the risk of a blood alcohol concentration that exceeds 80 when in 1969 it passed legislation making it an offence for a person to drive with that much alcohol in his or her system. It is a peculiarity of the law that it can only be proven by making a person provide the evidence that can be used against him or her in court. Accordingly, Parliament made it an offence to refuse to provide a breath sample on an approved instrument.

Advances in technology made it possible to measure BAC at roadside, so Parliament provided for the use of a roadside screening device in 1979. These screeners indicate that a person has failed, but do not give a precise BAC for use in court. They do provide the police with grounds to demand the approved instrument test and the results from the approved instrument are admissible in court. Again, it is an offence not to provide a breath sample on an approved screening device and it is an offence not to provide a breath sample on the approved instrument.

● (1220)

The courts have recognized the unique nature of this law. They have upheld its constitutionality as a reasonable limit on the charter right against unreasonable search and seizure that is justified by the horrendous toll caused by drunk drivers.

In 1979 Parliament had established a two step process for determining whether a driver was over 80 that appears simple: a reasonable suspicion of alcohol in the driver leads to a roadside approved device screening test which, if failed, leads to an approved instrument test which, if over 80, is proven by filing the certificate of the qualified technician in court.

However, impaired driving, and in particular, the over 80 cases, have become among the most complex cases to prove under the Criminal Code. It almost seems that every word and every comma in every section has been litigated.

*Government Orders*

Anyone who doubts how complicated the law has become only needs to pick up *Martin's Annual Criminal Code*. The 2007 edition has 12 pages of legislative text and annotations for the 13 sections dealing with murder, manslaughter and infanticide. *Martin's* has 62 pages of legislative text and annotations for the nine sections dealing with impaired driving.

Section 253(b) over 80 cases take up a grossly disproportionate amount of provincial court time. Often this is the sole charge as there is no evidence of erratic driving and few signs of impairment. If the defence can raise a reasonable doubt as to the blood alcohol content at the time of testing being equal to the BAC at the time of driving, the prosecution will virtually never have other evidence to prove the person was over 80 at the time of driving.

When Parliament first adopted breath testing legislation in 1969, the operator had to perform a series of tests to ensure the approved instrument was calibrated properly and had to read a needle to obtain a reading which was recorded manually. Clearly, there were opportunities for operator error and even an erroneous transcription of the BAC. Therefore, Parliament provided that the BAC reading is, in the absence of evidence to the contrary, deemed to be the BAC at time of driving.

Unfortunately, even for a new generation of approved instruments that give digital readings, have automated internal checks and give a printout of the internal process, the courts have interpreted "evidence to the contrary" to include evidence given by the accused that he only had a small quantity of alcohol to drink, typically the two beer defence. The defence then calls a toxicologist to estimate the defendant's BAC based on the accused's testimony regarding the consumption of alcohol, time elapsed, food consumption, et cetera.

Essentially the accused is saying that regardless of the BAC at the time of testing, his or her BAC while driving could not have been over 80, given the small amount of alcohol consumed. The accused does not have to account for the BAC reading on the approved instrument at the police station. The courts, unless they reject totally the accused's evidence, hold that the presumption that the BAC at testing equals the BAC at the time of driving is defeated. Without this presumption, the prosecution does not have evidence to prove the over 80 offence. The defendant is acquitted for a lack of evidence showing the legal BAC at the time of driving.

The Supreme Court considered evidence to the contrary in *Regina v. Boucher* in December 2005, where the accused who had blown .092 testified that he only had drunk two large beers. Although the conviction was restored five to four, the decision turned solely on the credibility of the accused and whether the judge had properly considered the evidence as a whole.

The majority found at paragraph 43, "The judge also erred when she stated that the credibility of the accused and his witnesses could be assessed in light of the results of the breathalyzer test before applying the presumption".

Consequently, the Supreme Court has effectively found that the results of a breath test can be disregarded by a trial judge and an accused found not guilty without any evidence whatsoever that the machine has malfunctioned, at least for the presumption of accuracy for the qualified technician's certificate.

● (1225)

Even if the court is suspicious of the accused's evidence, the presumption is lost because the accused only needs to meet the test of raising any evidence to the contrary. Frankly, I believe the courts have misunderstood what evidence to the contrary is meant to be.

Parliament passed the breathalyzer law in 1969 so that the calculation of the BAC could be done by the approved instrument, which takes the guesswork out of the equation provided the approved instrument is functioning properly, the operator uses it properly and the results are properly recorded.

The court's interpretation may have been justified when the technology was such that operator error could affect it and there would be no direct evidence of this. Therefore, it is very much a defence that reflects the weakness of the technology in use 40 years ago. I do not believe it is Parliament's intention that evidence to the contrary should be simply speculation about what an accused BAC might have been.

Given today's state of technology, evidence to the contrary must be direct evidence that the machine either did not operate properly or was not properly operated. If there is no such evidence, then the BAC produced by the machine must be accepted. The accused may still be acquitted if he or she can show that he or she was under 80 at the time of driving without contradicting the BAC results on the approved instrument at the police station. This could happen, for example, if the person downed several beers and was arrested before the alcohol was absorbed. It could occur that after driving but before being tested the person consumed alcohol and then it was absorbed by the time the approved instrument test was taken.

The fundamental question for Parliament is whether it can trust BAC readings produced by the approved instruments. Fortunately, advances in technology ensure that the accused receives full disclosure of modern approved instrument tests through the printout of the internal operations of the equipment.

In March of last year, the department commissioned a report from Brian Hodgson, a forensic toxicologist and chair of the alcohol test committee of the Canadian Society of Forensic Science on the validity of breath testing. I would be happy to provide a copy of this report to any member who wishes it. I trust that Mr. Hodgson will be called as a witness on the standing committee if we send the bill for review after second reading.

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I would like to summarize his paper in this way. He wrote, “The Breathalyzer is entirely manually operated and therefore the reliability is vulnerable to human error. The test results are handwritten by the operator and vulnerable to transcription error. The advanced instruments have pre-programmed functions that minimize human error. For example, when electrical power is first turned on, all instruments must reach a specified operating temperature and the operator can then proceed with the testing of the subject. With the Breathalyzer, this function is the responsibility of the operator. The advanced instruments will not operate until the specified temperature is reached and have pre-programmed safety checks that will signal problems by means of air messages and will abort the testing procedures.

These approved instruments are highly sophisticated and must pass a rigorous evaluation process before the alcohol test committee recommends that they be listed as approved instruments under the Criminal Code for use in the courts. These instruments cannot be bought off the shelf at Wal-Mart. Perhaps the standing committee can arrange to have a demonstration of the older instruments and the new instruments so they can appreciate the differences.

In light of this science and the developments with the approved instruments, it is unfortunate that our courts have failed to reflect, in their jurisprudence, the evolution of the technology. Ignoring the BAC produced by one of the modern approved instruments and substituting for its accurate, scientific analysis of breath alcohol a calculation based on the testimony of the accused is deeply discouraging to the police and the prosecutors who have done everything that Parliament has prescribed.

As far back as 1968, the alcohol test committee expressed concern over the courts accepting testimony that effectively contradicted the approved instrument. In 1999, evidence to the contrary was discussed during the special hearings on the standing committee regarding impaired driving. The committee wrote:

The Committee understands the frustration expressed by justice system personnel over time-consuming defenses that, at least on the surface, may appear frivolous. However, given that the accused would have no effective means of checking the accuracy of a breath analysis machine, the Committee agrees that limiting the interpretation of “evidence to the contrary” in such a manner as recommended could effectively amount to the creation of an absolute liability criminal offence. Such a result would run the risk of interfering with an accused person's rights guaranteed by the Canadian Charter of Rights and Freedoms. In present circumstances, therefore, the Committee does not support amendments to the Criminal Code that would limit the interpretation of “evidence to the contrary”.

• (1230)

Circumstances have changed. We now have modern technology that not only is designed to eliminate operator error but also prints out the results of the internal diagnostic checks that ensure that it is operating accurately. The accused receives a copy of that printout and can make a full answer and defence.

It is just as unacceptable to ignore the approved instrument BAC reading in favour of the testimony of the defendant and his or her friends as it would be for a court to ignore DNA found on the victim which analysis showed came from the accused because he or she and some friends testified that the accused was not at the scene of the crime, with no explanation of how the DNA happened to get there.

As MADD Canada's CEO, Andrew Murie, said in a press release calling for a rapid passage of the bill. He said:

Canada appears to be the only country that throws out the results of the evidentiary breath and blood samples based on the unsubstantiated, self-serving testimony of an accused impaired driver. We are very pleased to see the government limit these challenges.

I believe members will agree that a person who has been drinking is unlikely to have an exact recollection of the amount of alcohol that he or she consumed and it is appropriate that the blood alcohol content of the driver be established by a scientifically validated instrument that gives an exact reading rather than by a calculation based on a shaky foundation.

The amendments that we are proposing abolish the loose, undefined concept of “evidence to the contrary” and lists the actual scientifically valid defences that an accused can bring forward.

We are also reflecting in Bill C-32 the advances in technology by reducing from 15 minutes to 3 minutes the time required between the two required breath tests. The old breathalyzers required at least 10 minutes between tests for the operator to set the instrument back up so it was ready for another test. The new instruments are ready in a matter of minutes and they signal to the operator that they are ready to proceed.

Although there are other technical changes in the bill, I wish to conclude my remarks by discussing the changes in the offences and the new punishments.

The Criminal Code currently provides for higher maximum penalties for impaired driving causing death and impaired driving causing bodily harm. These higher penalties do not apply to refusal and over-80 offences, so unless there is also a conviction for causing bodily harm or death arising from the accident, a lower maximum penalty applies.

While evidence of BAC is not a prerequisite in order to prove the charge of impaired driving causing death or bodily harm, it is admissible in court. There is, therefore, an incentive for the accused to refuse to provide a sample in a case involving injury or death because the maximum penalty for refusal is five years.

Even if it is admitted, the BAC reading is not necessarily sufficient to prove the offender was impaired. The Crown must call a toxicologist to establish what has been known for more than 50 years, namely, that the person who is over 80 is impaired. Virtually all toxicologists agree that at 100 milligrams each person's ability to operate a vehicle is impaired.

We propose to eliminate the incentive to refuse by making a person who is over 80, and is the cause of a collision resulting in death or bodily injury, or who refuses to provide a breath sample knowing of the death or bodily harm, subject to the same penalties as a driver who, while impaired by alcohol or drug, causes death or bodily harm.

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As for the penalties of impaired driving where there is no death or injury, the government believes that they do not adequately reflect the seriousness of this offence. We are proposing to raise the minimum fine for the first offence to \$1,000. When combined with the prohibitions on driving, provincial licence suspensions and higher insurance costs, this should be enough to convince the people not to commit this offence again.

● (1235)

**Mr. David Tilson (Dufferin—Caledon, CPC):** Mr. Speaker, the member has given an excellent summary of the impaired driving laws in this country and the developments that have occurred over the years. I particularly enjoyed his comments about the number of defences that have occurred on technicalities with respect to the Breathalyzer test.

I appreciate that what he is trying to say is that the government is simply trying to keep up with the times and with the changes in technology and that the law needs to be altered. I am sure MADD Canada will agree with his comments.

The member indicated a number of pages that were put forward in Martin's Criminal Code, or whatever it is called now, of the number of summaries of defences that have occurred with respect to the Breathalyzer test.

I wonder if the member has any information that might be available from the government as to the number of defences that have been used with respect to the Breathalyzer test that have resulted in dismissals for technicalities.

● (1240)

**Mr. Mark Warawa:** Mr. Speaker, I do not have the specific number but it is in the hundreds. It is more difficult to get a conviction on impaired driving than it is a murder conviction.

Before being elected to the House I worked as a loss prevention officer for the Insurance Corporation of British Columbia. One of the things I had to do was provide answers to the ICBC, if there was ever a fatal accident, of what the causals were. It often was drug impairment, lack of using seat belts or bad choices. It is a very dangerous choice to drink and drive. It not only puts the driver at risk, it also puts the lives of other Canadians at risk who are sharing the road.

Bill C-32 is good legislation and it would bring us into the 21st century. We need to move forward. I hope all members of the committee will work together to ensure the bill moves quickly through the House.

**Hon. Robert Thibault (West Nova, Lib.):** Mr. Speaker, I think we all share concerns about the harmful effect of driving while under the influence, whether it be alcohol or a controlled substance. They both diminish our faculties.

I look forward to seeing the results of the committee's work. I think everyone agrees with the principle of Bill C-32 but I know there are some concerns with the administration or defining of it. I would like to know if the parliamentary secretary shares these concerns and, if so, if he sees any solutions.

One concern is the question of creating an offence of up to five years imprisonment for possession of a controlled substance while

driving. The driver might not have used the substance but it may be in his presence. I have fears about that. I will be speaking later this afternoon and I will discuss that more.

The other concern I would like the member talk about is the question of the drug recognition expert and the question of taking body fluids or blood in the case of an investigation or charges. In rural Canada that work will undoubtedly have to be administered by the RCMP.

The distances from station to station for the RCMP are far apart. They generally do not have staffing in the off hours. The administrative burden that will be put on the RCMP and the costs associated, the costs that will be transferred in this manner to the provinces and the municipalities because they do bear a portion of the policing costs in provinces such as Nova Scotia and I believe in all provinces, will be very high if each detachment needs to have someone trained as a drug recognition expert and be available 24 hours a day. That means that there would need to be multiple officers with that training. Some of these detachments have only three or four officers.

We would then need to have someone with the training to take the blood and body fluid samples in a safe manner. That would require a lot of nursing training or health type training and the person would need to be available on a 24 hour a day period. If not, then we are looking at the transportation of potential abusers, but people who may very well be innocent, of distances of three or four hours or more. This would be very difficult in the administration of this particular program.

I would ask the member if the government has considered these questions. Has the government looked at what it would cost, how it would do it and how it would ensure that the municipalities, cities, rural municipalities and the provinces are not overly burdened with these costs?

**Mr. Mark Warawa:** Mr. Speaker, the focus of my speech was on blood alcohol impairment, but as the member points out and as Bill C-32 deals with, it is impairment with drugs as well.

The drug recognition experts, DRE, are at RCMP detachments. It is a problem within our country. The impairment can be caused by a lack of sleep and someone not being safe to drive. Impairment can be caused by the use of prescription drugs, and it can be caused by illegal drugs or alcohol.

If individuals are impaired by whatever the cause and they are not safe to drive, they should not be driving. Therefore, an RCMP officer or a provincial police officer will now be able to ask for a roadside sobriety test. If it is determined that there is an impairment, they would then be going back to the detachment and a DRE would determine what is causing the impairment.

The commitment from the government is to make our communities safer, to make our streets safer, and to lower taxes and provide the dollars in a responsible way where they are needed. That is why we are supporting and providing the tools to the police. We are providing the tools for a cleaner environment and we are providing lower taxes. We want safer communities and we are getting the job done.



*Government Orders*

• (1245)

**Mr. John Cannis (Scarborough Centre, Lib.):** Mr. Speaker, the parliamentary secretary said this bill and this government want to make our streets safer and so on. I do not think there is a member in the chamber that does not wish the same thing. In as much as we all agree on the principle of the bill and it warrants serious consideration and support, the problem that I hear from my constituents over and over, and I am sure other members do as well, is that members with all good intent bring forth legislation, tighten the rules and so on, mandate after mandate. However, I know one famous football player whom I read about a year or so ago who was caught and charged driving under the influence of alcohol and he was let off the hook with a little slap.

I ask the parliamentary secretary if he or his government have any ideas? We can make the laws and improve them continuously, but how do we get them enforced? How do we get them complied with when police officers go out of their way and in harm's way to arrest people, put them through the system, and then find themselves before the courts and the next thing we know they are off with a slap on the hand and our constituents and taxpayers get frustrated? Does the parliamentary secretary and the government have any ideas how we can overcome that?

**Mr. Mark Warawa:** Mr. Speaker, we found that the Liberal hug a thug philosophy does not work. We need to make our communities safer. The time for rhetoric and talk is over. The government is committed to taking action. In the past year Canadians can look back to see what has been accomplished by the government and it is enormous. We want to continue it.

Canadians want us to continue to make our communities safer, to clean up the environment, to lower taxes and to be world leaders. Canada is back. Our communities are back. There is a spirit of optimism. We encourage the opposition to work with us to make Canada safer.

**Mr. John Cannis:** Mr. Speaker, that is what it is all about. I am trying to work with the member to find means and ways to better safeguard Canadians, but again Conservatives will tell constituents everything they want to hear knowing that they cannot deliver. They have not been delivering on their promises. I am embarrassed that the member responded in the way he did. It is a shame.

**Mr. Mark Warawa:** Mr. Speaker, it is amazing how upset some people get when we are getting things done, but that is why Canadians sent us here. That is why we have the government that we do. I encourage the member to lay aside the past and let us move forward for the good of Canada.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, I rise today to speak with regard to Bill C-32 which essentially has two major components. One of which would address for the first time a methodology to use in our criminal justice system to deal with impairment while driving an automobile or plane under the influence of a drug rather than alcohol.

The second part to the bill, which quite frankly is probably more significant in terms of its effectiveness, deals with our existing law regarding impairment because of consumption of alcohol. One of the defences to those charges that has cropped up quite frankly has gotten to the stage of almost being a scandal in this country in terms of the number of times it is used and what I would call the

underlying weakness of the jurisprudence that allows for that defence.

Both of these sections are important sections. We need to address them as a legislature and to see if in fact we can more effectively deal with the problem of impaired driving whether it is because of alcohol consumption, as we have traditionally looked at it, or now both a combination of alcohol and drugs or drug impairment on its own.

The first part of this bill is a reincarnation of Bill C-16 from the last Parliament that dealt exclusively with the issue of impairment by drugs. The sections in this bill are replicated from that former bill. Essentially what it attempts to do, which I have some concerns about, is to take us down the road that we followed with regard to impaired driving by alcohol going back now some 30 plus years and using technology, as we did then in the form of the breathalyzer, to identify people who were impaired and to deal with them by way of criminal penalty sanctions.

The difficulty I have is that the existing technology with regard to drug impairment is basically non-existent. It is nowhere near the situation we have with alcohol impairment. Because of the technology we initially developed and have now refined, the assessment of an individual being impaired as a result of the consumption of alcohol is quite clear and scientific.

Generally speaking, and it is in the percentile of 100%, it is irrefutable. Unless the equipment is malfunctioning or the operator is not qualified and has not used the equipment properly, the equipment properly and effectively assesses a person's impairment.

I think we can safely say there are two exceptions to that and a crucial one is when the test is given. If there continues to be some consumption of alcohol between the time the person stops operating the vehicle and the test is administered, it is possible that consumption will bring up the blood alcohol level and in fact take it over the prescribed limit when in fact the accused individual may not have been impaired at the time he or she was operating the vehicle. That is one defence and it stays in.

The second one is where the consumption of alcohol was huge immediately prior to the operation of the vehicle. When the test is given, the person is over the limit but in fact again, because it takes some time for the alcohol to work its way through the system and impair a person from operating a vehicle, that person in fact would not have been impaired at the time of the operation of the vehicle.

• (1250)

This bill, as did Bill C-16, preserves those defences, so if that can be established by evidence there would then be a defence to the charges because people would not have been impaired at the time they were operating the vehicle.

The difficulty we have with the drug impairment attempt that is going into this bill, and again that was in Bill C-16, is that we do not have two things. We do not have the technology to do a quick test, roadside or at a police station, but more importantly, we do not have any standards as to what type of drug will have what type of an effect in terms of impairment and the ability of the human being to operate a vehicle.

*Government Orders*

Because of the work we did in the last Parliament on Bill C-16 we took a great deal of evidence. In this regard the European Union and a number of countries in Europe are working to try to establish a standard of impairment from the consumption of marijuana or the chemical derivatives. They have not been able to do that up to this point. They believe they are making some advances but they are clearly not there at this stage.

In regard to marijuana specifically, one of the problems we have is that the particular chemical derived from the marijuana plant stays in the system for an extended period of time. This was a defence by one of our Olympians and that was his argument at that time. It saved the day for him. In fact, it is the scientific reality that the chemical substance stays in the system for an extended period of time, so it is going to be very difficult from what we can see at this point, mostly because of the work that has been done in Europe, to set that minimum standard.

The reason this is so important and that I am pursuing this issue with regard to marijuana is that there is no question, and we are hearing from our police officers across the country, from our prosecutors, from people involved in the impaired driving issue, that marijuana after alcohol is clearly the second biggest problem substance that we have. People consume it and then drive a vehicle while impaired. However, we do not have the technology or the science at this point to establish that minimum standard.

We also do not have any equipment that could be used at the roadside or at the police station that would do a quick assessment. That can only be done by way of taking a blood sample or a urine sample. This legislation recognizes that this can only be done by a qualified medical person, a doctor or medical technician which generally would have to occur at a medical clinic or hospital.

The proposal in the bill, as was in Bill C-16, is to establish a system in Canada mimicked after some that have been used in the United States and I believe in England, where we would have specially trained police officers. It would be a three stage approach. Initially the police officer who stopped the vehicle based on reasonable and probable grounds that the driver was operating the vehicle while under the influence of some chemical or drug would do an examination. This may include the traditional ones of walking the line, trying to touch the nose, balancing on one leg, looking at the eyes, and hearing the individual speak, the traditional ones we had before the breathalyzer for alcohol consumption.

If the officer made a determination that the person was clearly suffering from some impairment in terms of being able to operate the vehicle, the officer would then require the person to attend at a police station where he or she would be examined by a specially trained police officer. The language that is used in the statute is that of an "evaluating officer". This person would be a police officer with general training but would have additional training and this is where I have one of the problems.

• (1255)

Not taking anything away from the individual, but in looking at the training material they use to train this person, I have serious doubts about his or her ability to make this evaluation. The evaluation they are required to make by statute is not only to evaluate the person's impairment, but to evaluate the type of drug

was used as well. Was it marijuana, heroin, cocaine, or a prescription drug, legal or illegal? We can go down the list. We heard some evidence about the potential of there being hundreds of drugs. I see this method of evaluation as being a serious flaw.

If the evaluating officer makes a determination, this law would then require the accused person to attend in front of a qualified medical person, either in a clinic or a hospital, where a blood sample would be taken. The legislation then says that the sample could then be admitted in a courtroom to establish the fact that the evaluating officer was correct, that the person had consumed a drug, whatever it was.

Most lawyers who looked at this would ask what good this would do for them when they are in front of a judge and have to prove, beyond a reasonable doubt, that the person was impaired.

Wearing the hat of a prosecutor, I would put this evidence forward and I would expect this question from the judge. Why was I giving this information that the individual had X amount of parts per million of a drug in his or her blood? Would that tell the judge anything about the person's ability to operate a motor vehicle? As I said earlier with regard to the work and the research that has been done with respect to impairment by marijuana, the answer from me as the prosecutor would be no. I could not tell the judge that this gave any indication as to whether the person was impaired. Obviously the judge would have to make an early decision.

Now wearing the hat of defence counsel, I would be telling the judge that the evidence was severely prejudicial to my client because it showed he consumed a drug but that was not what he was charged with. He was charged with impairment. The evidence has no value whatsoever toward establishing his impairment. That is the argument I would make as defence counsel.

In most cases the judge would indicate that the evidence was severely prejudicial because it showed the individual was a drug user, but it had no probative value in the courtroom as to the charge in front of the judge. I fear the case would be turfed based on that. That is not even a charter argument. This is evidentiary rules in our courts. Therefore, it has a fundamental flaw.

There is a charter challenge as well. As a result of the limited qualifications of the evaluating officer, the court may very well determine that a person's personal security was invaded, which is one of our fundamental rights in our country. A determination could be made under this section of the charter that it would not be reasonable to make the person give a blood sample, or in some cases a urine sample, because of the basis on which the demand was made. It was made by the evaluating officer, who was not a medical expert by any means and had a limited ability to make an assessment as to whether the drug was marijuana, heroin, or prescription, which may include a legal prescription, had been ingested by the accused.

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●(1300)

During the Liberal government, the NDP supported the bill. It was sent it to committee and it did all the investigation. However, at the end of the day, we had serious concerns about whether this part of the bill would survive that challenge. Because of the risk of whether this will survive those challenges in the courtrooms, it also raises the issue as to whether it is worthwhile expending the kinds of dollars for the training that will be necessary to prepare our police officers for this methodology.

Those are our concerns. We will support the bill, even with regard to this part of it, to go to committee. We hope we perhaps we will find some more evidence now. Maybe the work being done in the Europe is more advanced. The last time we looked at this was about a year and a half ago.

I turn to the second part of the legislation, the more important part in terms of its usefulness in our system and in the courts. Finally, after at least 10 years, getting closer to 20 years, there is a manufactured defence in effect, and my friends in the criminal defence bar will hit me for saying this. Unfortunately our courts, all the way up to the Supreme Court, have accepted this defence I think because of poor wording in the code, and I will give them that much credit, when we first passed this. The key wording is one can establish with evidence to the contrary that in fact the person was not impaired.

When I started to practise law, the Breathalyzer was just beginning to be used. At that point, it was generally accepted that if one could establish the machine was not working properly, as it has to be tested in certain ways before it is actually administered, or that the operator was not qualified or did not use it properly, then those defences could be used to establish that the Breathalyzer evidence was unacceptable and the charge could be avoided.

There is no question that those defences should remain. With any system that involves humans, there will be some flaws in it and we have to allow for those defences.

However, what happened was not those two defences or the defence of when the alcohol was consumed. What cropped up was a whole industry of defence lawyers and toxicologists and we would get this “two beer” defence. We would have this sequence.

This is where the two beers defence arises. For most people the consumption of two beers, within a reasonable timeframe of the test being administered, does not put them over the .08 limit. The accused would take the stand say that he or she had only two beers, or one glass of wine, or one shot. Then a friend or an acquaintance, who was with the individual that evening, would take the stand and confirm that. Then a toxicologist would be brought forward at great expense. These defences cost between \$5,000 and \$10,000. Unfortunately, a judge would have to say, “As I read this section of the code that's contrary evidence” and person would be acquitted. The number of times that has been used has almost become a scandal.

I believe proposed amendments to the sections in the code will remedy that problem. We will finally get the convictions we are missing now. Those individuals who are driving impaired, some-times repeatedly will be convicted and penalties will imposed.

Hopefully, that will reduce the amount of impaired driving in our country.

We will be supporting this bill, at least on second reading, and hopefully addressing some of the problems that I have mentioned in my remarks today.

●(1305)

**Mr. James Bezan (Selkirk—Interlake, CPC):** Mr. Speaker, I want to add my voice in support of the bill. Impaired driving is a very serious issue facing our roads, our kids and people in the general public.

To share some statistics, in 2003 alcohol and drugs were involved in over 1,257 fatalities, over 43,000 injuries and 61,000 property damage only crashes involving over 245,174 vehicles. The total financial and social cost of these losses are estimated to be almost \$1 billion. That is according to a study that was done in 2003. As well, the Ontario drug survey was done in 2003. It showed that close 20% of kids were driving within an hour after smoking cannabis.

Therefore, the intent of the bill is about making our roads safer and about ensuring we have the deterrence in our system so people are not having a few beers then jumping in their cars, heading home and causing accidents.

Countless organizations, MADD being one of them, are supportive of the bill. They want to ensure we make our streets safer and that we have a national perspective. My province of Manitoba is not talking about .08 any more. It is talking about a blood alcohol level of .05. Therefore, some provincial jurisdictions are getting more aggressive.

The member talked about all the charter challenges and the constitutionality of a number of these issues, but we already have a number of safeguards in our system to ensure that charter rights are not violated. We will be looking at putting in place a new way of helping the police forces standardize their whole system of trying to determine if someone is under influence of alcohol or drugs. They are going to standardize the field sobriety test, which is important. They are going to have drug recognition expert evaluations, which will help our police forces. Then there will be the sampling of all bodily fluids when there is consent to do so.

The charter issues that have been brought forward are really a misdirection in trying to tackle the real issue, which is to make our streets safer and to keep the public safe when they are travelling. I support the bill 100%.

●(1310)

**Mr. Joe Comartin:** Mr. Speaker, I think the point my colleague is missing, which is not unusual for the Conservatives when it comes to crime bills, is based on the emotion that we all share; that impaired driving is terrible. One of my children was a victim of an impaired driver. He lost one of his arms. Therefore, I do not need to be dictated to by that government and that party about the emotional aspects of it.

*Government Orders*

My responsibility here, as is theirs, is to ensure that we put into effect laws that are effective. If we study what has gone on in the United States, where a number of states have used this, there is no evidence that these methodologies have had any practical impact on the numbers of impaired driving due to drug consumption.

Following up on one of the points my friend made, if the government were really serious about dealing with it, why is this bill in front of the House and the private member's bill, which will we will debate this evening, is not being supported by the government as a government bill. It would reduce the .08 to .05? That would have some real effect.

In European countries where they have reduced the .08 to .05, the number of impaired driving charges have been reduced. It gets that right at the prevention end. It stops people from driving because they know that even two beers will put them over the limit.

If the government members were really serious, as opposed to the demagoguery that we get from them so often, that is the bill we would be debating right now, not this evening as a private member's bill.

**Ms. Colleen Beaumier (Brampton West, Lib.):** Mr. Speaker, when the member begins to talk about charter rights, I somehow cannot think that we have to protect charter rights of minorities when they infringe on the rights of majorities. I believe that it is my charter right to have safe streets and a safe society.

I am not sure that the member has done his research, even when it comes to the drug issue. There are all sorts of methods of testing for drug content. A methadone clinic is capable of testing a person immediately. I think if there is a will there is certainly quite an easy way.

I have a large trucking hub in my area. The truckers have successfully challenged this: Canadian truck drivers cannot be forced to go for drug testing. However, if truckers want to drive into the United States, they have to go for testing. This means, I am told, that those who are frequent users of drugs do not even bother trying to go into the States.

We do not know what impairs different individuals and what the difference is between some person's threshold and our own threshold. We cannot have a separate law for everyone.

I will be supporting this bill. I am not sure if this is the correct number or not, but I have heard that more people are killed in a day by drunk and impaired drivers than terrorists kill in a year.

•(1315)

**Mr. Joe Comartin:** Mr. Speaker, I think my colleague from the Liberal Party has missed the commentary in my opening speech. The issue here is not one of the testing. It is the question that we have no standard.

We have no standard, so if we put that evidence, that testing, in front of a court, all it says is that this police officer believes the person was impaired. Maybe it is my years of experience in the courtroom, before the breathalyzer, that have shown this to me. We used to have those cases and they were regularly rejected by our courts. A person would be suspected of being impaired because of alcohol. He was asked to touch his nose, stand on one leg and see if

he could balance himself. The police officer listened to his speech to see if he was slurred and looked at the person's eyes to see if they were bloodshot.

We had all of that. That is really what we are talking about here with regard to drugs. We know how ineffective that was in terms of dealing with impaired driving in this country.

I also want to say to the member that if there is anybody in this House who has done his research, it is this person. I have been through it already with the bill that the member's government, the former government, brought in. I do not think there is anyone in the House who has looked at this more closely than I have. I am telling the member that all of that research tells me that there are serious problems with whether this is going to be viable.

Again, if we look to the United States, a number of the states have used this and it has not changed the rate of impairment from drugs on our streets.

**Mr. Dean Del Mastro (Peterborough, CPC):** Mr. Speaker, I have been listening with great interest to the debate. Quite frankly, I am encouraged to hear the broad-based support that the bill seems to have across all parties.

I am a little concerned about some of what the hon. member from the NDP has indicated. It sounds as if in some ways he questions the capacity of our law enforcement officers to conduct this testing in a manner that would conclude there is impairment, or that he questions whether we could train people in a significant enough fashion that they would be competent to complete this task. I do not agree with that assessment. Certainly when officers have a good deal of experience in dealing with impairment, I think they can judge it fairly.

Perhaps the member could expand a little on why he does not feel that properly trained officers would be competent in addressing whether or not somebody is impaired.

**Mr. Joe Comartin:** Mr. Speaker, I will quickly repeat my answer. Perhaps the member did not hear my last comments. I lived through that in the courtroom when we used that methodology. It is exactly the same methodology in terms of evaluating the person's impairment, and at that time, because of alcohol.

What I am saying to the member is that rather than living in the ideological world that the Conservative Party so often lives in, I live in the real world. The real world tells me that the assessment methodology we used 30, 40 or 50 years ago was generally ineffective. I have no reason to believe that it will now be effective against impaired driving because of the consumption of drugs. It did not work on alcohol. I have no particular faith in it working with regard to drugs.

[*Translation*]

**Hon. Robert Thibault (West Nova, Lib.):** Mr. Speaker, it is a pleasure for me to speak on this subject.

*Government Orders*

[English]

I am generally supportive of the bill. What the bill seeks to do for Canadians is very important. We have great concerns in that on a daily basis we see the terrible and tragic accidents throughout our country that are related to the abuse or use of alcohol while operating a motor vehicle.

The use of drugs, controlled substances, while operating a motor vehicle, whether they be prescribed drugs or illegal drugs, is very dangerous. Sometimes, prescribed drugs used improperly or misused or underused, or used to gain recreational effects in some instances, can cause a person to be not fully capable of controlling a motor vehicle, putting themselves and many other people at risk.

We have to applaud any reasonable attempt to make Canadians safer. I think this bill goes a long way toward that, but I do have some concerns. I have some concerns about the general tenor of flooding the House with many so-called crime bills knowing that it is impossible for the committee to do a proper study of all these bills and make the improvements that are needed, because many improvements are needed in these bills, and then being able to say that the House or the committee is stalling.

If we look at what the bill does, we all agree with it, but there are serious problems. I am sure the justice committee will do a serious job to improve the bill and ensure that we meet the intent of the bill and that we have a law that is operational, can work in the Canadian context and assists in protecting Canadians.

Not everything we have been doing to date is bad, but I think the previous speaker has spoken very well about the two beer defence. There are serious attempts in the bill to reduce the types of defences that can be put at court on drinking and driving. That is a positive approach, but we have to make sure they are going to work, and we have to look at other elements within the bill and make sure they meet their commitments and are operable.

I remember a friend of mine telling me that in his days at law school they had a former justice speaking. They asked the justice if he was in favour of capital punishment. He said that no, generally he was not, but he might be in certain instances, probably not for murder, because the majority of the murder cases that he had seen in his courtroom were related to crimes of passion, one time offences that most likely would not be repeated. However, he did say that in the case of drinking and driving and the sale of drugs to minors he might consider it in that aspect, because the people who do these activities know when they enter into them that they are putting people at risk. They are risking lives.

In the case of drinking and driving, when people have that second or third drink before getting into the vehicle, they know they are putting people at risk. They know that it is an illegal activity, that they are reducing their faculties and that they will be putting themselves in a position where they can seriously harm people and kill and maim. We have to take it seriously.

However, this bill goes a little further. I do have some concerns. One is about creating a new offence of operating a motor vehicle while in possession of "a controlled substance as defined in subsection 2(1) of the Controlled Drugs and Substances Act". We might not disagree with that, but then when we think about it, for

example, what are the punishments? Five years' imprisonment is possible. If a 17 year old kid has one cigarette of pot and a gun, he would get a lesser charge for the gun than he would get for that one cigarette of pot, whether or not he smoked it. I do not think that is reasonable. I do not think that has been considered seriously.

If somebody is bringing in a whole bunch of heroin, then there are already crimes for transporting or for possession of controlled substances. Why would it become a different offence for having it in our possession when we are driving as opposed to when we are not driving? Does the possession of that controlled substance, if we have not ingested it, smoked it, injected it or whatever, if we have not depleted our faculties, make us more risky drivers? Are we endangering people? I think that is a serious consideration.

• (1320)

The other element we have to consider is what the risk benefits are. If a person is driving down the road with a controlled substance in his or her possession, the charges that person could face for being in possession of that controlled substance can lead to five years in prison, while the controlled substance charges that person might face for simple possession might lead to six months' probation. Will that person be more apt to attempt a dangerous run from the police? I am looking forward to hearing witnesses on those questions and on whether that is a reasonable approach to be taking in this regard.

The other question I would ask is why there would be a different charge or a different test if a person is driving while in possession of a controlled substance or while in possession of alcohol. If a person has consumed the alcohol, that individual would be facing drinking and driving charges, criminal charges. What if the person has not consumed alcohol but simply has an open bottle in the vehicle, or not open? If the person is 19 years of age, in Nova Scotia the person would face no charges if the bottle is not open, but if it is open, that person could face charges. I believe the fine is \$300 or something like that.

But in the bill it becomes different if it is a controlled substance. It becomes criminal. It becomes serious, with up to five years' imprisonment if it is a controlled substance, although it might be one of the less dangerous controlled substances. It could be prescription drugs for someone other than the driver, who might be transporting them for someone else. That would be a controlled substance in that case. I do not think this has been considered very well. There should be some discussion.

The other point is on the drug recognition expert. I had a chance to bring this forward a few minutes ago regarding the question of the applicability. The previous speaker from the NDP, who has a lot of experience in the law, raised some concerns about the test, its validity in court and how it would stand up. I will speak more from an application point of view, not having expertise in the justice system.

We live in a huge country. In rural Canada, the RCMP is our primary policing agency.

*Government Orders*

I should say before I get too far that I will be sharing my time with the member for Welland.

The RCMP does the policing. Let us imagine that at one o'clock in the morning RCMP officers intercept a motor vehicle and believe that the person may have been using a controlled substance. If it is about drinking and driving, it is quite simple and clear as to how the officers would continue. The structures are in place for it. However, they may believe the person has smoked marijuana. The officers have had training or they have not. If they have not, they have to bring that person into contact with somebody who has had the training, a drug recognition expert, in the language of this bill.

A lot of detachments have three or four RCMP officers. Some have fewer. They can be 500 or 600 miles apart or 200 or 300 miles apart from one another. Typically, RCMP detachments are not open or staffed 24 hours a day, so the nearest drug recognition expert in an area like western Nova Scotia with a population of 130,000 could be three or four hours' drive away, if there is one is on duty during those hours. One has to first find a drug recognition expert and then get the driver in the expert's presence in a reasonable time so he or she can assess the effect or presence of drugs.

In that instance, if the drug recognition expert administers the test and believes reasonably that the person has used marijuana, that person then has to be brought to another expert who will extract bodily fluid, saliva, blood or whatever is required. Again, that person requires training. That person may or may not be available.

In certain parts of the country, the health system may or may not be able to take care of those things, but the distances may be long. We could be talking about a person who is completely innocent but who, because of misjudgments, is held for two, four or eight hours, is not able to do whatever activity he or she was going to, whether it was work or another activity, and is in very difficult circumstances. That is from the citizen's point of view.

If we look at it from the RCMP's point of view, the administrative burden would be huge. It would mean the RCMP would need to have a multitude of these experts in all detachments, or reasonably close by, on an operational basis for 24 hours a day. When we talk about another 1,000 RCMP officers for Canada, that will not do it. That is not enough. We will need a lot more. As well, if we look at the cost to the provinces of doing this, we can see that it is very high.

However, I do want to repeat that I support the principle of this bill. I think we have to find a way of doing it. We have to find the technology and do the research in a way that allows us, as we do with the breathalyzer, to assess these individuals in a way that would stand up in a court of law.

I see that I have run out of time. I went through two of ten items, but I know that my colleagues will discuss the others.

•(1325)

**Mr. James Bezan (Selkirk—Interlake, CPC):** Mr. Speaker, one thing my friend from West Nova was asking was why we are treating controlled substances differently than open liquor or impaired driving because of alcohol consumption. It is because they are still illegal substances and one can be criminally charged with their

possession. It is for that very reason there will be harsher penalties if one is driving under the influence of drugs or is in the possession of drugs while driving. That is the very logic behind it. I think all Canadians get it and want to see this bill move forward.

There is one point the member made on which I kind of agree with him. Some of us represent large rural ridings that have police forces that are fairly scattered and far away from the city centres where some of the experts would be. I am encouraging the government, and I know that Parliament is looking at this, to make sure that any of these people who are trained in drug enforcement and in evaluating whether or not people are under the influence of controlled substances be more readily available in some of the local detachments or in centralized areas where we can have that expertise available to us in a timely fashion.

•(1330)

**Hon. Robert Thibault:** Mr. Speaker, on the question of the possession of controlled substances, the member has missed some very important details.

If we look at the controlled substances in Canadian law, there are schedules. There are some that have different variations. We do not look at the penalties for possession, distribution or use of marijuana in the same way as we do for crack cocaine, crystal meth, or heroin. They are dealt with in codes. They are dealt with at different levels with different punitive measures.

Here it refers to possession of controlled substances. We are not talking about the other areas where it is already illegal to possess them. We are saying that having them in one's possession while driving, whether or not one has used them while driving, could involve up to another five years' punishment.

In this case, the substance may not be a controlled substance because it could be an illegal substance but not prescribed to that person. That person could be bringing it for someone else.

There are many details that we have to seriously look at in this bill. I believe the justice committee will do a good job. I am encouraging it to do so. I will support this bill at this reading so that the justice committee can hear from the experts and look at how to improve this bill to make it operable and help improve the lives and safety of Canadians.

**Mr. Lui Temelkovski (Oak Ridges—Markham, Lib.):** Mr. Speaker, I heard the hon. member mention that he had a number of issues that he had wanted to raise but that he had only brought up about five.

I am interested in hearing more about the pressing issues in his riding, as they are in my riding, when it comes to driving impaired and young people driving offensively.

*Government Orders*

**Hon. Robert Thibault:** Mr. Speaker, there is a larger problem. With the information and public education provided by organizations like Mothers Against Drunk Driving, the risks of drinking and driving are well understood. If we look at the punishments that are now in place for young drivers, it is not a picnic. In Nova Scotia, for a person 17 or 18 years old who is caught with a blood alcohol level over the legal limit, number one is the loss of his or her licence for a year and number two is the difficulty in getting the licence back. Getting the full licence back takes over two years, plus, at that point, the person has to redo all the courses, which is a very expensive process, about \$500 or \$600. Acquiring insurance at that point is going to be around \$5,000 for the average vehicle for a person 18 years of age.

There are punitive measures, plus a criminal record. If that person is interested in a career, he or she will have to face the fact that he or she has a criminal record and that society considers it to be very serious. There is no excuse anymore for drinking and driving. People consider it to be one of the most serious offences one can make.

I commend the organizations that are working out there. Again I will support this bill, but I do not think we should give the false perception that people get an easy ride now.

**Mr. Rick Dykstra (St. Catharines, CPC):** Mr. Speaker, I will be splitting my time with the fine member for Peterborough.

It is a pleasure to speak to Bill C-32. It is an important piece of legislation that will close some serious holes in our impaired driving laws.

In 2003 impaired driving cost our society \$10.5 billion, but there were other more significant costs. In that same year impaired driving took the lives of 1,200 Canadians and over 47,000 Canadians were injured, many of them very seriously. That is more than three people killed and over 125 injured every single day. How do we put a price tag on that? I strongly believe that we can prevent many of these tragedies in the future and it certainly is our duty to try. The legislation introduced today will give police and prosecutors the tools they need to rid our streets of drunk and drugged drivers. Let me begin by discussing the drugged drivers.

In researching this issue I was terrified by the statistics relating to teen drugged driving. According to a 2005 report on drug use by Ontario students, almost 20% of all student drivers reported driving after smoking marijuana. By grade 12 that figure is over 25% and they are not driving alone; 22% of all high school students from grade 9 to grade 12 reported that within the last year, they had been a passenger in a car driven by someone who smoked marijuana.

Of course, it is not just teenagers. A Senate report in 2002 found that between 5% and 12% of all drivers may drive while high. Drugged driving is obviously a very serious problem and as of right now, law enforcement is all but powerless to stop it. Police officers' hands are almost completely tied when it comes to collecting evidence. As Sergeant Brian Bowman of Toronto explained to CBC News:

If we see someone driving erratically, we really have a high hill to climb to prove it's from drug-impaired driving. We almost need the smoke to waft out of the car or have the pills fall out onto the road.

The police cannot even demand a physical sobriety test. This legislation will close that loophole. With this legislation police will now be able to request the performance of a roadside standardized field sobriety test when there is reasonable suspicion that a driver has a drug in his or her body.

They will also be able to demand a drug recognition expert evaluation to be performed at the police station. The DREE system has worked well outside Canada and it will work well here as well. Failure to comply with these demands will be considered an offence under the Criminal Code, just like refusing to take a breathalyzer test. A final deterrent to drug impaired driving will be added by making it a criminal offence to be in control of a motor vehicle while in possession of a controlled substance.

Now let me turn to the drunk drivers. Drunk driving was once winked at, but no longer. Today everyone recognizes that it is a deadly, serious problem. OPP Commissioner Julian Fantino has noted that the leading cause of criminal death in my home province of Ontario is not murder, it is drunk driving.

In my community, I had the opportunity to sit down with members of the Niagara Regional Police Service, to work with local MADD organizations and to meet on a number of occasions with their communications and public relations person, Chris George. In 2003 the Niagara Regional Police Service arrested 28 people during its month long holiday RIDE program. The Niagara OPP laid 99 charges of impaired driving in 2006 alone. The number in my riding continues to increase.

Drugged and drunk driving is listed as one of the top three justice concerns for the people of my community. This bill delivers on that concern. Bill C-32 toughens penalties for drunk drivers and helps prosecutors secure the convictions that are needed to keep the roads safe for responsible drivers.

● (1335)

We have strengthened the mandatory minimum penalties for first, second and third offences. The maximum penalty for impaired driving causing bodily harm will now be 10 years, and for causing death it will be life imprisonment. This is simply the right thing to do.

Our bill will help prosecutors get convictions. When prosecuting drunk drivers, the crown has objective scientific evidence from approved instruments that measure blood alcohol content.

*Government Orders*

In the 2005 case of *R. v. Boucher*, the Supreme Court ruled that the credibility of such testimony cannot be called into question by breathalyzer results, not even if someone blew more than twice the legal limit.

The two beers defence is a joke. Testimony from one's drinking buddies should not be allowed to distort objective scientific measures.

Getting this legislation passed should not be a partisan fight. In fact, in 1999 a Liberal dominated justice committee released a report on the issue. The committee's recommendations included the following: allowing imprisonment for life following conviction for impaired driving causing death; allowing for a maximum of 10 years' imprisonment where an accident causes bodily harm; and authorizing the taking of a blood sample for the purposes of testing for the presence of alcohol or drugs based on reasonable and probable grounds. Those were all good ideas agreed to by the Liberal MPs but good ideas nonetheless.

In 2003 the Department of Justice released a consultation document on the issue noting that drug recognition expert programs had been successfully implemented in many American jurisdictions. It was a very good point.

Bill C-32 will protect Canadians from impaired drivers. I encourage all members to support it. We have the opportunity to reach across all party lines and put forward legislation that is tough, that is fair, that is right and that is current with what is happening in jurisdictions around the world.

• (1340)

**Mr. Lui Temelkovski (Oak Ridges—Markham, Lib.):** Mr. Speaker, I listened attentively to the member, who made some good points. I would like to ask him a question with regard to drug recognition.

In my previous career in the insurance and investment business, we did a lot of medicals. The medicals could detect the presence of drugs in a person many months prior to taking the medical.

Could the member be more definitive on the way this will be tested? What amounts are being looked at in the bill for drunk driving as well as drug intoxication?

**Mr. Rick Dykstra:** Mr. Speaker, I am not sure exactly what the member was asking.

However, in specific relation to driving while under the influence of drugs, currently there is no opportunity for the police or for any crown prosecutors to be able to convict anyone of a drug related driving offence. Bill C-32 creates a platform and an opportunity in three specific areas to do that. One is suspicion, two is possession, and obviously the third relies upon the fact that they will be able to use a standardized test that is used in many other jurisdictions in North America. They will go to the police station and under reasonable suspicion the individual will be tested and evaluated to see if in fact the individual is under the influence of a drug or certainly has driven under the influence of a drug.

**Mr. Dean Del Mastro (Peterborough, CPC):** Mr. Speaker, I am pleased to join this debate and speak in favour of Bill C-32, a bill that amends the Criminal Code in relation to impaired driving.

A great deal has already been said about the provisions of the bill. I do not wish to go over the same ground. Instead, I want to focus on some of the objections to the legislation that have appeared in the media regarding the bill.

First, there have been some who question whether the bill is constitutional with respect to the drug impaired driving provisions of the bill. I remind the House that this was extensively canvassed when Bill C-16 was considered.

Of course, no government will present to the House legislation that it considers is going to violate the Charter of Rights and Freedoms, unless it is convinced that the bill will be upheld as a reasonable limit on those rights. The previous government obviously considered the bill charter compliant or it would not have introduced Bill C-16.

When Bill C-16 was in committee, the then minister of justice, a well known human rights advocate, in his opening remarks on the bill addressed the issue of charter compliance. He said:

Let me deal for a moment with some charter considerations. We know that the demands for alcohol breath tests on approved screening devices at roadside, without a right to contact counsel, have been found justifiable by the courts under the Canadian Charter of Rights and Freedoms, pursuant to the section 1 demonstrable justification limitation on a right.

The right to counsel must be given following the demand for an alcohol breath test on an approved instrument back at the station and before the approved instrument testing is done.

I anticipate that the same practice would prevail for the DRE evaluations envisaged under Bill C-16. With Bill C-16, we have tried to closely parallel the grounds that our prerequisites for making alcohol breath test demand. I believe that Bill C-16 offers good and important solutions that will be found justifiable under the charter.

Later, in response to a question he went further:

No, I think the court would apply the generic approach with respect to whether a limit on a right is justifiable under the circumstances, and then they would go into the four-part proportionality test.

They would ask themselves, is there a pressing and substantial objective? They would come to the conclusion, in my view, that there is a substantial and pressing objective, which is of course, at the bottom line, the saving of lives.

They would then look to see whether the means chosen were appropriate for the purpose or objective sought to be secured, as the other part of the proportionality test. I think the court would conclude here that this is a proportional remedy for the objective sought to be secured.

I believe the House can be assured that the requirement that a driver perform standard field sobriety tests at the roadside which are relatively brief will be upheld in the same way the roadside screening for alcohol has been upheld.

Similarly, the tests back at the station which will be performed by a trained officer are analogous to the test on an approved instrument.

I know many, if not most, members of the House would like to have an instrument that would measure quickly the concentration of various drugs just like the approved instruments that measure blood alcohol concentration.



*Government Orders*

The technology simply does not exist and, until it does, we will have to rely on various tests such as the reaction of the eyes to light, blood pressure, pulse and muscle tone on which the trained officer bases his opinion of which drug or combination of drugs and alcohol has caused the impairment. That opinion has to be validated by finding the drug in the person when bodily fluid is sampled.

Another objection to the proposed legislation's constitutionality was made by the president of the Ottawa Defence Lawyers Association reported in the *Globe and Mail*. He objected to the proposed offence of refusing to provide a breath sample when a person has been involved in a crash which will be punished in the same way as impaired driving causing bodily harm or death. He said:

There is no connection between the fact that you refuse to provide bodily substances and the accident itself. If you refuse, you have no defence.

When a person is charged with impaired driving causing death or bodily harm, the Crown has to establish the impairment and that the driving caused the accident.

The new offence will require the Crown to prove the refusal and then prove that the driver knew or ought to have known that he or she had caused an accident that had caused death or bodily harm.

This offence is modelled on the offence of failure to stop at the scene of an accident. The mental element is the intention to frustrate the police investigation.

• (1345)

In the case of flight, the person simply tries to avoid the police. In the case of refusal, the person refuses to provide a breath sample, the breath sample evidence necessary to determine whether the person was over .08 or in the case of a drug the person refuses to perform the test or to provide the bodily sample to determine whether the drug is actually present in the body.

Of course, in most accident situations the person will be well aware that there has been an accident. The police will still have to have reason to suspect the person has alcohol or drug in their system before making the demand.

Finally, I note that some of the users of medical marijuana claim that this legislation is aimed at them and will prevent them from driving their cars.

Russell Barth, quoted in the Edmonton *Sun* and other newspapers and described as a medical marijuana user and member of the National Capital Reformers, said that, "Discriminating against us based on our medication is much like discriminating against us based on the colour of our skin".

In fact, medical marijuana users will be treated like other persons who take prescribed and over the counter drugs. People take all kinds of drugs for legitimate medical reasons. The question is whether they are impaired by that drug. If they can take their medicine and still pass the standard field sobriety test, they can drive. If they cannot, then they had better find someone to drive them around.

The offence of driving while in possession of an illicit drug also specifically provides that the person must be doing so without legitimate excuse. Clearly, persons who have been admitted to the medical marijuana scheme have a legitimate excuse to transport a

supply of marijuana with them and would not be caught by this new offence.

I believe the bill is a balanced response to a very serious problem. I believe it is in fact long overdue. The minister in his speech made it clear that the government was prepared to consider any amendments that will strengthen the bill that the standing committee may suggest after hearing from witnesses.

I urge the members to give the bill second reading. I also urge the standing committee, which has a heavy workload, to give this bill priority. It will undoubtedly save thousands of Canadians from being injured or killed by impaired drivers.

• (1350)

**Mr. Lui Temelkovski (Oak Ridges—Markham, Lib.):** Mr. Speaker, I would like to ask the member if there is any percentage increase in the number of convictions that are expected that he is aware of from the bill. What is the percentage increase of convictions that is expected and are there any figures that he has in terms of sentencing that will stem directly from the bill?

**Mr. Dean Del Mastro:** Mr. Speaker, I am not aware of any specific percentage. However, I am aware that the bill will specifically prohibit the defence called the two beer defence. Quite frankly this defence should not exist. I know that this defence actually circumvents the intent of our impaired driving laws that currently exist.

When persons bring in a few of their buddies who have been drinking with them, and have them testify that they only drank two beers and therefore could not possibly be impaired, that is not a defence that should be credible before the eyes of the court and not something that Canadians should accept.

I cannot speak to exact percentages, but when I speak to law enforcement officials, when I speak to representatives of MADD Canada, and when I speak to victims of drunk driving, they cannot believe that a defence like that exists in Canada. They want it gone. They want the perpetrators, the people who repeatedly drive impaired, brought to justice. That is why everyone should support the bill.

[Translation]

**Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ):** Mr. Speaker, I am pleased to take part today in the debate on Bill C-32, An Act to amend the Criminal Code (impaired driving), which is now before the House. This bill offers us an opportunity to look into a serious problem in society, one that is often in the headlines. We all know that drunk driving is an irresponsible act. A lot of preventive work is being done, in fact, to reduce the occurrence of this phenomenon. Unfortunately, there are still incidents in which an individual who is driving while impaired takes the lives of people on our roads, including, very sadly, young children.

Bill C-32 is therefore meant to respond to this situation by providing the police with tools to make their job easier when it comes to gathering evidence for laying a charge against an impaired driver. More specifically, it is aimed at people driving under the influence of drugs, such as marijuana.

*Statements by Members*

The impaired driving problem goes back years, if not decades. A number of studies have considered the question and suggested ways in which the problem can be addressed. I would note that in 1999, the Standing Committee on Justice submitted the report entitled "Toward Eliminating Impaired Driving", in which it was recognized that drugs could be a cause of accidents and that we had to find better methods of detecting them. It also stated that we had to improve the process of gathering evidence to allow for people driving under the influence of drugs to be prosecuted.

At that time, the committee identified two major obstacles: first, the absence of a clear definition of what constitutes "reasonable grounds", the basis on which a police officer administers a test to a driver to detect drugs; and second, the apparent lack of a single non-invasive test for detecting drugs. Given the relative difficulty of the tests that have to be done, the committee suggested that the Charter implications of testing be taken into account. One of the recommendations made in the report was that blood samples be taken if the police officer had "reasonable grounds" for doing so.

The obstacles identified by the committee were also recognized by the Senate committee, which proposed at the time that more studies be done of the driving habits of drivers under the influence of drugs, a reliable and rapid testing tool be developed, and the blood alcohol level be lowered.

Four years later, the Minister of Justice issued a study report that came out of the recommendations of the Standing Committee on Justice. The study, entitled "Drug-Impaired Driving: Consultation Document", suggested finding a legislative way of compelling drivers to take screening tests administered by police officers.

To that end, the document suggested setting a legal limit for drugs and legislating to allow police to administer a screening test. An expert on site could, with "reasonable grounds", administer a test on the offending driver and then, if the test was positive, investigate further by taking a bodily fluid sample. The results would have been given by another expert to the closest police station. The tests and police testimony would be used as evidence to charge the driver.

However, the document stresses the importance of considering the Charter in legislating to amend the Criminal Code with regard to requests for bodily fluid samples and the offending driver's rights to consult a lawyer. Bill C-32, which the Liberals introduced on April 26, 2004, addressed these concerns, but died on the order paper in May 2004 when the election was called.

Reintroduced as C-16 in November 2004, the bill again died on the order paper a year later. The new Bill C-32, which happens to have the same number as the original and was introduced by the Conservative government, contains essentially the same provisions but, for ideological reasons, increases penalties for drivers found guilty of impaired driving.

I know that all the members of this House recognize that impaired driving remains one of the criminal offences most likely to cause death or injury to others. As I explained earlier, this is the third time this bill has been introduced in order to deal with the problem of impaired driving.

The Conservative bill is similar to the old Bill C-16 tabled in the previous Parliament. In short, it suggests the following three things.

First, it would require people suspected of driving under the influence to take an alcohol or drug test ordered by police officers at the arrest site, that is to say, at the side of the road. Second, it authorizes experts to take samples of bodily fluids, something that is not in the current Criminal Code. Refusal to comply would constitute a criminal offence, just like refusal to take a breathalyser test. Third, the bill would limit the evidence that can be introduced in court to cast doubt on the way the breathalyser was used or the results of the blood alcohol tests.

• (1355)

This is often called the "two beer" defence, where the accused states that he or she had consumed only one or a particular number of drinks over a certain period of time and therefore could not possibly have had a blood alcohol reading as high as what the test said.

The government also wants to stiffen the sentences and introduce life imprisonment instead of five years for infractions causing the death of another person. To that are added the fines that are adjusted to reflect the number of repeat offences by the driver in question: \$1,000 for a first offence instead of \$600; 30 days in custody for a second offence instead of 14 days, and 120 days in custody for a third offence instead of 90 days.

I am deputy justice critic and, like our party, I think that this is a very important bill because it is intended to provide the tools that the police need to fight the impaired driving problem effectively. However, it is essential for us to review certain points in the bill because the proposed additions should be studied in order to determine whether they really will be effective.

In the course of the work of the Standing Committee on Justice and Human Rights, I would like to meet with experts and groups to shed light on the following concerns about which I want to inform the House—

• (1400)

**The Speaker:** I am very sorry to interrupt the hon. member in the middle of her speech but it is now 2 o'clock and we need to go on to members' statements. The hon. member will have 13 minutes to finish her speech later.

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## STATEMENTS BY MEMBERS

[English]

### VIOLENCE AGAINST WOMEN

**Mr. Dean Allison (Niagara West—Glanbrook, CPC):** Mr. Speaker, recently I had the opportunity to meet with one of my constituents, Ms. Ina Mitchell, who, through her personal experience, brought the issue of violence against women to my attention once again.

Violence against women is a persistent and ongoing problem in Canada and, indeed, around the world. It affects women's social and economic equality, physical and mental health, well-being and economic security. Women experiencing such abuse are often forced to flee their homes with their children.

It is interesting to note that, on average, 82% of those women seeking temporary shelter are doing so as a direct result of abuse.

The majority of victims of spousal assault do not seek support from the criminal justice system. Why? The Canadian Criminal Code has no specific offence of violence against women or spousal assault.

It took a great deal of courage for Ms. Mitchell to come forward to authorities and when she finally did she did not get the treatment and resolve she deserved.

I say to all my fellow parliamentarians that it is time for us to take a stand on violence against women and to include this heinous crime within our Criminal Code.

\* \* \*

#### CANADA POST

**Hon. Gurbax Malhi (Bramalea—Gore—Malton, Lib.):** Mr. Speaker, I stand because of the indifference of the Minister of Transport, Infrastructure and Communities toward the inconvenience and stress caused by Canada Post's recent decision to replace home mail delivery with community mailboxes in the Castlemore area of my riding.

Canada Post's decision to locate these community mailboxes in areas with extremely high traffic volume and no sidewalks unnecessarily exposes Castlemore residents to constant danger from cars travelling at high speeds.

The minister disregards the concerns of my constituents. He has ignored the repeated attempts I have made to speak with him about this matter.

I will not stand for the minister's lack of concern for the safety of my constituents. I call upon him to act immediately to reverse this ill-conceived decision.

\* \* \*

[Translation]

#### FARM MANAGEMENT AND OPERATIONS

**Mr. André Bellavance (Richmond—Arthabaska, BQ):** Mr. Speaker, I want to acknowledge an innovative concept implemented by the Collège d'Alma. This is the first training technology showcase in Quebec and Canada. This will be a showcase for technology transfer in agriculture, combined with the efficiency and use of renewable energy.

The Collège d'Alma is offering a technology program in farm management and operations and is equipped with a teaching farm. Within the next two years, this dairy farm will be updated to incorporate innovative energy saving technologies.

#### Statements by Members

This project will be used as a teaching and applied research platform by incorporating the use of renewable energy and the development of energy potential related to farming activities.

Students will become familiar with wind and solar energy and with geothermics. It goes without saying that this project will have positive spinoffs for Quebec producers, who are always at the forefront. The Bloc Québécois wishes much success to this wonderful initiative.

\* \* \*

[English]

#### CANADIAN WHEAT BOARD

**Mr. Alex Atamanenko (British Columbia Southern Interior, NDP):** Mr. Speaker, one ruthless dirty trick after another has been employed by this government to bring the Canadian Wheat Board to its knees. These tactics are having a negative impact on the Wheat Board's ability to function and recently resulted in a reduced credit rating that is expected to deteriorate further.

The latest tactic is the wording of the crooked questions the minister has chosen to place on the barley plebiscite ballot, questions that one Winnipeg pollster has called "bizarre" and which another one thought were so bad that they must have been made in error.

A PricewaterhouseCoopers report notes the substantial economic benefits that the Canadian Wheat Board provides to farmers. It speaks of the voice it gives them on global trade, grain marketing, public policy, scientific research, brand development and transportation reform.

The study also notes that the Wheat Board is a significant contributor to Canada's economy and how its absence would soon see farmers dealing largely with foreign owned companies headquartered outside of Canada and the negative impact this would have on the economy.

Why does the government want to destroy the farmers' marketing power?

\* \* \*

#### THE ENVIRONMENT

**Mr. Mark Warawa (Langley, CPC):** Mr. Speaker, I was recently honoured to represent our government at the announcement of the E3 fleet program which encourages environmental efficiency and fuel efficiency within corporate fleets.

I was especially proud that in my riding the township of Langley has been recognized for its progressive accomplishment of being one of the first municipalities in Canada to join the E3 fleet program.

The township of Langley has proven its commitment to sustainability and a cleaner environment. I congratulate Mayor Kurt Alberts and his council for their efforts to right-size their fleet vehicles and for using renewable fuels.

The township is showing managers of trucking, utility, urban delivery, courier and government fleets that operating in an environmentally sustainable way can also help their bottom line.

*Statements by Members*

I encourage fleet operators all over greater Vancouver, the Fraser Valley and the rest of Canada to get involved in the E3 fleet program and help us to reduce energy consumption and pollution.

With the help of an incredible environment minister, we are getting the job done.

\* \* \*

● (1405)

**SPOUSAL SUPPORT**

**Hon. Brenda Chamberlain (Guelph, Lib.):** Mr. Speaker, as parliamentarians, we recognize the importance of having the love and support of our spouses and families. Without them, we would not be able to do all that we do.

Today I stand to pay tribute to a very special spouse in my riding, Marlene Truscott. For 36 years, Marlene has stood with her husband, Steven, in his fight for justice.

Marlene and Steven were first brought together by Steven's fight to clear his name. He has often acknowledged that "If anyone really wants to know how I have survived the last 34 years—Marlene is the answer".

Together with their family, Marlene and Steven are continuing their fight before the Ontario Court of Appeal. They have climbed this mountain together and they are so close to making it to the top. I know that their love and respect for each other will get them through these very public days, weeks and, potentially, months ahead.

I would like to thank Marlene Truscott for the example of love and support that she has shown to every single one of us.

\* \* \*

[*Translation*]

**PULP AND PAPER CENTRE**

**Mr. Luc Harvey (Louis-Hébert, CPC):** Mr. Speaker, on Friday the Minister of the Economic Development Agency of Canada for the Regions of Quebec announced a contribution by the Government of Canada of \$23.5 million to the Centre intégré en pâtes et papier. This centre welcomes students from the Université du Québec at Trois-Rivières, and from the CEGEP in Trois-Rivières.

Since its opening, more than a hundred students have taken advantage of the new infrastructure at this cutting edge centre, which will foster innovation and research in forestry. It is this type of initiatives that will make it possible to overcome the crisis in the forest industry.

I am proud to be part of a team that does more than just ask questions; it also has the means to take concrete action in the interest of the public.

The Bloc has been here in Ottawa for 17 years. How much longer before the Bloc makes its first announcement? When will it issue its first cheque?

**SAGUENAY—LAC-SAINT-JEAN LUMBER PRODUCERS UNION**

**Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ):** Mr. Speaker, on Saturday, the Syndicat des producteurs de bois du Saguenay—Lac-Saint-Jean celebrated its 50th anniversary in Jonquière.

The event, attended by many family members and friends, served to underscore the involvement and commitment of the lumber producers.

I would like to congratulate Joseph Laroche, Maurice Girard, André Théberge, Jean-Marc Simard and Roland Tremblay, all of whom received a plaque commemorating their work in founding the Saguenay—Lac-Saint-Jean lumber producers joint plan.

With the current situation facing lumber producers and the softwood lumber crisis that cost the Saguenay—Lac-Saint-Jean region 3,000 direct jobs, we cannot but praise the determination and perseverance of the region's lumber producers.

We hope that the 50th anniversary celebrations will be the harbinger of success for our lumber producers for many years to come.

\* \* \*

[*English*]

**SENATE TENURE LEGISLATION**

**Mr. Garry Breitkreuz (Yorkton—Melville, CPC):** Mr. Speaker, when I was elected in 1993, my constituents told me that they wanted an elected, effective and equal Senate. It is 13 years later and we are still waiting for Senate reform to start.

Concerned Canadians can blame the Liberals for failing to act during the 12 years they were in power and they can continue to blame the Liberals for failing to act even though they were voted out of power one year ago.

It has now been 262 days since Bill S-4 has been in the Senate. The unelected, unaccountable Liberal senators are filibustering and preventing this important bill from advancing.

Canadians have told us they want term limits for senators. The Liberal leader has publicly said that he supports term limits for senators and yet this message seems to be lost on Liberal members in the other place. Is it that they just do not get it or is it that the Liberal leader simply cannot lead his own caucus?

When will the Liberal leader stop these obstructionist tactics and allow us to debate this very important bill in the House of Commons?

*Statements by Members*

●(1410)

*[Translation]***REGIONAL CARNIVAL**

**Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.):** Mr. Speaker, I would like today to acknowledge the contribution of the volunteers and members of the community who took part recently in the benefit breakfast launching the events of the regional carnival.

I had the honour of taking part in this event in the company of the Daughters of Isabella of Saint-Basile and the Knights of Columbus (Council No. 6524).

The entire event was organized as part of the regional carnival, which is celebrating its 12th anniversary. This truly local event gives people an opportunity to enjoy family activities in the heart of winter.

On the occasion of this 12th anniversary, I want to wish the best of luck to all the duchesses. They are Vicky Gauthier, Kim Therrien, Stacy Bossé, Vicky Pelletier, Stéphanie Haché and Mélissa Dunphy. Their involvement in the many activities is testimony to our region's vitality.

I would also draw the House's attention to the commitment of the Daughters of Isabella and the Knights of Columbus in their communities right across Canada.

My thanks go as well to all the volunteers who made this benefit breakfast such a success, including the carnival chair, Roland Mercure and the president of the Daughters of Isabella, Jeannine Thériault.

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*[English]***CONSERVATIVE PARTY OF CANADA**

**Mr. Ed Fast (Abbotsford, CPC):** Mr. Speaker, today marks a day all Canadians should celebrate. A year ago today, our new Conservative government was sworn into power.

Canadians voted for change.

They voted for accountability and that is exactly what we delivered. We passed the most sweeping anti-corruption law in Canadian history.

We put \$20 billion back into the pockets of families by cutting taxes.

Parents were finally given the opportunity to raise their children their way with our universal child care benefit.

We have made communities safer by cracking down on street racing and taking action against violent criminals and terrorist groups.

We have restored Canada's respect and influence on the world stage.

The economy is strong. Government spending is focused. Our debt is lower. Taxes are coming down.

While the Liberals dithered, dodged and delayed for 13 scandalous years, our Conservative government is getting things done for all Canadians.

\* \* \*

**ALGOMA CENTRAL RAILWAY**

**Mr. Tony Martin (Sault Ste. Marie, NDP):** Mr. Speaker, the government has northern Ontario singing the lonesome railway blues.

CN Rail has cut Algoma Central Railway's passenger service for the second time in three years. Tourist operators, small towns and first nations communities will suffer.

Meanwhile, CN Rail, built with federal support and the recipient of federal subsidies, announced today a profit of \$2.09 billion for 2006, meaning more profits and less service.

Have we forgotten that CN is required to run whatever passenger service the government deems necessary?

Our tourism strategy must be in sync with our train strategy. Ontario tourism generates \$20.8 billion in revenue and employs over 320,000 people.

Investing in passenger trains creates jobs, generates taxes, helps the environment and gives northerners access to regional health care delivery.

Let us stop the strategy of abandonment for Algoma's trains. Let us get CN Rail back on track. All aboard?

\* \* \*

**FIREFIGHTERS**

**Hon. Raymond Simard (Saint Boniface, Lib.):** Mr. Speaker, Canadians are deeply saddened by the tragic incident in Saint Boniface on Sunday evening where two firefighters lost their lives and several others were seriously injured.

That evening, I was being kept abreast of developments as they unfolded and was relieved that Mr. Chartier's family was in fact safe and out of danger.

Unfortunately, we were later informed that Captain Thomas Nichols and Captain Harold Lessard, veterans of the fire department, were not as fortunate and lost their lives, ensuring no one else was caught in this inferno. Mr. Ed Wiebe remains in critical condition and three other firefighters are recovering from their injuries.

We sometimes take for granted how dangerous a job this is. The fact that these firefighters would risk their lives and enter a residence engulfed in flames to assist their colleagues or to ensure no one is left behind is admirable and a testament to their courage.

These firefighters are heroes and should be recognized as such. On behalf of all colleagues in the House, I wish the injured firefighters a speedy recovery and offer my deepest condolences to the Nichols and Lessard families.

Today we honour their memory. We will never forget their unselfish act of heroism.

*Oral questions*

● (1415)

[Translation]

**QUEBEC TEACHERS' WEEK**

**Ms. Louise Thibault (Rimouski-Neigette—Témiscouata—Les Basques, BQ):** Mr. Speaker, given that this is Quebec teachers' week, I would like to pay tribute to those individuals who, together with parents, are dedicated to and work at educating children, youth and even young adults who attend vocational schools.

By sharing their knowledge, their time and their energy, these educators ensure that our most precious individual and collective treasure, our children, have the best preparation for life and will contribute to the future of the Quebec nation.

I would like to thank teachers for preparing our children through education, and also for developing their openness and supporting them in an inclusive process. I congratulate them for the support they give young people in their civic education and citizenship. They contribute to keeping democracy alive.

\* \* \*

[English]

**CANADIAN COUNCIL FOR ISRAEL AND JEWISH ADVOCACY**

**Hon. Anita Neville (Winnipeg South Centre, Lib.):** Mr. Speaker, I rise today in the House to draw to the attention of all members the presence in Ottawa of members of the Jewish community from all across Canada. The members of the community are in Ottawa for the biennial parliamentary dinner and advocacy day of the Canadian Council for Israel and Jewish Advocacy.

Yesterday and today, the participants have been treated to a program featuring discussions and speakers related to such issues as a question period with visiting members of the Knesset, dealing with the threat of a nuclear Iran, and confronting the UN challenge. They are being tutored as to how to advocate and communicate with MPs, how to and why one should get involved in the political process, and the complexities of dealing with the media.

Tonight the program concludes with a parliamentary dinner with members of Parliament and senators from all parties.

I ask my colleagues to join me in welcoming the participants of the conference and sharing the wisdom of their experience.

\* \* \*

**THE ENVIRONMENT**

**Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC):** Mr. Speaker, with over 40 waterfalls, the majestic Niagara Escarpment, Cootes Paradise and the Royal Botanical Gardens, it is no wonder that people in Ancaster—Dundas—Flamborough—Westdale are extremely conscious of the environment.

That is why I find the Leader of the Opposition's new-found zeal for real action on the environment reminding me of the old saying, "Fool me once, shame on you, but fool me twice, shame on me". That same member was part of the Liberal Party, which was

incapable of developing a realistic plan to reduce greenhouse gas emissions. As a result, the emissions rose 30% above 1990 levels.

Like the song says, Canadians "won't get fooled again". Do we want to go back to hearing the environment commissioner say that the Liberals continue to have difficulty turning commitment into action? No. Do we want to go back to targets set without regard to how they will be achieved? No. Do we want to go back to empty green rhetoric? No.

When it comes to clean air, clean land and clean water, this government and this Prime Minister are getting things done and will continue to get things done.

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**ORAL QUESTIONS**

[Translation]

**THE ENVIRONMENT**

**Hon. Stéphane Dion (Leader of the Opposition, Lib.):** Mr. Speaker, the Prime Minister killed the Kelowna accord. He killed the national daycare program. He cut \$6 billion in funding for students. He cut funding for literacy, status of women, access to the courts, youth employment, and volunteering. He laid waste to the climate change file and reneged on our international commitments.

Why is this Prime Minister confusing destruction with the ability to build—something we all seek in our leaders?

**Hon. Lawrence Cannon (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, I listened carefully to the Leader of the Opposition's statements. Something happened in January of last year. Canadians chose to change their government.

That is what they did this year. Today we are celebrating our first year of real change. That is what we are offering Canadians.

**Hon. Stéphane Dion (Leader of the Opposition, Lib.):** Mr. Speaker, Canadians did not know that they were voting for a government that would ransack everything. One of the things it destroyed was the carbon credits market that would be in place in Canada today had the Prime Minister not decided to cancel it, to cancel greenhouse gas emissions reduction targets for industry and to delay clean air regulations under the Canadian Environmental Protection Act.

When will the Prime Minister announce greenhouse gas emissions reduction and clean air targets for Canada?

● (1420)

[English]

**Hon. John Baird (Minister of the Environment, CPC):** Mr. Speaker, let me say to my friend opposite that I can guarantee him the Prime Minister and this government will not take 10 years to begin to tackle the challenge of greenhouse gas emissions.

*Oral questions*

Let me tell him that work is well under way to bring in regulations to regulate both greenhouse gas emissions and air pollutants. We want to accept the twin challenges of Canada's responsibilities with respect to climate change and also the important responsibility for human health and smog and pollution.

**Hon. Stéphane Dion (Leader of the Opposition, Lib.):** Mr. Speaker, there is no reason to postpone the regulations that should have been done a year ago.

Goldman Sachs has said that worldwide green investment opportunities have increased sevenfold, by 700% over the past three years. Canadians need to get our full share of this growing multibillion dollar market.

Instead of deprecating the global fight against climate change as a "job-killing, economy-destroying", money-sucking socialist plot, will the Prime Minister now concede that smart, prompt action on climate change must become a positive driver of Canadian economic growth and competitiveness?

**Hon. John Baird (Minister of the Environment, CPC):** Mr. Speaker, I think that was an excellent description of the previous Liberal government.

Let me say to the Leader of the Opposition that when he says we should have acted one year ago, I say he should have acted 10 years ago.

The Leader of the Opposition can quote Goldman Sachs. I can quote someone speaking about Canada's environmental role in the world:

—Canada, once again providing leadership in the world, fighting above its weight class and showing moral authority to the rest of the world. That's what Canada's known for.

Do we know who said that yesterday? Al Gore.

\* \* \*

[*Translation*]

#### GOVERNMENT POLICIES

**Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.):** Mr. Speaker, what is the minority government's record in this first year? No financing for child care, cuts to the court challenges program, \$5 billion slashed from environmental programs.

Given the government's record, can the Conservatives not understand that Canadians would like to choose another government?

**Hon. Lawrence Cannon (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, the hon. member would like to talk about the record. We are speaking loud and clear about our record.

We are very proud of having adopted the accountability act, legislation that was needed in view of the scandals of the previous government.

We are also proud of our national child care program to create child care spaces. Above all, we are very proud of having made it possible for Canadian families to choose how they wish to look after their children.

[*English*]

**Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.):** Mr. Speaker, the government has spent a year slashing environmental programs, cutting programs for women and failing to deliver on promised child care spaces.

How can the Prime Minister get up and claim a record of results in today's speech when his government's actions so completely contradict his claim?

**Hon. John Baird (Minister of the Environment, CPC):** Mr. Speaker, for my friend from Etobicoke—Lakeshore, in the last 12 months the government has accomplished more than the previous Liberal government accomplished in 13 long years.

We passed the federal accountability act, the toughest anti-corruption legislation in Canadian history. We have placed a significant amount of trust on Canadian families to decide what is best for them in terms of child care. Finally, we have put more tax cuts in the recent budget than the Liberal government gave in the last five budgets.

That is a big step forward for the Canadian people.

\* \* \*

[*Translation*]

#### TAXATION

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, in his lunchtime speech to the Canadian Club of Ottawa today, the Prime Minister missed another opportunity to explain how he plans to make good on the promise he made during the last election campaign to correct the fiscal imbalance. Yet the provincial premiers are holding a teleconference tomorrow to discuss the new equalization formula, an important issue related to correcting the fiscal imbalance.

Can the Minister of Finance at least tell us whether he plans to include all 10 provinces and 100% of natural resources revenues in the new equalization formula, as Quebec and the Bloc Québécois have called for?

• (1425)

[*English*]

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, the member opposite will have to await the budget and the announcements in it, as will all members of the House.

We are precisely on track. We said in budget 2006 that we would consult with the provinces and territories. We have done that at great length. We have done it intensely. The Prime Minister has, various ministers have and I have with the ministers of finance of all governments in Canada, including Quebec.

I look forward to announcing the changes that we will be proposing, having acknowledged the fiscal imbalance, at budget time.

[*Translation*]

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, in addition to the rumours about correcting the fiscal imbalance, there is also the matter of limiting federal spending power in provincial jurisdictions.

*Oral questions*

Will the Minister of Finance also give the provinces the means to meet their needs, in their areas of jurisdiction, by transferring tax room, as the Bloc Québécois and the Séguin report have called for?

[*English*]

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, there are two points with respect to which Canada's new government is very different from the government that was here for 13 years.

One is that we respect provincial jurisdiction. We believe the federal government should concentrate on its areas of constitutional jurisdiction. It is not the role of the federal government, unlike the previous government, to constantly and persistently interfere in areas of provincial jurisdiction.

Second, we are the first government in Canada, unlike the member's government, unlike the Leader of the Opposition, to acknowledge that there is a fiscal imbalance between the Government of Canada and other governments within Canada.

[*Translation*]

**Mr. Pierre Paquette (Joliette, BQ):** Mr. Speaker, the Prime Minister promised to correct the fiscal imbalance, and he has an obligation to do so.

Will the Minister of Finance admit that the fiscal imbalance recurs year after year and that the federal government must transfer the necessary tax room so that Quebec and the provinces can correct the fiscal imbalance once and for all?

[*English*]

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, the member advocates for the transfer of tax points, which is one way of resolving the fiscal imbalance and moving toward fiscal balance. That certainly has been discussed at many meetings between the governments of the provinces, the territories and the federal government.

Many suggestions have been made. There are a number of studies out there that have been reviewed and studied by, I hope, most members of the House.

We will be in a position to announce our proposed changes, from fiscal imbalance to fiscal balance, at budget time.

[*Translation*]

**Mr. Pierre Paquette (Joliette, BQ):** Mr. Speaker, the Prime Minister has spoken about the need to limit federal spending power in areas that are not its own.

Can the Minister of Finance assure us that he will not use the limitation of federal spending power as a pretext to slash funding for the governments of Quebec and the provinces without first bringing in an offset mechanism for money already allocated to certain sectors?

[*English*]

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, there is no intention to reduce transfers to the provinces. In fact, I already wrote to all the ministers of finance in the other governments in Canada recently, outlining the floor, the minimum equalization and the statutory authority that I have now as Minister of Finance, so that all the other governments know what the floor is.

However, there will be more and that will come at budget time.

\* \* \*

**NATIONAL DEFENCE**

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, on the very first day the House convened last year, we asked for an emergency debate on the treatment of Afghan prisoners because of a deal that had been signed by the Chief of the Defence Staff during the middle of the last election, with the backing of the Liberals. It is a flawed agreement. It does not live up to the standards that Canada sets for human rights.

Today very serious allegations of abuse have been made against the Canadian Forces. Could the government tell us that the investigation by the Military Police Complaints Commission will not be interfered with and that it will be a public investigation?

**Hon. Gordon O'Connor (Minister of National Defence, CPC):** Mr. Speaker, members of the Canadian Forces are professional and well disciplined and they live by the best values of society. The alleged incident reported in the media today is under investigation and those investigations will determine the facts, whatever they are.

I assure the member that I do not interfere with, nor will ever interfere with, any investigative process.

● (1430)

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, the Prime Minister does talk about openness and transparency frequently, but his government has introduced Bill C-7, a bill that would gut the powers of the Military Police Complaints Commission. The forces have been through enough with what happened in Somalia and the allegations and the cover-ups.

Can the Prime Minister and the government not see that this time we have to set things right? We have to be above reproach here. What will be the timeline of the commission? Will it be a public investigation, and can we be sure that National Defence will disclose what really happened here?

**Hon. Gordon O'Connor (Minister of National Defence, CPC):** Mr. Speaker, first, the Military Police Complaints Commission has not even determined whether it will get involved. It is investigating it right now.

However, I can assure the member that any board of inquiry, any reports that come from the investigations will be made public.

**Hon. Denis Coderre (Bourassa, Lib.):** Mr. Speaker, I also have a question regarding those allegations of possible violence by the Canadian Forces toward detainees under their guard.

According to article 7 of the Arrangement for the Transfer of Detainees Between the Canadian Forces and the Ministry of Defence of the Islamic Republic of Afghanistan, Canadian Forces must keep written records of detainees such as medical condition. Now it appears that some of these reports are missing.



*Oral questions*

Will the Minister of National Defence immediately table these missing reports and was he aware of these allegations before the official complaint of Mr. Attaran?

**Hon. Gordon O'Connor (Minister of National Defence, CPC):** Mr. Speaker, as I have just said, there are two investigations going on, and perhaps three investigations, to find out whether there is any truth to this allegation. At the moment we have an allegation, which will be investigated. If there is truth to it, corrective action will be taken. If there is no truth to it, it will pass away.

[Translation]

**Hon. Denis Coderre (Bourassa, Lib.):** Mr. Speaker, our support for our soldiers in Afghanistan is undeniable. I know they have to do superhuman work in extremely difficult conditions. However, the allegations on the condition of certain Afghan detainees are troubling. Our fellow citizens expect our Canadian Forces to reflect our values abroad and to respect international conventions.

I have two questions. When the Minister of National Defence caught wind of these allegations, was he already aware the situation before Mr. Attaran complained? And what does he intend to do to shed light on the matter?

[English]

**Hon. Gordon O'Connor (Minister of National Defence, CPC):** Mr. Speaker, I have just said that there are two investigations, possibly three investigations, going on which will determine whether records have been adjusted or not. We will have to wait for the outcome of the investigations.

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**ABORIGINAL AFFAIRS**

**Hon. Anita Neville (Winnipeg South Centre, Lib.):** Mr. Speaker, yesterday the Minister of Indian Affairs was given an opportunity to address the problem of the number of aboriginal children in care. He could have said that he would immediately examine the abysmal situation. He could have said that it was inexcusable. He could have pledged to find a solution for this blight on Canadian society. Instead he chose to blame the victim.

Could the minister explain why, instead of trying to rally support for a solution, he has decided that the status quo is acceptable?

**Hon. Jim Prentice (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC):** Mr. Speaker, my friend goes too far. She knows perfectly well that I also stated yesterday that after I became the minister, this issue is one of the first on which I asked that an evaluation be conducted.

In addition, Phil Fontaine said yesterday, in the *Ottawa Citizen*:

It's not because we have a Conservative government in power that has caused us to take this action. This has been building up over a number of years...

There is ample responsibility to be shared. The number of children in care is too high. The effectiveness of the \$416 million that the government currently spends needs to be studied. I indicated that will be done. It is being done.

**Hon. Anita Neville (Winnipeg South Centre, Lib.):** Mr. Speaker, currently more aboriginal children are living away from their homes in care than at any time during the residential schools

era. Yet this does not provide enough motivation for the Conservative government to act.

The minister chooses to nitpick at the details rather than confront the situation. The national chief, and I can quote him too, was right in calling the minister's comments unconscionable.

When will the minister stop the petty buck passing and when will he give the situation the attention it deserves? Children's lives depend on it.

**Hon. Jim Prentice (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC):** Mr. Speaker, let us be clear on the facts. The number of first nation children in care is 9,000. It is not 27,000, which was the figure put forward yesterday.

The government is spending \$416 million on this issue. In addition, there are 105 service agencies that deliver these services to first nation children. Seventy-five per cent of the kids receive their service from a first nation delivery agency.

In closing, I ask the member this. It is this government that has proposed an amendment to section 67 that would allow first nations to bring this complaint forward. That is a Conservative initiative. Does the member support it?

\* \* \*

● (1435)

[Translation]

**CHILD CARE**

**Ms. Paule Brunelle (Trois-Rivières, BQ):** Mr. Speaker, the child care issue is a good example of a provincial responsibility for which a limit on spending powers should apply.

Will the government agree that if it follows through on the recommendation to reinstate the Canada-wide plan for child care, it must allow Quebec to withdraw with full compensation and without conditions?

[English]

**Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC):** Mr. Speaker, upon being elected, the government moved immediately to ensure that parents across the country had more options when it came to child care. We immediately provided the universal child care benefit to families across the country, including in Quebec.

Under Quebec's \$7 a day day care plan, our new universal child care benefit would buy 171 days of day care every year in Quebec.

\* \* \*

[Translation]

**POST-SECONDARY EDUCATION**

**Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ):** Mr. Speaker, when it comes to funding post-secondary education, there is rare unanimity among the provincial governments and all the stakeholders to bring federal transfers back to the levels at which they were indexed to the cost of living in 1994.

*Oral questions*

The Prime Minister says he is seeking unanimity to resolve the fiscal imbalance. Well, here it is: he has unanimity for funding post-secondary education.

Accordingly, can he promise to resolve this issue quickly and out of respect for the unanimity of the stakeholders? In other words, will he transfer the \$5.1 billion, including \$1.2 billion for Quebec?

[English]

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, we had very constructive discussions with the finance ministers at Niagara-on-the-Lake and in Vancouver in December precisely with respect to this issue. The member is correct. There is a significant degree of agreement among the various governments in Canada that we must do more for post-secondary education in Canada, and we will.

\* \* \*

[Translation]

**AFGHANISTAN**

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, today the media reported that Canadian soldiers in Kandahar mistreated Afghan prisoners. Such accusations are troubling and require speedy action on the part of the government.

Will the government commit here and now to fully investigate these serious accusations and not to imitate the Liberals who did everything in their power to hide the reprehensible conduct of soldiers during the events in Somalia?

[English]

**Hon. Gordon O'Connor (Minister of National Defence, CPC):** Mr. Speaker, as I said earlier, there are two investigations going on and potentially a third. Whatever results we get from these investigations will be made public. We will get at the root of the matter, if there is something to get at.

[Translation]

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, there is another problematic aspect concerning the Canadian mission in Afghanistan: following up on the prisoners Canada transfers to the Afghan authorities.

Can the Minister of National Defence tell us why Canada does not have an agreement similar to that signed by the Netherlands, which enables them not only to follow up on what happens to prisoners, but also to visit them once they are turned over to Afghan authorities?

[English]

**Hon. Gordon O'Connor (Minister of National Defence, CPC):** Mr. Speaker, we had an agreement signed in December 2005, which details the handling of prisoners. It also says that all rules of war must be followed. The Red Cross has reviewed this document. It has also reviewed our handling of prisoners. The president of the Red Cross said that we were doing outstanding work.

\* \* \*

**CANADIAN HERITAGE**

**Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.):** Mr. Speaker, yesterday the minister responsible for Juno joyriding responded to a question regarding her \$1,000 a day limousine habit

by assuring the House that all guidelines were followed appropriately. Really?

Treasury Board guidelines are clear. They say explicitly that ministers are required to post on their respective departmental websites all travel expenses incurred. There are no limos there.

Why did the minister break Treasury Board guidelines? Why is she hiding her extravagant spending from Canadian taxpayers?

**Hon. Bev Oda (Minister of Canadian Heritage and Status of Women, CPC):** Mr. Speaker, as I indicated in carrying out my ministerial duties, I followed all the Treasury Board guidelines appropriately. I also personally covered the additional costs that were not related to ministerial duties. In fact, I will be looking into the website issue.

● (1440)

**Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.):** Mr. Speaker, coincidentally, today this year's Juno award finalists are going to be announced. Perhaps the minister will be nominated in the category most likely to abuse taxpayers' dollars and trying to cover it up, this while she was slashing millions of program dollars from the Status of Women, museums and the CTF.

Might the minister consider cutting her stretch limo budget a little bit, so that programs in her department might get some funding too?

**Hon. Bev Oda (Minister of Canadian Heritage and Status of Women, CPC):** Mr. Speaker, I have clearly indicated that the guidelines were followed. Personal additional costs were covered by me. In fact, we do not want to be alluding to Liberals who previously did not cover personal expenses.

\* \* \*

**AGRICULTURE**

**Hon. Wayne Easter (Malpeque, Lib.):** Mr. Speaker, the minister responsible for killing the Wheat Board said it was a pleasure to fly to Washington to meet the U.S. secretary of agriculture.

When farmers desperately need income support, which hotel do members think the high flying agriculture minister checked himself into? It was no less than the luxurious Ritz-Carlton Hotel, that would cost \$540 a night, but one does get a complimentary shoeshine.

How does the minister justify this expense? How does he justify bringing along no less than four lucky Conservative staffers?

**Some hon. members:** Oh, oh!

**Some hon. members:** Shoes, shoes.

**The Speaker:** Order, please. The Minister of Agriculture and Agri-Food has the floor, not the Minister of Finance.

*Oral questions*

**Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC):** Mr. Speaker, I can tell by the look of it that I should have taken advantage of that shoeshine at the hotel. I did not realize that it offered such a thing.

Of course we met with the secretary of agriculture in the United States, talking about important things like advancing to rule 2 to help our farmers by ensuring that the Americans reduce their domestic subsidy support. We have a lot of business to do with the Americans to get their agriculture policy in line with WTO regulations.

When it comes, though, to wasting money, the question I have for the member for Malpeque is, is he going to take personal responsibility to pay back the ad scam money that his party ripped off?

**Hon. Wayne Easter (Malpeque, Lib.):** Mr. Speaker, let us look at the results since he stayed at that luxury hotel.

We now know that Standard & Poor's has lowered the credit rating of the Canadian Wheat Board, naming the government as responsible. We know border fees and Canadian exports will increase in March. We know the Minister of International Trade has since acknowledged that supply management may be traded away.

The United States may be overjoyed, but Canadian taxpayers got the bill. Canadian farmers got the shaft. Americans got value for the minister's trip. Why did Canadians not get any value at all?

**Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC):** Mr. Speaker, when he was talking about Standard & Poor's, I thought he was talking about Liberal agricultural policy.

Of course, the government guarantees remain in place for the Canadian Wheat Board. We are confident that we are going to have a strong and viable Wheat Board moving forward. As a matter of fact, we say keep the Wheat Board, but give more choice to farmers. That is what we are saying.

It is interesting because we are asking them about barley. We are asking, "Do you want more freedom of choice?" This is what they say on that side of the House, and they do not care what farmers say and how they vote. "It is going to be business as usual. You have to deal with the Wheat Board whether you like it or not". The Liberals are not listening to farmers now. They did not in the past and they will not in the future.

\* \* \*

**AIRPORTS**

**Mr. Mike Wallace (Burlington, CPC):** Mr. Speaker, the Canadian Air Transport Security Authority announced earlier today that it has fully implemented restricted area identification cards in the 29 major airports across Canada. These cards use the latest technology, including iris scans and fingerprints, to identify employees entering restricted areas.

Can the Minister of Transport, Infrastructure and Communities inform the House how this will contribute to the increased security of our airports?

• (1445)

**Hon. Lawrence Cannon (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, we have one of the safest and most secure air transportation systems in the world. We will continue to play a leading role in meeting and exceeding our international commitments and standards. This program is a world first and it showcases the substantive steps that we have taken as a government in ensuring the highest possible level of security in our transportation system.

\* \* \*

**INFRASTRUCTURE**

**Ms. Peggy Nash (Parkdale—High Park, NDP):** Mr. Speaker, a new report released by the Conference Board is showing that Canadian cities have been abandoned for far too long. The report shows that after years of Liberal and now Conservative neglect, the needs of Canada's big cities are being ignored by the government. The Federation of Canadian Municipalities is estimating the investment needs of cities with regard to infrastructure at \$60 billion.

Will the finance minister take this report seriously? Will he respond to the needs of our cities and fix this infrastructure deficit in the budget?

**Hon. Lawrence Cannon (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, the government is dedicated to making Canadian cities better places to live and more prosperous. In budget 2006, we committed \$16.5 billion to communities and infrastructure programs. We have re-dedicated the gas tax to help communities not only large and small, but we have committed that money to put it on a long term predictable basis. Budget 2007 will certainly have more to add to that important initiative.

**Ms. Peggy Nash (Parkdale—High Park, NDP):** Mr. Speaker, I am glad he has re-announced the NDP budget money.

In 1993 government transfer payments to local governments accounted for 25% of municipal revenues. Under the Liberals it sank to just 16%.

The Conference Board of Canada is a non-partisan, non-profit group. Its report is recommending a national urban transit strategy, increased investments in affordable housing, and a strategy to deal with the infrastructure deficit.

When will the government come forward with a real urban agenda? When will it help our cities fulfill their potential as engines of our economy?

*Oral questions*

**Hon. Lawrence Cannon (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, as I mentioned before, we have committed quite a bit of money to communities and cities. We have committed \$1.3 billion to public transit systems across this country. We have also met with representatives of the Canadian Federation of Municipalities. We have had discussions with them over the course of the last few months. We will continue to help our communities and cities on a long term basis to give them the chance to develop better communities across the land.

\* \* \*

**ABORIGINAL AFFAIRS**

**Mr. Gary Merasty (Desnethé—Missinippi—Churchill River, Lib.):** Mr. Speaker, the Minister of Indian Affairs says that money is not the answer to the child welfare crisis in first nations communities. That is rich given his own spending habits: \$2,000 of taxpayers' money hobnobbing in Washington with Dick Cheney and staying four nights at the ritzy Mandarin Hotel for \$500 Canadian a night. The hotel itself claims to have redefined what luxurious means.

Why is the minister wasting tax dollars in Washington while 27,000 children, not 9,000 as his blinders suggest, are in care?

**Hon. Jim Prentice (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC):** Mr. Speaker, the hon. member is fully aware that in addition to being the minister responsible for Indian Affairs and Northern Development I am responsible for the pipelines in this country. The meetings that I was engaged in in Washington related to both the Mackenzie Valley pipeline and the Alaska pipeline project, which are two of the largest projects that have ever been undertaken in North America. There were extensive meetings. It was a very valuable trip.

**Ms. Tina Keeper (Churchill, Lib.):** Mr. Speaker, wasteful Challenger flights, a patronage contract to Harvie Andre, and now we learn of thousands spent on luxury hotels.

The minister continues to say that money is not the answer for safe drinking water on reserves. He slashed \$400 million for water when he flushed the Kelowna accord. Now we have an international aid organization moving in to address poverty in first nations. Money is a problem.

Why is the Prime Minister allowing his big spending minister to mix oil and water?

**Hon. Jim Prentice (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC):** Mr. Speaker, the budget that the Conservative government put forward included \$3.7 billion of additional expenditures in relation to aboriginal programs and services over two years. That included extensive investments in northern housing and off reserve housing. There have been significant improvements since the former government with respect to water and other issues on reserve. We will continue to make progress.

● (1450)

**FOREIGN AFFAIRS**

**Ms. Yasmin Ratansi (Don Valley East, Lib.):** Mr. Speaker, many young bachelors like to rent a limo on prom night. However, it is less funny when the Minister of Foreign Affairs bills taxpayers \$45,000 for a Challenger flight to Rome to see Condoleezza Rice.

How does the minister justify spending \$45,000 on his Conservative flying limousine when there are 11 commercial flights daily which would have cost a total of \$2,933 per person?

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, for years we saw a Liberal government preside over the decline of Canada's esteem on the world stage. Now we finally have a government and a minister that are showing leadership on the world stage, fighting for the Canadian values we believe in: freedom, democracy, human rights, and the rule of law. We are proud to have them showing a strong face for Canada again around the world and showing leadership.

**Ms. Yasmin Ratansi (Don Valley East, Lib.):** Mr. Speaker, the typical answer: no accountability.

Of course there is more. The passenger manifest shows that Challenger returned home via Ireland with only one passenger. Who benefited from this expensive flight costing almost \$23,000? Not the minister, not the deputy minister, just one lucky Conservative political staffer who finally hit the big time: the foreign minister's own spin doctor and director of communications, Dan Dugas.

How can the government justify the outrageous abuse of taxpayers' dollars?

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, our government makes no apology for standing up for Canada's interests on the world stage. That means having our foreign minister representing Canada abroad at the important meetings where Canada's interests for too long have been left to languish. Once again, we are showing leadership on the world stage and we make no apologies for doing that.

\* \* \*

[Translation]

**CANADIAN HERITAGE**

**Mr. Maka Kotto (Saint-Lambert, BQ):** Mr. Speaker, the Minister of Canadian Heritage's inaction is of great concern to the television industry. She is refusing to discipline Shaw and Vidéotron who, by withholding their contributions to the Canadian Television Fund, are endangering the production of three television series. Her silence suggests that she is complicit in the offence. She must act to save these three series. What is she waiting for?

[English]

**Hon. Bev Oda (Minister of Canadian Heritage and Status of Women, CPC):** Mr. Speaker, the government has always been in support of a system that supports Canadian producers, Canadian production and Canadian programming. That is why the government announced \$200 million over two years for Canadian productions. As I have reported to the House, I am getting fully informed. I am working on the issue and we will resolve it.

[Translation]

**Mr. Maka Kotto (Saint-Lambert, BQ):** Mr. Speaker, yesterday, Quebec responded to one of the recommendations in the Macerola report by announcing \$10 million in renewable funding to support the Quebec film industry. That report also recommended that the federal government do its part.

Can the Minister of Canadian Heritage tell us how much her government is ready to spend to support the Quebec film industry?

[English]

**Hon. Bev Oda (Minister of Canadian Heritage and Status of Women, CPC):** Mr. Speaker, I remind the member for Saint-Lambert who supported a recommendation in a report that said: "Existing levels of support available through the Canada Feature Film Fund are generally adequate but need to be awarded and allocated differently". We are looking at improved means of allocation. We do support Quebec's announcement. We encourage all members and all sectors to support the film industry.

\* \* \*

#### FOREIGN AFFAIRS

**Hon. Dan McTeague (Pickering—Scarborough East, Lib.):** Mr. Speaker, rather than trying to shift the blame to our diplomats, the Prime Minister must take responsibility for abandoning his personal commitment to stand up for Huseyin Celil.

Instead of asking foreign affairs to explain why no Canadian official bothered to attend the start of Mr. Celil's trial, the Prime Minister should be calling his Chinese counterpart, the Chinese president, to register Canada's displeasure at not being informed about the trial and insist that Canadian officials be present.

When will the Prime Minister stop passing the buck by blaming diplomats for his own shortcomings and actually stand up for Mr. Celil like he promised, or is this another example of what the government House leader said is leadership on the foreign affairs file?

• (1455)

**Hon. Helena Guergis (Secretary of State (Foreign Affairs and International Trade) (Sport), CPC):** Mr. Speaker, the Canadian government continues to make representations to the Chinese authorities. Our requests for information and trial dates have gone unanswered, but embassy officials are in daily contact and they are in fact en route to the province where Mr. Celil is being held to deal directly with court officials and secure access to court proceedings. They have in fact been directed to remain on site.

#### Oral questions

#### CATTLE INDUSTRY

**Mr. Rick Casson (Lethbridge, CPC):** Mr. Speaker, after 13 long tortuous years of Liberal neglect and bungling on the agriculture file, farmers finally have a government that is actually listening to them and is taking action.

For years our cattle industry has been calling for an easing of import restrictions on cattle from the U.S. Could the Minister of Agriculture tell this House and all Canadians what Canada's new government is doing to normalize our trading relationships with the Americans?

**Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC):** Mr. Speaker, to help out Canadian farmers, effective immediately, U.S. cattle can enter Canada without any blue tongue related import requirements. As well, there will be reduced testing requirements for anaplasmosis. In addition, sheep, goats and other small ruminants will be able to be imported for breeding purposes.

We continue to take concrete steps to help our Canadian farmers. As Brad Wildeman, the VP of the Canadian Cattlemen's Association, said, this shows that we are serious about two-way trade and we are serious about helping our farmers.

\* \* \*

[Translation]

#### THE ENVIRONMENT

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, the NAFTA environmental secretariat condemns the government's attitude towards the dumping of toxic substances in our rivers by pulp and paper mills. This report resulted from a complaint filed by seven environmental groups regarding 1,000 offences committed between 1995 and 2000. According to the report, the Liberal government did nothing to stop the dumping in our rivers, which is another of their failures.

Will the minister tell us what concrete action he will take today? It is his responsibility.

[English]

**Hon. John Baird (Minister of the Environment, CPC):** Mr. Speaker, when I was made aware that these reports had not yet been made public, I ordered that they be immediately released. I think that is important for accountability and transparency. We take the issues contained in them very seriously.

When it comes to the quality of our water, when it comes to the migratory birds at risk and other issues raised, we take them very seriously and we will move to work with the provincial governments to ensure that these important concerns are addressed.

*Oral questions*

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, action needs to be taken now. The Liberals failed to enforce Canadian environmental laws and the Conservatives broke their promise to be different. It is same old, same old. First they hid the report and they have taken no action. It sounds familiar.

We are talking about significant amounts of toxic waste going straight into our rivers. In how many other provinces is this occurring? Does Environment Canada even have a mandate under this government? Why the cover-up? Why the inaction? Will the minister come clean and give Parliament all the facts?

**Hon. John Baird (Minister of the Environment, CPC):** Mr. Speaker, the minute it was made known to me that this report had not been made public, I ordered that it be made public, because we believe in accountability, transparency and ensuring that people have the facts about our environment.

I am prepared to work with the provinces. We are prepared to look at what we can do to ensure that our record on environmental enforcement is stronger. We think that is an important priority for Canadians and it is certainly something that has my attention.

\* \* \*

**MEXICO**

**Hon. Maurizio Bevilacqua (Vaughan, Lib.):** Mr. Speaker, my question is for the Prime Minister.

There have been 15 homicides involving Canadians in Mexico since the year 2000. Many of the cases remain unsolved. Over the past year, three of my constituents, Adam DePrisco and Dominic and Nancy Ianeiro were killed while vacationing in Mexico. Canadians obviously want answers to these unsolved cases.

During his visit this week to Mexico, what specifically will the Minister of Foreign Affairs be demanding from the Mexican government to ensure the protection of Canadians?

**Hon. Helena Guergis (Secretary of State (Foreign Affairs and International Trade) (Sport), CPC):** Mr. Speaker, I would like to thank the hon. member for his concern on this matter.

I believe he is aware that the Minister of Foreign Affairs has raised on a number of occasions with his counterpart in Mexico the situations that we have there, the ongoing investigations. He has requested very thorough, timely and transparent investigations on all outstanding cases. He is in fact in Mexico again this week and he will do so again.

\* \* \*

● (1500)

*[Translation]***INTERNATIONAL COOPERATION**

**Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC):** Mr. Speaker, to kick off International Development Week, the Minister of International Cooperation and Minister for la Francophonie and Official Languages announced a contribution by the Government of Canada to the Société de coopération pour le développement international.

Will the minister provide particulars about this contribution, which will help citizens of these countries to take charge of their lives in order to ensure their self-sufficiency and long-term economic sustainability?

**Hon. Josée Verner (Minister of International Cooperation and Minister for la Francophonie and Official Languages, CPC):** Mr. Speaker, I thank my colleague for his pertinent question.

Financing of \$14.5 million will be disbursed over five years to support activities that will improve living conditions in the Americas, Africa and Asia, because we are determined to provide ongoing support to initiatives that create jobs, promote business opportunities and improve the quality of life of citizens in developing countries.

\* \* \*

*[English]***SENIORS**

**Ms. Chris Charlton (Hamilton Mountain, NDP):** Mr. Speaker, the government has now admitted on three separate occasions that seniors have been shortchanged for the last five years because Statistics Canada miscalculated the consumer price index in 2001.

Bill C-36 would enhance the government's ability to recoup money from seniors when they have received too much from the government. Well, here we have a case where seniors got too little.

Will the minister commit today to paying seniors as quickly for his mistake as he wants them to pay for theirs? Will he ensure that seniors are reimbursed retroactively for the full five years, yes or no?

**Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC):** Mr. Speaker, this government has moved on many occasions to help seniors, starting with fulfilling our commitment to cut the GST. Fully 30% of Canadians do not pay income tax; a cut to the GST makes a big difference to them. We raised the age credit. We raised the pension credit. We allow pension income splitting. We have moved on a number of occasions. We are doing that again in Bill C-36 to help seniors, because we want to help seniors. That is a role of this government.

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**MINISTERIAL MOTOR VEHICLES**

**Hon. Ralph Goodale (Wascana, Lib.):** Mr. Speaker, when attending official duties at the nearby Chateau Laurier hotel, previous prime ministers would typically walk. Today for his speech at noon, the Prime Minister drove to the Chateau. Then while he dined on and on, the Prime Minister's massive SUV sat idling outside spewing greenhouse gases.

The Prime Minister says he is clamping down on his ministers' chauffeurs. Will he show some leadership and clamp down on himself?

**Some hon. members:** Oh, oh!

**The Speaker:** I had a feeling these extra questions would lead to trouble.

The hon. the government House leader.

*Government Orders*

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, the Prime Minister's security needs are determined by the RCMP.

But I notice that the opposition House leader, on January 18, 2004, when he was a minister, and his staff used the Challenger to travel from Ottawa to Ottawa on a half-hour flight. I do not understand that one.

On August 9, 2004 he and his wife travelled to Regina. A Challenger brought them back to Ottawa with passengers. Strangely enough, at the same time, he also requested a Challenger jet to London for a trip to Africa. Two Challenger jets in the air at the same time for one minister. It is unbelievable.

\* \* \*

**PRESENCE IN GALLERY**

**The Speaker:** I would like to draw to the attention of hon. members the presence in the gallery of the Hon. Marie Bountroggianni, Minister of Intergovernmental Affairs for Ontario, and the Hon. Rob Renner, Minister of the Environment for Alberta.

**Some hon. members:** Hear, hear!

**The Speaker:** I would also like to draw to the attention of hon. members the presence in the gallery of Mr. Chris Hadfield, the first Canadian astronaut to act as Mission Specialist and operate the Canadarm in orbit.

**Some hon. members:** Hear, hear!

\* \* \*

• (1505)

[*Translation*]

**POINTS OF ORDER**

## ORAL QUESTIONS

**Mr. Maka Kotto (Saint-Lambert, BQ):** Mr. Speaker, the Minister of Canadian Heritage misled the House when she stated that I supported the idea that the film industry had adequate funding for its development, which is incorrect, if you refer to the additional report that the Bloc Québécois tabled in committee, and which is also incorrect, if you refer to the three motions the Bloc Québécois had adopted in committee in December.

I would therefore like the minister to apologize and withdraw her defamatory statement.

**The Speaker:** We will perhaps wait for something from the minister, but I will look at the minister's earlier statements. If necessary, I will inform the House of my decision.

**GOVERNMENT ORDERS**

[*Translation*]

**CRIMINAL CODE**

The House resumed consideration of the motion that Bill C-32, An Act to amend the Criminal Code (impaired driving) and to make

consequential amendments to other Acts be read the second time and referred to a committee.

**The Speaker:** Prior to oral question period, the hon. member for Châteauguay—Saint-Constant had the floor. She has 13 minutes to complete her remarks. The hon. member now has the floor.

**Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ):** Mr. Speaker, we were debating Bill C-32, An Act to amend the Criminal Code (impaired driving).

As the deputy justice critic and like my party, I consider the bill very important because it aims to provide the instruments required to enable police to fight impaired driving effectively. I do think, however, that we must look more closely at certain elements of this bill, as the proposed additions warrant analysis to ensure their real effectiveness.

Among the concerns I would like to share with the House is my hope of meeting experts and groups in the course of the deliberations of the Standing Committee on Justice who can shed light on the following points. First, as this committee's report entitled "Toward Eliminating Impaired Driving" rightly pointed out, the nature and the legislation pertaining to the concept of "reasonable grounds" used by the police to have people tested must be defined. This definition would be vital should a driver suspected of driving while impaired refuse, because it would become a criminal offence. This is in fact what the current bill is proposing, but it remains fuzzy as to the "reasonable grounds" used by the police.

In addition, it would seem basic to find a proven screening test that is both quick and non invasive. Do we have the technology? Which drugs are we screening for? I think this warrants our attention, since, with the variety of drugs currently available and their various effects on the human body, it becomes increasingly relevant to look at the methods and scientific processes used in screening.

But again, how are we going to distinguish between illicit drugs and legal drugs, prescription medications, that is? A person can be in legal possession of those medications, but the person's faculties may be impaired by their effects, effects that are clearly stated in the warnings given about the medications.

And then, in logistical terms, do we actually have the equipment that would enable us to do a simple roadside test for all drugs, as we do for alcohol with the breathalyzer? Let us recall that the bill would authorize the police to do a drug test during a roadside spot check. It is therefore important to have very effective, tested tools, to keep potential legal challenges to a minimum. As well, this must be done with utmost respect for the spirit of the Charter, and they must be as constitutional as possible. We often think of taking a blood sample as an intrusive action. In addition, there is the fact that it sometimes takes a long time to get the results of a blood analysis, so the offender has to wait to know whether charges will be laid against him or her.

*Government Orders*

As well, in legal terms, all of these complications have to be avoided so the bill does not end up in interminable court challenges. As members probably know, impaired driving, particularly driving with a blood alcohol level over 80, is one of the offences in the Criminal Code that is most difficult to prove. As I noted earlier, the “two beer” defence is a perfect example.

Let us also not forget the prohibition set out in clause 8(3) and 8(5) on using oral testimony alone to defend against an incorrect charge. We should give this our full attention in order to determine whether it is valid.

Last, in social terms, impaired driving awareness campaigns have in fact had some success in reducing this kind of offence. Will there be financial and human resources allocated, however, for an education campaign about driving while impaired by drugs?

We must also not forget that the higher fines proposed by Bill C-32 will certainly have a greater effect on lower income brackets in the population than on the more well-off members of society.

These are a few points that show, beyond any doubt, how important it is to work on this bill and make it into something even better.

I repeat that the Bloc Québécois takes this matter very seriously and will participate in developing standards and measures that are intelligent and effective for achieving the desired results. As well, we support initiatives to provide law enforcement agencies with concrete and effective methods for enforcing laws that are designed to deal with driving while impaired by alcohol and other drugs.

• (1510)

That is why we are prepared to support Bill C-32, so that it can be referred to the Standing Committee on Justice and Human Rights. The committee would then be able to study the bill in depth and call witnesses who could offer their expertise. As well, it could propose the amendments that it thought necessary in order to make Bill 32 even more effective.

I will add that we still have reservations about some aspects of this bill, which I described earlier. I therefore hope that the government will work constructively with all opposition parties so that those reservations are taken into consideration and the result is useful and effective legislation.

To conclude, therefore, I hope that all of the points I have raised will be addressed by witnesses and experts who will respond to them when they appear before the Standing Committee on Justice and Human Rights in the near future.

**Mr. Christian Ouellet (Brome—Missisquoi, BQ):** Mr. Speaker, I would like to congratulate my colleague on her excellent presentation, which addressed what needs to be said about this bill and outlines the Bloc's position on it.

Is the hon. member aware of any such legislation elsewhere in the world? Does she know whether there are plans to examine that legislation to find out what results it has had in relation to this specific sort of action?

**Mrs. Carole Freeman:** I thank my colleague for his question. In the United States, the breathalyzer offers many options.

However, with regard to studies on drugs, we will need to check with expert witnesses. That is what the Standing Committee on Justice and Human Rights was preparing to do.

[English]

**Mr. John Maloney (Welland, Lib.):** Mr. Speaker, I am pleased to speak to Bill C-32, an act to amend the Criminal Code to strengthen the enforcement of drug impaired driving offences in Canada.

On November 4, 2004, the former justice minister under the Liberal government introduced Bill C-16, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts. This new legislation builds on Bill C-16 but includes stronger penalties than our bill had proposed.

Bill C-32, the Conservatives' proposed reforms to the Criminal Code, include increasing penalties. Drivers would be charged if in possession of illicit drugs. Drivers with blood alcohol levels exceeding .08 would face a life sentence penalty in the case of causing death and a maximum 10 year sentence in the case of causing bodily harm. These provisions are in addition to existing provisions that hold an alcohol or drug impaired driving offence that causes bodily harm to be punishable by up to 10 years imprisonment and that such an offence that causes death is punishable by life imprisonment.

Impaired drivers would face higher mandatory minimum penalties. For a first offence, the fine would increase from \$600 to \$1000. For a second offence, sentences would increase from 14 days mandatory prison to 30 days minimum. For a third offence, prison sentences would increase from 90 days minimum to 120 days minimum. When the offence is punishable on summary conviction, the maximum term of imprisonment would increase from 6 months to 18 months.

The bill would also provide more tools for the police. Police would be able to demand that a person suspected of driving while impaired by alcohol or a drug participate in a sobriety test at the roadside and police would be able to demand that a person suspected of driving while impaired by a drug participate in physical tests and bodily fluid sample tests.

The Criminal Code currently makes it an offence to drive a motor vehicle when one's ability is impaired by alcohol or a drug, or a combination of alcohol and drugs. There is a further offence with respect to alcohol while driving while one's blood alcohol limit exceeds the legal limit of .08%.

The anomaly is that currently there is no legal drug limit. There are non-quantifiable tests such as erratic driving and witness testimony. If the driver voluntarily participates, results of a drug test are admissible but this a very rare occurrence. As a consequence, police powers for obtaining evidence of drug impaired driving are very limited.



*Government Orders*

It is urgent that Parliament address drug impaired driving. The 2002 Senate special committee report on illegal drugs, "Cannabis: Our position for Canadian Public Policy", found that between 5% and 12% of drivers may operate a motor vehicle while under the influence of cannabis. Further, a survey by the Traffic Injury Research Foundation revealed that in 2002 almost 20% of Canadian drivers had taken the wheel less than two hours after consuming a potentially impairing drug. This included both legal and illegal drugs. These statistics and findings must be reversed.

In 1999, I chaired the justice committee when we studied the issue of impaired driving and prepared a report entitled, "Toward Eliminating Impaired Driving". The committee was very frustrated with the appreciation that drugs play a contributing role in motor vehicle accidents but that there were no practical legal limits to test for drugs.

There is no scientific consensus on the threshold drug concentration levels in the body that cause impairment making driving hazardous. Unlike the Breathalyzer tests used for alcohol, there is no objective test to measure drug impairment. Further, there is no measurable link between drug impairment and drug quantity. In addition, traces of some drugs could remain in the body for weeks. For instance, the active ingredient in cannabis can be detected for up to four weeks, although its impairing effects do not last. Because there is no scientifically proven threshold, it is not possible to propose a legal limit.

Because there is no clear drug limit testing, a drug recognition expert, DRE, is acknowledged as a necessity.

The lack of authority for police to make a demand for drug testing was a concern that was raised in a number of credible submissions to our committee, such as the Canadian Bar Association, the Province of Ontario, the Canadian Automobile Association and others, who called for expansion of police powers to allow a demand for drug testing.

The committee had concerns about drafting such provisions. Parliament would need to provide legislative guidance on what would constitute reasonable and probable grounds to believe that the offence has occurred. Further, the power to demand bodily samples for drug testing, such as blood, would be intrusive and require consideration of potential violations of the Charter of Rights.

Notwithstanding that, the committee in recommendation 12 suggested a Criminal Code amendment to allow a judge to authorize the taking of a blood sample to test for the presence of alcohol or drugs based on reasonable and probable grounds that an impaired driving offence has been committed. The committee also recommended consultation with the provinces and territories to develop legislation aimed at better obtaining evidence against suspected drug impaired drivers.

• (1515)

The Department of Justice consulted extensively with the provinces and territories, following which the Liberal government introduced two identical pieces of legislation in two subsequent parliaments to deal with this problem. Indeed, the Liberal Party takes impaired driving very seriously. Unfortunately, both Bill C-32 and Bill C-16 died on the order paper when elections were called in

November 2004 and 2005 respectively. The Conservatives have reintroduced very similar legislation, with stronger penalties, however.

Passage of the new Bill C-32 will be a significant step toward making roads safer and protecting the public. It will give the police the authority to demand standardized field sobriety tests at the roadside. The officer must have reasonable suspicion of alcohol or a drug in the body before making the demand. The standard test involves walking heel to toe, following with the eyes the officer's hand movement, and balancing on one leg with the other leg held in front about six inches off the ground.

These roadside tests take about 10 minutes. If the driver fails the roadside test, the officer then would have reasonable grounds to demand a breath test on an approved instrument in the case of alcohol. In the case of a drug, the officer would have reasonable grounds to demand an evaluation by an officer certified to do drug recognition expert or DRE tests back at the police station.

The purpose of the evaluation is to identify the class of drugs, if any, that is causing impairment. The evaluation further involves physical tests and checking of vital signs. This evaluation takes about 45 minutes. Following the identification of a class of drugs, the officer could then demand a sample of a bodily fluid, urine, blood or saliva, to test for the presence of a drug.

Refusal to comply with a police order to submit to a roadside sobriety test or to an evaluation at the police station, or to provide a bodily fluid sample, would constitute a criminal offence, just as it is now an offence to refuse a police order to submit to an alcohol breath test.

The idea with the drug impaired driving investigation is not to prove that a concentration of a particular drug is exceeded and that therefore the person is impaired. As previously indicated, there would be few drugs for which there would be a scientific consensus on the concentration level at which there would be impairment for the general population of drivers.

The bill proposes no legal limits for the wide range of drugs. Instead, the idea is to provide for the investigation of a driver's drug impairment by observing physiological symptoms that are unique to a particular class of drugs, and then to confirm with a bodily fluid sample whether the drug was indeed present.

If the tests do not show impairment, the driver is free to go. If the officers see a medical condition, they can obtain medical help.

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The combination of steps, that is, the police officer observing the driver's ability to perform the simple tasks of the roadside standardized field sobriety test, the results of the more comprehensive testing by the drug recognition expert, and the confirmation by the independent laboratory analysis of the presence of the drug identified by the DRE as causing the impairment, will provide the necessary checks and balances.

Let us consider the charter considerations. We know that the demands for alcohol breath tests on approved screening devices at roadside, without a right to contact counsel, have been found justifiable by the courts under the Canadian Charter of Rights and Freedoms, pursuant to the section 1 demonstrable justification limitation on a right.

The right to counsel must be given following the demand for an alcohol breath test on an approved instrument back at the station and before the approved instrument testing is done. It is anticipated that the same practice would prevail for the DRE evaluations envisaged under Bill C-32.

I would suggest that there are aspects of the bill that need further consideration. I do express reservations regarding the new offence of driving while in possession of an illegal drug, where any person found in possession of a controlled substance while operating or in the care or control of a motor vehicle, vessel, aircraft or sailing equipment is guilty of an offence. This provision would apply whether the person is in personal possession of the drug or the drug is simply in the vehicle, provided that the individual knowingly had possession of the drug without lawful excuse for such possession.

I agree with those who claim that this new offence does not belong within Bill C-32 as there is no connection between possession of a drug and impairment and possession of a drug that is already prohibited under section 4 of the Controlled Drugs and Substances Act.

Of necessity there will have to be an educational component of this new impaired driving strategy, under either the justice or the health department. Individuals using marijuana may or may not know that they could be impaired and should take this legislation very seriously. Individuals taking prescription or off the shelf drugs may not understand that they could come within the boundaries of this legislation and must ensure that they do not operate a motor vehicle while influenced by such drugs.

I have every confidence that NGOs such as MADD will continue to put out relevant and compelling information in this respect. The federal government should either do the same thing or provide funding assistance to organizations such as MADD to do so.

● (1520)

Impaired driving continues to be a scourge on our society. I will continue to support legislation that will help not only to reduce it but to eventually and ultimately eradicate such conduct.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, as the member is aware with regard to cannabis, for instance, the active ingredient is THC or tetrahydrocannabinol. I understand that it actually can be detected in one's system for up to four weeks, yet the impairment caused by using the drug may not in fact last very long at all.

This raises an interesting question. To have these kinds of charges stand up, do we have to demonstrate in the courts that not only is it detected in the system but it was present at a time when the person was impaired? It has to be concurrent. It would appear that this may be a significant problem with this drug and perhaps with others, simply because the science is not there on how to determine that persons not only had it in their system but in fact were impaired at the time that they had it in their system.

I wonder if the member could help us on that one.

● (1525)

**Mr. John Maloney:** As I referenced in my speech, Mr. Speaker, there is no legal limit. I referenced the situation with THC and cannabis.

Admittedly, the substance in an individual's system can exist for up to four weeks, but there are also physical signs and physical conditions when the individual is pulled over on the side of the road and given the field test. He is then taken to the station and receives the DRE analysis, the expert analysis, which takes roughly three-quarters of an hour. The combination of all of these will conclude whether in fact there is impairment of that individual at that specific time. The existence of THC alone will not do so.

[*Translation*]

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Mr. Speaker, I am pleased to resume discussing Bill C-32.

First of all, I want to congratulate the Bloc Québécois justice critic, the member for Hochelaga, and the deputy critic, the member for Châteauguay—Saint-Constant, for their presentation. Both gave a very good summary of the Bloc Québécois' position on Bill C-32, which is a worthwhile initiative but which must be able to answer the questions that the public and Bloc Québécois members have about its implementation.

I will read the summary of Bill C-32, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts. The summary gives a good outline of the scope of the bill and the questions it will raise:

This enactment amends the Criminal Code:

(a) to create an offence of operating a motor vehicle while in possession of a controlled substance as defined in subsection 2(1) of the Controlled Drugs and Substances Act;

(b) to authorize specially trained peace officers to conduct tests to determine whether a person is impaired by a drug or a combination of alcohol and a drug;

(c) to authorize the taking of bodily fluids to test for the presence of alcohol or a drug;

(d) to create an offence of operating a motor vehicle with a concentration of alcohol in the blood that exceeds 80 mg of alcohol in 100 mL of blood and causing bodily harm or death to another person;

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(e) to clarify what evidence a person accused of driving with a concentration of alcohol in the blood that exceeds 80 mg of alcohol in 100 mL of blood can introduce to raise a doubt that they were not committing the offence;

(f) to create an offence of refusing to provide a breath sample when the accused knows or ought to know that the accused's operation of a motor vehicle caused an accident resulting in bodily harm to another person or death;

(g) to increase the penalties for impaired driving.

The Bloc Québécois is in favour of this initiative. Nonetheless, we have to allow enough time for the standing committee to address the questions raised by this bill.

The possession or consumption of certain substances constitutes an offence under the Controlled Drugs and Substances Act. However, we should not limit this to the drugs we read about in the newspaper and see on the news, we should also think about medication.

Many questions remain on the implications of using prescription medication. It is important for the standing committee to be able to ask experts all these questions.

I will remind hon. members later, because this is not the first time that Parliament or the standing committee is addressing this issue.

Since 1999, there have been many reports and questions. There is still no legislation because we have to take into account the fact that people use prescription medication and that the medication detected in their blood can resemble certain drugs. This could cause them some problems as far as criminal law is concerned.

The bill would also authorize peace officers to conduct tests at the site of the accident, incident or offence. Breathalyzer technology works and has proven its effectiveness in court. Nevertheless, it has weaknesses that make it possible to challenge the findings. We have the technology to conduct tests. Can we do the same to test for drugs? Are our equipment and tools good enough to bring adequate admissible evidence before the courts? Questions were raised during studies conducted by various committees in the 1990s, and the same is true today. I will summarize these questions later on.

The bill mentions authorizing the taking of bodily fluids to test for the presence of alcohol or a drug.

• (1530)

Since 1999, various committees have addressed this issue, especially with respect to admissible evidence of drug consumption, and have found that the best solution is a blood test. However, as we know, there are all sorts of constitutional challenges related to taking blood samples. Once again, the Standing Committee on Justice and Human Rights will have to answer a lot of questions when the time comes to study this bill.

The Bloc's position is simple. We support this bill, but we want to make sure all of the expert witnesses appear before the Standing Committee on Justice and Human Rights. We would like to see new technology for admissible evidence that is easier to use than blood sampling, as we have seen with breathalyzer devices over the years.

When this bill comes up in committee, we hope the committee will take all the time it needs to call as many expert witnesses as possible to study it, just as other committees have done. The bill was never passed because of the conclusions they reached.

I will go over a bit of the history of this. In May 1999, Parliament studied driving under the influence of drugs. When the Standing Committee on Justice submitted its report on eliminating impaired driving, it emphasized that drugs play a part in some road accidents resulting in death and the incidence of driving under the influence of drugs is underestimated because the current legislation does not give the police any easy way to detect them. That was true in 1999 and it is still true today. We have a problem here, and we need to find a way of filling this gap in the legislation.

At the time, the committee emphasized the need to adopt better methods for detecting driving under the influence of drugs and getting the evidence needed to convict offenders. The same questions arose in 1999, therefore, as those the Bloc members are raising today. These questions are based on whether we have the ability to gather the evidence needed to get convictions. It is all very well to pass bills, but if the Constitution enables people who have committed crimes to evade punishment, the legislation does not do any good. It has to stand up in the courts.

Back in 1999, the committee pointed out a number of obstacles that existed. The Criminal Code requires police to have reasonable grounds for suspecting that a person is impaired before they can administer tests. The committee emphasized that Parliament should clearly define what reasonable grounds are and whether refusal to take tests constitutes a criminal act. We are obviously talking here about reasonable grounds and criminal acts. These are the points we want to bring forward. There were questions around them in 1999, and those questions still exist today.

There is apparently no single non-invasive test to detect drugs that impair a person's ability to drive. We are left, therefore, with the well-known invasive tests, such as the breathalyzer for people who consume alcohol. This question was asked in 1999 and the conclusion was that there was no single non-invasive test. Blood tests were considered invasive under the Constitution.

We need to pay close attention to all this and have all the necessary experts appear. This will enable us to determine whether the technology has progressed since 1999 and evidence can be gathered that can stand up in court.

In the end, it will probably be necessary to obtain a blood sample. That was the conclusion in 1999. The committee approved the assessment made by an expert in drug detection, from the DRE program, but the committee added that the provinces had the last word in terms of training in this field.

It should be clearly understood that we can go ahead and adopt laws but it is the provinces that are responsible for enforcing them, in spite of all the discussion in this House or whatever legislation we may adopt. We hope, therefore, that the Standing Committee on Justice and Human Rights will call representatives of the various provinces, in order to ensure that legislation adopted in the Parliament of Canada is consistent with, among other things, legislation that may be adopted by the Quebec Department of Justice.

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In addition, in 1999, the committee insisted on the need to take into account the consequences of drug testing in the context of the Charter. That was an issue at that time because the proposed tests could be more invasive and require more time than the tests used to detect alcohol. That was an issue in 1999 and it is still an issue today. Is it possible to have a non-invasive test that would be as effective and as quick as the breathalyzer for detecting alcohol?

• (1535)

Once again, we are talking about drug testing and we are conscious that accidents are caused by drivers. The evidence makes that clear. A survey by the Traffic Injury Research Foundation, conducted in 2002, concluded that 20% of Canadian drivers had driven a car within two hours of using a drug that could impair their faculties, either an over the counter medication, a prescription drug or an illegal drug. So, there are dangers because drivers are still taking to the road without being aware that their faculties have been impaired by drugs.

The Standing Committee on Justice and Human Rights deserves praise for discussing Bill C-32. However, we must be able to achieve a positive result so that those who are convicted face real penalties by virtue of the bill, without being able to avoid the legal consequences because the test was not admissible in court or because the test was judged to be unconstitutional.

In 1999, the committee said there was no reliable, non-invasive, fast method of detecting drugs on the roadside. Blood tests are one of the best ways of detecting cannabis. It is impossible to tell whether it has been used recently from a urine sample. Saliva might be a method, but there are not any fast, sufficiently reliable tests on the market.

So that is what the committee recommended in 1999. The representatives of the Bloc Québécois are telling the Quebeckers who listen to us that this is important; that there are people who drive while impaired by drugs and that this is unacceptable. But we have to be able to find these people if we want to charge them under the Criminal Code, and they have to justify their actions in court. A law may be passed but, if unconstitutional tests or tests that are inadmissible in court are no more than words and end up making it possible for some people to get away without being punished, it means that, as legislators we have not asked the right questions at the right time.

Furthermore, in 2003 a working group looked at this issue and published a document titled *Drug-Impaired Driving: Consultation Document*. This working group was created by the Department of Justice further to the recommendations made by the committee in 1999. The working group looked at solutions and asked how to come up with effective legislation that was admissible in court.

The working group described two main solutions. The first was to establish a legal limit for drugs in a person's system. Still, it was admitted that a zero limit might not be advisable since some drivers could have cannabis in their system or have taken prescription drugs without being impaired. The committee thought that where drugs were concerned the allowed level would have to be determined.

The second solution was to legislate on the ability of police officers to demand drug detection tests. This working group spent

more time looking at reasonable grounds for demanding more extensive tests than simply breathing into a device such as a breathalyzer. These grounds were mentioned by the Standing Committee on Justice and Human Rights in 1999. So when the topic of taking samples of blood, saliva and so on comes up, so does the old topic of reasonable grounds. When such samples are demanded, they must be constitutionally and legally defensible so that they are admissible in court.

Describing more or less the same system as the one proposed in Bill C-32, the working group suggested that a trained expert police officer be able to demand a physical sobriety test, or take a sample of saliva or sweat on the roadside if there are reasonable grounds for thinking that someone is driving while impaired.

So, the standing committee proposed that experts from each unit along with all police officers be assigned directly to these problems of consumption or lack of security so they could not be contradicted when they appeared before the courts.

• (1540)

That is one solution proposed by the working group. Such experts, certified police officers, could administer the tests themselves. They could require a sample of body fluids—blood, urine, saliva—to confirm that there were reasonable grounds to believe that the driver had committed an offence under section 253(a) by taking a drug. The counterpart to reasonable grounds is refusal. If the individual thinks there are not reasonable grounds and refuses to provide samples, they must prove that the police did not have reasonable grounds for believing that they were under the influence of alcohol or drugs.

This is why the working group proposed that the police become experts in this type of intervention. They have the skills required to appear before the court and say that they examined three, four or six persons during the operation and that they chose one for a particular reason. This officer can defend himself because he has the necessary skills. These were the recommendations made by the working group in 2003.

The concept of reasonable grounds reappears in Bill C-32. However, there is no mention of police experts. This concept comes under the provinces. The Standing Committee on Justice and Human Rights will have to call provincial authorities to appear in order to discover whether Quebec, for example, is in a position to implement the regulations and has the required personnel. The 2003 report by the federal Minister of Justice's committee will have to be studied to see if it is acceptable. Can the Quebec provincial police acquire the staff required? Who will pay for all of this? There are many questions. These are questions the Standing Committee on Justice and Human Rights can rightly raise with respect to Bill C-32.

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For the benefit of Quebeckers watching, I point out that the Bloc agrees with the principle of this bill. Our question is whether, once the bill is passed, the Province of Quebec and the Quebec provincial police will be in a position to implement it. The people found guilty will thus be charged with the offences that have been put into law. In the event of doubt—do we have the necessary technology or are we incapable of defending ourselves before the courts—we will question the importance of implementing these regulations.

The 2003 Working Group also emphasized that because of Charter rights sensitivities, legislators would have to give serious consideration to current Criminal Code provisions permitting demands for evidential breath or DNA samples that have already survived legal challenges. That is what was said earlier. It is all well and good to say we want to make legislation effective, but there are examples of legal challenges when it comes to DNA tests. In major criminal cases there have been challenges with respect to DNA. We have to be able to have legislation because we understand that when we talk about drugs we do not mean alcohol. We are talking about drugs such as cannabis and other illegal drugs, but also legal drugs such as prescription medication.

We have to be able to make the distinction. Anyone convicted will have to suffer the consequences—fines and loss of driver's licence—after being found guilty of their actions. They will have to be sentenced according to law.

The situation around this legislation is quite complex. There have been major studies and statistics. In 2002, in Canada, the Traffic Injury Research Foundation conducted a survey. According to the survey, 20% of Canadian drivers had driven within two hours of taking a drug that may have affected their faculties.

• (1545)

We are talking about everyday medication, prescription medication or illicit drugs. This is a major problem. It was a problem in 2002 and I do not think much has changed in 2007.

People drive after using drugs for all sorts of reasons. Perhaps there is not enough publicity on the matter. Nonetheless, among other things, it is because it is still not considered a criminal offence. Our objective today is to recognize it as such.

A study by the Société de l'assurance automobile du Québec found that 30% of fatal accidents in Quebec involved the use of drugs or the combination of drugs and alcohol. It is important that legislation such as this be passed, but we have to ask all the questions—

**The Acting Speaker (Mr. Andrew Scheer):** The hon. member for Brome—Missisquoi.

**Mr. Christian Ouellet (Brome—Missisquoi, BQ):** Mr. Speaker, I wish to congratulate my colleague from Argenteuil—Papineau—Mirabel for his excellent presentation. It was very balanced and to the point with regard to the fact that no one can be against virtue. He clearly showed that the Bloc is not against virtue; it agrees as long as there is the capability for properly testing individuals.

Will new tests routinely be found for new drugs? There are always new drugs.

I would also like to ask my colleague another question. Do individuals who breathe second-hand marijuana smoke have the same drug levels in their blood or breath as those who actually smoked the drug? It would be unfair for those sitting next to a driver smoking marijuana or those driving while someone is smoking in the car.

Would it not be better to reduce speed limits and monitor drivers' abilities? We are becoming increasingly lax in this regard. Every driver who has an accident should be tested because it is said that they are likely to have other accidents.

Would it not be better to also reduce speed limits at night? I am talking about reducing speed limits, but all we would really have to do is enforce current speed limits and not tolerate driving 20 or 30 km per hour over the limit. Would my colleague agree to that? Speed limits should be reduced at night or when it is raining. This is done elsewhere, why can we not do it here? We would not have to look for other means.

I would like to point out that accidents often occur because we tolerate speeding by individuals who have taken drugs or alcohol. Often they have not had good driver training.

• (1550)

**Mr. Mario Laframboise:** Mr. Speaker, first, I would like to thank my colleague from Brome—Missisquoi for his question. I would note his experience: he is often on the road and he is able to see the harm that speed, among other things, can cause.

He is entirely correct. Highway traffic is getting heavier and heavier. We want more and more highways, and better and better highways, and we invest the money that is needed. In this increasingly heavy traffic, however, the posted speed limits should be observed. There is a lot of carelessness about this, and we should be enforcing the law today. Perhaps, for some places, we could revisit the posted speed limits, but we should at least observe the existing limit. People get confused, they no longer know what they are supposed to be doing, and we see people breaking the speed limit. Ultimately, we find that it is we who observe the limits who are slowing down traffic, because everybody is going faster. So the member is entirely correct, and the rules should be enforced much more rigorously.

In terms of drugs, the committee must be able to review the research. In both 1999 and 2003, no one was in a position to say that a new technology could have done accurate screening.

The member talked about second-hand smoke inhaled by people who are somewhere where others are using marijuana. The public also has to take some responsibility here. When someone is with other people who are using illicit drugs, that person is also guilty if he or she stays there and enjoys inhaling the smoke. Really, we cannot be taken in by this scenario. What we need is to have reliable tests.

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Now, there are people who use prescription medications. We try to live as long as possible, and to drive our cars and be independent as long as possible too. For these reasons, we often take various kinds of medications. Sometimes, we do not know how those medications will react together, and so we do not know whether we can take them together. I think that progress is needed in the science.

In any event, I hope that the committee is going to call all the experts it needs so that we can have a test that is capable of identifying the substances. People must not be convicted when they are not criminals and have simply mixed their medications inadvertently.

So we have to be able to proceed with this. Otherwise, if the science has not reached that point, we will have to reconsider how to approach this bill.

**Mr. Gérard Asselin (Manicouagan, BQ):** Mr. Speaker, it is good to debate a bill in order to try and find arguments that will allow the legislation to be implemented.

People must be qualified and competent. We need screening devices such as the breathalyzers used to measure blood alcohol level some time after alcohol is consumed.

As the member for Brome—Missisquoi said about drugs, there could be a problem if passengers in the same vehicle have used drugs and inhaled the smoke. The driver could be affected by the passengers' drug use, even if he or she did not use drugs.

Take the example of someone hospitalized for surgery. The morphine prescribed for pain relief by the doctor could stay in the patient's blood after he or she is discharged. If the patient drives after leaving hospital, his or her blood could contain traces of morphine. Remember that this is a drug the doctor prescribed. What would happen in this case?

**Mr. Mario Laframboise:** Mr. Speaker, I thank my colleague from Manicouagan for his question.

This person would be declared guilty under this bill. It is a simple as that. People leaving hospital must be able to check the level of medication in their system. For example, there are devices people can use when leaving a bar to check the approximate level of alcohol in their blood. There needs to be this type of technology and devices for medications. It would be irresponsible to declare sick people criminals. There has to be a way of detecting medications and preventing people from driving because the level is too high and it is impairing their faculties. People also have to be responsible citizens. They should not get behind the wheel when under the influence of either prescription or illegal drugs.

But there needs to be a way of proving that someone is drug-impaired or detecting that they are before they get behind the wheel. I hope that the technology will be adapted and that it can be put in place before solid citizens who had the misfortune to be ill at some point in their lives face criminal charges.

• (1555)

[*English*]

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I rise to speak to Bill C-32.

Drug users are frequently involved in fatal accidents, and that is a fact. Studies estimate that 3.4% of motor vehicle accident fatalities and 1.7% of injuries are the result of drug impairment. These estimated proportions more than double when dealing with impairment by a combination of alcohol and drugs. One study has indicated that more than 30% of fatal accidents in Quebec involved drugs, while another shows that 20% of fatal accidents in British Columbia involved drugs or a combination of alcohol and drugs.

A significant proportion of Canadians have also admitted to driving within a few hours of consuming drugs. Surveys have shown that 48% of Canadian drivers have taken the wheel within two hours of using cannabis, while close to 20% have taken the wheel within two hours of taking a potentially impairing drug, whether over the counter, prescription or illegal.

The Centre for Addiction and Mental Health released a study that found that 20% of Ontario high school students admitted to driving a vehicle within one hour of using cannabis at least once within the preceding year. In 2002 the Nova Scotia Student Drug Use Survey also indicated about 26% of students, with a driver's licence, had driven within one hour of using cannabis over the previous year.

There is some evidence of a problem and Parliament has the responsibility to respond in an appropriate fashion when issues affect the health and well-being of the people of the country.

When I became a member of Parliament in 1993, the subject area related to drugs and alcohol played a fairly big role in my career as a parliamentarian. In fact, before I even sat one day in the House, after being elected, I did some work, knowing that the elected government had committed to a national forum on health to deal with health issues of Canadians, the number one priority issue for Canadians.

I had a great interest in being involved in that because I had spent about nine years on the board of the Mississauga Hospital, learning about our health care system, how it worked and how it affected people in the corridors of a hospital. I attained a great deal of respect for the doctors and nurses who serviced Canadians in their times of need and I wanted to be part of it.

*Government Orders*

Looking at some of the work that Parliament had done on the health files prior to my being elected, I stumbled across a report done by a subcommittee of the Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women entitled, "Foetal Alcohol Syndrome: A Preventable Tragedy". I had no idea what fetal alcohol syndrome was, so I read the report. I discovered that the consumption of alcohol during pregnancy was the leading known cause of mental retardation in Canada. I saw statistics about the implications of the misuse of alcohol to impaired driving, which is an issue we are talking about today. I saw the health impacts on people, early morbidity, people dying much sooner than their expected lifespan.

It was clear to me that I wanted to know more about this. I wondered how someone who was educated, who had three children and who engaged in the community on a hospital board would not know about fetal alcohol syndrome. I wanted to get involved because I felt that if I did not know, then there probably were a lot of other Canadians who also did not know.

The issue of alcohol has been a very big item in my career and I have raised it many times. Yesterday, in reference to a report that I had encouraged from the Standing Committee on Health, the Minister of Health issued a response to it. It states that we spend a lot of time going in circles on the subject matter of alcohol and its implications not only to unborn children when consumed during pregnancy, but also the impairment issue when we operate machinery or drive automobiles.

That report has been issued by the government. I have not reviewed it as thoroughly as I would like, but it is about time that Canada took a lead role in mitigating the impact of alcohol, the poison ethanol, which is in beverage alcohol and many affects that it has on Canadians.

● (1600)

There is another area in which I have some relevant experience. In the first session of the 35th Parliament, as a member of the health committee I was asked to chair a subcommittee on Bill C-7, the controlled drugs and substances act, the act which Bill C-32 is proposing to amend. At that time, about a decade ago, there was a great deal of discussion about marijuana and its implications. Grow houses were not the rampant problem that they are today. Something has happened and I know what it is.

The potency of this drug, cannabis sativa, and there are two other types in its natural form, the THC content, tetrahydrocannabinol content, can be changed in the plant so that it has a higher potency. B.C. bud is one of the most sought after marijuanas because it has the highest THC content. It gives the highest buzz. It has the highest ability to impair one's ability.

Some of the questions that have been asked around here about what kind of technology there is to deal with this are really important ones. If we detect drugs in a person's system and charge the person for being impaired, how do we know that the drug is affecting the person's ability to do what the person is supposed to do? It is a very complicated issue.

When I chaired the subcommittee dealing with Bill C-7 I can recall the government's position was that there was no intention of

decriminalizing marijuana. That debate continues. Even in the last couple of years that issue continues to be floated around by people.

We have to understand that the potency of any drug can be altered by those who produce or manufacture it. We have to keep ahead of that, particularly when dealing with things like designer drugs. Designer drugs are not legal drugs and they cannot be purchased over the counter, but boy can they be cranked out. We have seen the implications on our young people. It causes a big problem. This is something I feel very strongly about.

In the Bill C-7 subcommittee we also talked about harm reduction strategy. Poor people who use drugs get the drugs off the street and sometimes they get a bad batch. The thinking back then was that the government should get involved in regulating the production and distribution of safe drugs so fewer drug users would be hurt by a bad batch of drugs. The thinking back then was that we had to protect people who were breaking the law rather than find a balance. I found that a difficult bill to deal with and the changes that were proposed at the time.

It is interesting to note that this has come full circle. We are now back to the implications of drug impairment on driving. I will tell the House why this is important.

I started off my speech by reading some statistics into the record and it looks like there is a problem. Whatever has been measured and reported in some of the studies about the problems of drinking and driving or consuming drugs and driving is a lot smaller than the facts. The reason is that the police and people in the hospitals who are charged with determining the cause of death and cause of injury normally report that trauma is the cause of death of someone who has been killed by a drunk driver, who has been squished against a wall somewhere. In fact, the cause of death of that human being was an idiot drunk driver who lost control of his vehicle and killed somebody. Those are some of the issues. The reporting mechanisms that have been relied upon to provide legislators with the information they need to make good laws and wise decisions are impaired.

● (1605)

The police often do not take breathalyzer tests of people who were in accidents. They spend more of their time cleaning up the site to get the traffic going again and to make sure that the injured parties get into an ambulance and get taken away. It is not the job of the hospital officials. There is no coordination.

I am very concerned about the issue of impaired driving and the use of machinery and equipment when one is impaired, whether it be by alcohol or any other substance, illegal or legally prescribed, I do not care. The fact is there are substances that people can and do take that impair their ability and impact the health and well-being of ordinary Canadians.

*Government Orders*

Bill C-32 amends the Criminal Code. What is the current law? Currently section 253(a) of the Criminal Code makes it an offence to drive while one's ability to operate a vehicle is impaired by alcohol or a drug or a combination of alcohol and a drug.

While section 253(b) contains the further offence of driving while one's blood alcohol level is over the limit, no similar drug limit offence exists. This is a problem. We just do not know yet, and if one can play around with marijuana, its potency and so on, one is not sure. Consuming two joints with a low THC level could be nothing compared to consuming one joint with B.C. bud in it or something like that.

This is going to be more complicated than I think people have indicated. I want the bill to go to committee. I want the expert witnesses who come to committee to make absolutely sure that we are on the right track and that we are not making this a little more complicated and not charter proof. The charter proof issue is really important.

Although drug impaired driving is a criminal offence, police have few legally designated means of controlling that offence. They currently rely on non-quantifiable symptoms of drug impairment, such as erratic driving behaviour or the testimony of some witnesses. Drug tests are admissible as evidence in court, but only if the driver participates voluntarily. Some changes will be necessary to the current law in order to make this bill effective. I think the intent is very good. I am not yet convinced whether or not we have the means, the tools and the cooperation. It is going to take a great deal of work to make this work.

Yes, it is a challenge and it is a challenge that Parliament should take up. I am very much looking forward to the justice committee dealing with this but I also I have a problem there. I know that the justice committee is swamped with at least 8 or 10 bills. It is dealing with a whole series of bills, many of which could have been included in one omnibus bill to amend the Criminal Code for a number of offences. We could have had the same witnesses that we are having bill after bill after bill. We could have had all of them there to deal with the same items. Some of the bills are no brainers. They have the support of virtually everyone in the House. They should be passed but they have to go through the process.

We should be expediting these things. I do not know why the then justice minister had to come in with a series of bills other than for political or partisan reasons to say look at all the things the government is doing.

When we are tinkering around with the Criminal Code, let us not take up the House's time. Let us not take up the justice committee's time. Let it do its job. Let us be efficient in proposing and addressing legislation. It is more a matter of let us work smart rather than work hard. I do not think we have been working smart.

This bill is going to take some work. I do not know whether or not we are going to get the time at the justice committee with all the other obligations it has and I do not know what else is coming. For very important bills we are going to have to start dealing with legislative committees, committees that are able to work smartly on legislation and address some of the key problems, particularly as they might touch on charter issues, jurisdictional responsibilities,

court challenges, the application of penalties, or whatever it might be. It is an important bill that really has to get done.

I want to quickly refer to a study which I thought was really good. The Senate did a study about a Canadian public policy on cannabis.

● (1610)

This issue is one which most members who have spoken to this bill and talked about driving while impaired, have talked about using marijuana and whether or not it has some impairment ability. Yes, we do know it can impair one's ability, as any drug can.

The Senate often does things that the House of Commons committees do not do when they do studies. The Senate does a lot more ad hoc studies, not in response to legislation, but rather on important issues of the day to provide a comprehensive review and summary of the state of the facts on matters which are going to affect us down the road.

This should be very helpful to the committee. I want to read into the record what the senators articulated as a public policy regime that they proposed for expressing the fundamental premise underlying their report. This is good. It is like having a mission statement to give us a road map as to where we are going with this, what is our thinking based on. It states:

In a free and democratic society, which recognizes fundamentally but not exclusively the rule of law as the source of normative rules and in which government must promote autonomy as far as possible and therefore make only sparing use of the instruments of constraint, public policy on psychoactive substances must be structured around guiding principles respecting the life, health, security and rights and freedoms that the individuals, who, naturally and legitimately, seek their own well-being and development and can recognize the presence, difference and equality of others.

It takes a little time; it has to be read two or three times, but it basically says balance. We have objectives and we have individual rights and freedoms. We have to be careful. The balance has to be right. We cannot be draconian in measures just because we know we can slap something down. It is important to understand that sometimes it is necessary to provide, whether it be the policing authorities or the courts, the tools to deal with certain issues where clearly we have not been able to get the job done.

I referred to the term tetrahydrocannabinol which is the most active component of cannabis. It is what gives the so-called buzz. I have never tried the stuff myself, never will, but I am told it is. There is a lovely glossary in the report. It says that THC is highly fat soluble, has a lengthy half life, its psychoactive effects are modulated by other active components in cannabis. In its natural state cannabis contains between .5% to 5% THC. Sophisticated cultivation methods and plant selection, especially female plants, lead to higher THC levels of concentration.

There is no question about it. As a matter of fact, when I was in university way back when, and it was probably around 1970 when I got out of there, one could smoke a field of marijuana and not get a buzz because it was so weak. It is about ten times stronger because in its natural state it is only .5% THC content.

**Mr. Merv Tweed:** The voice of experience.

**Mr. Paul Szabo:** Marijuana today—

**Some hon. members:** Oh, oh!



*Government Orders*

**The Acting Speaker (Mr. Andrew Scheer):** Order. There is only a short period of time left in the hon. member's remarks. I am going to ask all hon. members to hold off their comments until we get to questions and comments and I am sure the hon. member for Mississauga South will be happy to answer any concerns members have.

The hon. member for Mississauga South.

**Mr. Paul Szabo:** Mr. Speaker, I do not think I put that properly. I evoked a reaction from hon. colleagues, but I was told when we were in the hearings on Bill C-7 on controlled drugs and substances, some five or six years ago, that the strength of drugs was about ten times stronger than they were when I was in university. Today we are the people making the legislation and some members say that marijuana is not a big deal. It depends from whence one came because there are some other things to take into account.

My time is up. I recommend that the committee refer to the Senate committee report. I also want to point out that I and others have some concern about the problems that we may have in dealing with this bill in the courts. One of the critical problems with introducing measures to combat drug impaired driving is that there is no scientific consensus. That is the point. There is no scientific consensus. If that is the case, we have a big job to do. Let us get on with it.

•(1615)

**Ms. Chris Charlton (Hamilton Mountain, NDP):** Mr. Speaker, I appreciate being here for this afternoon's debate. There is certainly great public interest in this issue.

I wonder, though, in the member's enthusiasm for the issues he raises, whether he has had any conversations at all with police officers, with those folks who need to be enforcing this legislation if and when it passes in the House.

In my community of Hamilton, police officers are under-resourced. They are already feeling the strains of their jobs. Training will be a hugely important aspect of what we as legislators are asking the police officers in our communities to take on.

I wonder if the member can comment a little about consultations that have taken place and whether we can go back to our communities and be absolutely certain that the training and the resources will be in place before we add yet another burden onto the police officers in our community.

**Mr. Paul Szabo:** In fact, Mr. Speaker, Bill C-32 is proposing more tools for the police. I should say that Mothers Against Drunk Driving are in favour of this legislation, as we know, as is the president of the Canadian Professional Police Association.

However, the member asked specifically about the police officers themselves. That is extremely important. What we often find is the problem that we come up with amendments to the Criminal Code which require all kinds of different resources to be applied, but we do not follow up with providing those resources. We either do not have the court time to deal with these additional cases or we in fact do not have the manpower to be able to do it.

The federal government creates these laws and then the provincial governments have to apply and enforce them. If the provinces and

territories are not given the resources, what happens is that good laws just do not work. The member is quite right.

However, more tools are provided in the bill. The police will be able to demand that a person suspected of driving while impaired by alcohol or drug participate in a sobriety test at the roadside. That is different. That is going to actually improve the job, because police will not have to go through the legal mumbo-jumbo of getting a court order for that. Also, the police will be able to demand that a person suspected of driving while impaired by a drug participate in a physical test and a bodily fluid sample test. Those things are going to happen.

Police are also not going to be hung up in court as long, simply because there is going to be some sharp limiting of the witness evidence that is available under the current law. It is going to be curbed under the proposed law.

However, the member is correct. This raises an important issue that the committee has to look at. If we expect the provinces to enforce these laws and to have people properly trained, they must have the resources to do it. It is our responsibility to make sure that the finance minister over there is going to be cognizant of the demands that we are making with regard to the policing authorities all across the country, many of which are outside the federal jurisdiction.

**Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.):** Obviously, Mr. Speaker, impaired driving is a scourge in our country on the streets of all our communities.

I wonder if the member could comment more fully, however, on the coincidence of the decisions made in September by the Prime Minister and the Minister of Justice to table Bill C-32 on the same day that they announced cuts to the pilot program for testing or providing training for the detection of drug impaired drivers, to the sum of some \$4.2 million. Only after some political pressure did they announce that eventually the government might offer a program worth \$2 million for some training that has yet to be announced.

How crucial to the success of this bill is the training to detect drug impairment?

•(1620)

**Mr. Paul Szabo:** Mr. Speaker, the member is quite right. The facts he has given are my understanding of the facts.

The bill specifically relies very heavily on expert assessment and analysis by the policing authorities. That means they are going to have to be trained. It means there are going to have to be additional resources for them to be able to discharge those responsibilities.

All I can say is that it is puzzling that the government would dismantle something at the level of some \$4 million only to bring it back in part, unless the government is suggesting that somehow it needs the money for other purposes, but either we are committed to the bill or we are not. I much suspect that the government has followed a pattern: wherever it does not suit its current purpose, good programs will be sacrificed without considering the consequences. I think the government has made a bad decision.

*Government Orders*

However, we cannot worry about what the government has done in the past. What we have to worry about is making sure that we as legislators around here, those who care to do it, make good laws and wise decisions.

[*Translation*]

**Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC):** Mr. Speaker, my colleague almost argued in support of the bill. He mentioned that, at one time, drugs were less potent than they are today. I hope that that is not true. Drugs are drugs.

I would like to ask him a very different question. He wondered whether this bill could stand up to the Charter of Rights and Freedoms. In 1982, the Liberal Party introduced a charter that the Province of Quebec did not sign. We did not sign the charter. The Criminal Code is one of the rights governed by the federal government, but we did not sign the charter. In addition, the other rights and freedoms of the charter have not been or could not be implemented since 1982.

When my colleague talks of being charter proof, is he referring to the fact that the Criminal Code no longer applied to the Province of Quebec because we did not sign the charter, which gives the federal government this authority?

I would like to hear my colleague, an academic, answer this question.

[*English*]

**Mr. Paul Szabo:** Mr. Speaker, we could spend too much time on this. I would just suggest to the member that he do everything in his power to see that Quebec reconsiders and signs the charter.

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, I would like to compliment my colleague on his eloquent speeches on this topic, on the topic yesterday and on every topic that comes before the House.

I have a question on the technology. When the Liberals brought this bill forward, the most problematic part was the state of the technology for assessing drugs at the site. I wonder if he could update us on whether that technology has improved to make this bill more realistic. There was a problem in the detection.

We all want to detect and stop drivers impaired by drugs, but there was a technology problem at the time. I wonder if he has any update on the state of the technology.

**Mr. Paul Szabo:** Mr. Speaker, that is a very good question, because the technology is there to detect what is in the system. The issue is whether the person was impaired, and it depends. In fact, I think the example has been given that marijuana can be detected in the blood system for four weeks, but the impairment may only last for hours, so it is not just a matter of whether or not it is there.

As for the evidence that the technology is available, we can just simply to look at what has been done in terms of the drug testing that now is done for the Olympics and for professional athletes, et cetera. The detection is there now, but there has to be the linkage to impairment. That is why we need the training for the DREs: for them to be able to detect the signs and to get the proper information and observations down so that their expert testimony and the results of drug testing will in concert indicate that likelihood, along with other evidence they may have.

I am not at this point sure, but this is one of the reasons why we have a committee to look at a bill after we get a chance here, before we have heard any of the current testimony of witnesses and experts in the fields and disciplines that are relevant to this bill. It is important that this bill get to committee. It is important to hear questions such as the one the member just posed, extremely important, in order to make absolutely sure that we understand the tools being proposed under this bill in fact are going to be effective and are indeed going to be properly funded all across the country.

• (1625)

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, if no one else wants to speak to the bill, there are some items I want to bring forth.

First, like everyone in the House, I want to do everything possible to stop impaired drivers, whether or not they are impaired by drugs, which is the emphasis of this particular bill. Of course, our party and the others, I am sure, have had this as an ultimate goal. Our party brought forward Bill C-16 in the previous Parliament to try to deal with this issue.

Following up on my last comment, the problem we were having at the time was with the detection of various drugs in the system and the discernment of the impairment due to them, and how it could be proved to the extent that we would be successful in prosecutions.

We should not let that stop us. For those reasons, we have to keep working on that technology and training. We have to keep working on the ability to convict people and to determine with regard to the various drugs what impairment is, how it can be measured, and how it can be prosecuted to make sure that needless accidents do not occur, injuring families, children and other innocent people.

I want to comment on what the previous member said. I will take a step out from this bill for a minute to comment on his remark about the lineup of justice bills in committee. I commend the justice committee members for such a heavy agenda, but I disagree with the hon. member that those bills should have been put into an omnibus bill, thus putting them all together to make it faster, because there were a number of very controversial bills, to be nice about it, bills that went against the basic mainstream of modern thought in the judicial system, a number of which we believe would increase crime in Canada, would be soft on crime and would put more trained criminals on the street. If we were to put a number of controversial bills together and people were to vote against one of them, it would kill the whole bill. In that respect, the government would not have had anything get through.

*Government Orders*

However, we are dealing with bills of such a serious nature, bills about incarcerating a larger number of Canadians and using a large number of resources for that, resources that could be used for police or prevention, bills about reducing judges' discretion and pay rate, and bills about taking away the conditional sentences that are so effective for aboriginal people and others in stopping recidivism when the old system of simple incarceration and putting people in prison to train to be better criminals is not working.

When we have a number of serious bills like these, I would not like to see them all put into one bill. I do not think people realize the magnitude of the threats to a good judicial system that were before us in Parliament. I think the government did the right thing by bringing each bill forward individually so they could be debated individually, even though it means more work for us in the justice committee in making sure that these serious proposals are dealt with seriously and at length and with a number of expert witnesses to help us in that direction.

Going back to Bill C-32, although we are strongly supportive, we certainly want a serious investigation in committee, along with the long lineup of bills we do have in that committee. For one thing, we want to look at the practical tools available for the analysis of different drugs in the system. We want to look at the analysis and the effect on impairment, at the way to measure this and the way this would stand up in court in a prosecution.

A previous question by one of our colleagues brought up a good concern related to resources. That is a concern not only for this bill but for several other bills before the House at this time.

We should also ask at committee whether the attorneys general are willing to prosecute the bill and whether they have the resources. Do they think this has a high enough priority to divert resources for the training and the enforcement? This certainly will add a significant burden to a task for which they only have limited resources. That certainly has to be investigated in committee.

We want to ask those people, including the police forces and the attorneys general, what their feelings are about whether they want a bill, whether they can enforce it, whether they have the resources to do so and what can be done about it.

• (1630)

It would also be important to talk to the police officers who have had experience in the roadside checks and ask them about the problems they may have had on the more simple cases that we have at the moment with the tools that are now available, the ones that have been tested and proven. We should ask them how they think this system would work when it is outlined.

Another section in the bill relates to increasing the penalties for alcohol crimes and making stiffer sentences for the various levels of alcohol crimes. I certainly think we should have a discussion on that in committee.

I would say that the majority in parliamentarians are primarily against increasing minimums or even imposing minimums for many crimes because the experts have told us, quite clearly in committee, that it is not effective and that it does not work.

Maximums can be added to crimes to give a judge more discretion, a judge who understands the situation, who wants to penalize unrepentant repeat offenders and who wants to take seriously some of these crimes. I think those should be discussed in committee so we can have the type of debate we have already been having in committee about various sentences and also comparing them with other crimes and the types of sentences that are available for other crimes, the types of options, and to ensure that driving while under the influence of alcohol or under anything else that would be seen as driving impaired and threatening innocent citizens, is seen as a serious offence.

Another section in the bill, which should be discussed in committee, and I think I asked this previously of the parliamentary secretary, is the section relating to the taking of fluids and body sample tests. This would be needed to analyze the blood level for various drugs required in this bill.

Every time we come to a provision such as this in various bills, such as in the good Samaritan act, discussions take place about the volatility of the body and the privacy of a person. We need to ensure that this law is written very carefully so that people are protected but, on the other hand, that the general citizenry are protected from a person who would drive impaired and is a threat to us all.

Another section of the bill that I would like to ask questions on in committee relates to restricting the use of evidence to the contrary.

A jury or a judge can throw out any evidence if they think it is fallacious, not useful or just a decoy to detract from the real issues in the case but, nevertheless, I find it hard to understand how, in our present justice system, any evidence can be restricted. Evidence is evidence. People should be able to bring forward evidence and the judge and jury should decide on the evidence that has come forward. They can dismiss poor evidence but I do not think we can say that evidence cannot be brought before the court and then convince people that we have a fair justice system.

The bill contains many good items but a lot of areas still need to be looked at. As I said, we were looking at this and we also proposed a bill because people were being taken out of their vehicles and being charged for being under the influence of alcohol when they could have easily been under the influence of drugs and have caused the same carnage to innocent people. We have no mechanism in place to catch those people, to analyze the situation and to prosecute them successfully.

*Government Orders*

•(1635)

If we can refer this to committee, hopefully we can ensure that the bill will be effective in achieving the goal that I am sure everyone in the House wants, which is to make our streets safer by getting people, who would wilfully put themselves in the situation of harming both themselves and others, off the roads. They need to understand that we take this seriously and that we will put the resources into both the technology, training and the drafting of a law that will be effective in reducing this type of unnecessary carnage and accidents affecting innocent people on our highways.

[*Translation*]

**Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC):** Mr. Speaker, I thank my colleague for supporting the bill and sending it to the Standing Committee on Justice and Human Rights. I commend him and all the members of this House for taking to heart the problems related to alcohol.

In Quebec, my province, we have a serious problem with impaired driving. Many of those who die have alcohol levels higher than the 0.0 presently tolerated. Many people lose children or their wife and there is carnage—you used the term carnage—or, at least, very serious accidents.

As the member for Yukon, can my colleague tell me if, in his province, there is legislation that provides compensation irrespective of liability? In Quebec, we have such a law and there is no civil liability. Even if we kill someone with a vehicle while impaired, which is criminal, we are absolved of any civil liability. The only punishment for a Quebec driver is dispensed by the Criminal Code, because there is legislation that does not attribute civil liability.

My colleague for Yukon and I are members of the Standing Committee on Justice and Human Rights. I appreciate his contribution. Can he tell us if there is the same problem in the Yukon? If an impaired driver kills someone, is he civilly liable under Yukon law?

[*English*]

**Hon. Larry Bagnell:** Mr. Speaker, in relation to the Yukon highway traffic act, although I am not familiar with the specific details that the member might be asking about, but in the Yukon situation I would like to say that our society is so harmonious that we have no misuse of substances but that is not entirely true.

We definitely have, unfortunately, our own levels of poverty and social problems that often lead to substance abuse. We also have, what I am sure they have in many parts of Canada, the enforcement of the existing laws. We have stop checks and people are charged under the Criminal Code. We also have good warning systems in our society. We have warnings related to alcohol. We have warnings on our liquor bottles relating to the harm to fetuses, which I would hope they would have across the country.

I commend the police and public organizations, such as MADD, for holding good public information sessions on the harm of drinking and driving. The best way to reduce something is not through crime and punishment in the first place, but through education and convincing people of its effects. If they understand its effects then they will definitely not reoffend.

I do not think we have the types of laws that the member is talking about but we certainly seriously enforce the Criminal Code and enforce against the criminal use of substances in our area because it can be just as dangerous as everywhere else, especially with slippery, icy roads and lengthy highways where people need to drive long distances, sometimes on gravel roads where it is easier to lose control of a vehicle.

•(1640)

**Mr. Dennis Bevington (Western Arctic, NDP):** Mr. Speaker, when I look at the bill, I think of what happened in the past with the regulations that were set for the consumption of alcohol and driving. We went through a fairly rigorous process of determining over the years scientifically that it was .08, but we have seen movement now to a higher level of intolerance with alcohol content in the body. My riding has gone to .05. This has not been done through a process but through pressure rather than a scientific understanding of the nature of impairment.

With this particular bill, where we are dealing with a multitude of substances taken singularly and in combination, how do we ensure that we are charging people who are actually impaired, in other words, providing incontrovertible evidence or even a standard of application that can give some surety to the courts and to our citizens who are human beings like all of us and may partake in one or other of the substances that are part of the common culture in Canada?

**Hon. Larry Bagnell:** Mr. Speaker, that is basically why the member for Mississauga South and I were saying that this bill needs to go to committee. That is a very good question that the committee needs to answer. It will need to look at the technology, at the training and at the types of tests because it is very complicated when there is a mixture of drugs and alcohol.

How can one provide incontrovertible proof, at least enough for a prosecution? We do not want arbitrary detention of people by the police or prosecution in an arbitrary manner. We want scientific proof. The committee will need to be convinced that this is available and if it is not available I would encourage the government to invest more funds to ensure it becomes available.

The member also raised an interesting point about the levels of drugs. In Germany it is .05 and in Sweden it is .02. In case I do not get a chance to comment on this, we have a bill before the justice committee that would provide a summary conviction from .05 up to .08 and the existing law would continue.

The one concern I have about that is that we ensure it will be the type of conviction that does not get recorded in our criminal system in the way that criminal records are kept for the lesser offences because there are problems when people cross borders, for instance, into the United States.

*Government Orders*

In Canada people can get pardons for those types of offences eventually. Once people have shown regret, paid the penalty and proven it was a mistake they can obtain a pardon but, unfortunately, that pardon does not carry over into the United States. We now have people who may have had a small problem due to youthful exuberance and then it is over with but they are forever listed in other countries and cannot get across borders.

That is a point I will be bringing forward when it comes time for debate on that bill, a consideration of the way that particular bill has been written on lowering the blood levels from .08 to .05.

•(1645)

**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.

**The Acting Speaker (Mr. Andrew Scheer):** I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Justice and Human Rights.

(Motion agreed to, bill read the second time and referred to a committee)

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#### CANADA TRANSPORTATION ACT

The House proceeded to the consideration of Bill C-11, An Act to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts, as reported (with amendment) from the committee.

#### SPEAKER'S RULING

**The Acting Speaker (Mr. Andrew Scheer):** There are 12 motions in amendments standing on the notice paper for the report stage of Bill C-11.

Motions Nos. 1 to 12 will be grouped for debate and voted upon according to the voting pattern available at the table.

I will now submit Motions Nos. 1 to 12 to the House.

#### MOTIONS IN AMENDMENT

**Hon. Maxime Bernier (for the Minister of Transport, Infrastructure and Communities) moved:**

Motion No. 1

That Bill C-11, in Clause 2, be amended:

(a) by replacing, in the French version, lines 23 to 26 on page 1 with the following:

“national compétitif et rentable qui respecte les plus hautes normes possibles de sûreté et de sécurité, qui favorise un environnement durable et qui utilise tous les”

(b) by replacing, in the French version, lines 15 and 16 on page 2 with the following:

“domaine de la sûreté et de la sécurité”

[Translation]

**Mr. Peter Julian (Burnaby—New Westminster, NDP) moved:**

Motion No. 2

That Bill C-11 be amended by deleting Clause 3.

Motion No. 3

That Bill C-11 be amended by deleting Clause 4.

[English]

**Hon. Maxime Bernier (for the Minister of Transport, Infrastructure and Communities) moved:**

Motion No. 4

That Bill C-11, in Clause 4, be amended:

(a) by replacing, in the English version, lines 1 and 2 on page 3 with the following:

“(3) If a member appointed under subsection 7(2) ceases to hold office, the Chairperson”

(b) by replacing, in the English version, line 9 on page 3 with the following:

“members under subsection 7(2) or up to three”

[Translation]

**Mr. Peter Julian (Burnaby—New Westminster, NDP) moved:**

Motion No. 5

That Bill C-11 be amended by deleting Clause 5.

[English]

**Hon. Maxime Bernier (for the Minister of Transport, Infrastructure and Communities) moved:**

Motion No. 6

That Bill C-11, in Clause 7, be amended by replacing, in the French version, line 26 on page 4 with the following:

“parties III ou IV ou sur l'application de prix ou”

[Translation]

**Hon. Maxime Bernier (for the Minister of Transport, Infrastructure and Communities) moved:**

Motion No. 7

That Bill C-11, in Clause 11, be amended by replacing, in the French version, line 13 on page 7 with the following:

“ment et qui résume la situation des transports au”

[English]

**Hon. Maxime Bernier (for the Minister of Transport, Infrastructure and Communities) moved:**

Motion No. 8

That Bill C-11, in Clause 13, be amended by replacing, in the French version, lines 5 and 6 on page 9 with the following:

“(2.1) Les lignes directrices sont élaborées de concert avec le”

**Hon. Maxime Bernier (for the Minister of Transport, Infrastructure and Communities) moved:**

Motion No. 9

That Bill C-11, in Clause 29, be amended:

(a) by replacing, in the English version, lines 4 and 5 on page 20 with the following:

“way, a railway company must cause as little noise and vibration as possible, taking into”

(b) by replacing, in the English version, line 14 on page 20 with the following:

“95.2 (1) The Agency shall issue, and publish”

(c) by replacing, in the English version, line 21 on page 20 with the following:

“vibration complaints relating to the con-”

•(1650)

[Translation]

**Hon. Maxime Bernier (for the Minister of Transport, Infrastructure and Communities) moved:**

Motion No. 10

*Government Orders*

That Bill C-11, in Clause 29, be amended by replacing, in the French version, line 41 on page 20 and line 1 on page 21 with the following:

“estime raisonnables pour faire le moins de bruit ou de”

[English]

**Mr. Peter Julian (Burnaby—New Westminster, NDP)** moved:

Motion No. 11

That Bill C-11 be amended by deleting Clause 56.

**Hon. Maxime Bernier (for the Minister of Transport, Infrastructure and Communities)** moved:

Motion No. 12

That Bill C-11, in Clause 56, be amended by replacing, in the English version, line 12 on page 41 with the following:

“portation Agency under subsection 7(2) or”

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, I am pleased to rise to discuss Motions Nos. 1 to 12 that are on the order paper, some of which come from the government and some of which come from the New Democratic Party.

I should begin by saying that Bill C-11 was supported by all parties. There were some important elements within Bill C-11 that needed to be brought forward. A very healthy process took place throughout the fall. All four parties in the House of Commons worked together to improve the initial legislation that we supported in principle and brought amendments forward that would make this legislation even better. This was done with the cooperation from Conservative members, Liberal members, my colleagues in the Bloc, and myself representing the New Democratic Party.

We worked over the course of a number of weeks to improve this important legislation. We succeeded in a number of different elements. There is no doubt that the bill coming back from committee is much better than it was when it came to Parliament. We were able to make important improvements.

I do want to flag a number of areas, particularly the area around representation within the Canadian Transportation Agency. This was brought forward by the New Democratic Party. We thought this was an important element to change as we were endeavouring to modernize the Canada Transportation Act. We wanted to make the kind of changes that would help to address some shortfalls and deficiencies within our transportation system.

A number of components of Bill C-11 do this, but one important component is missing and that is having the best possible people from across this country at the Canadian Transportation Agency. To ensure that the Canadian Transportation Agency is not an Ottawa centric organization, the NDP endeavoured to bring forth an amendment to allow essentially important members of the Canadian Transportation Agency to reside outside the national capital region. There are two important reasons for this.

First, by broadening the pool we can get the best qualified people, regardless of where they live. It is not true that every Canadian wants to live in Ottawa. It is not true that people from British Columbia can simply deny their family ties, uproot their family and move to Ottawa if they want to work in the Canadian Transportation Agency. It is important that we have the broadest possible pool of potential candidates, the best qualified people in the transportation business to ensure that we have the safest transportation sector and transportation elements in the world. Second, and this is perhaps even more

important, we want to ensure that those who are appointed to the Canadian Transportation Agency, who will play an important role within our country, actually understand the regional variations.

Over the past few years we have seen an increasing rate of railway accidents. I can cite some of the more well known examples of high profile and tragic railway accidents in places like Wabamun Lake in the Fraser Canyon of British Columbia, Wabamun Lake in Alberta, and Cheakamus River in British Columbia. These are issues of transportation safety and the viability of our transportation system. These are important components of the Canadian Transportation Agency among many other things. We need to ensure that the people who are appointed to these positions actually understand the regional requirements in B.C., the prairies and Atlantic Canada.

We brought forward these amendments simply to allow that broad pool of potential candidates, not shutting out most Canadians who do not come from Ottawa and would prefer not to live here.

• (1655)

Second, is also to have that regional expertise. When we talk about regional issues, whether it is British Columbia or Atlantic Canada, members appointed to the Canadian Transportation Agency would have the regional expertise and could contribute to enhancing our transportation system.

Because the Conservatives refused that very logical and sound approach, what we have before us a requirement in Bill C-11 that members of the Canadian Transportation Agency to reside here. It says, “The members shall reside in the National Capital Region”.

We are essentially centralizing the Canadian Transportation Agency in such a way as to not have that regional expertise and understanding. At the same time, we are narrowing the pool of potential candidates for the Canadian Transportation Agency. It does not make sense.

I do not understand the opposition of the Conservative Party to broaden that mandate to ensure we get the best qualified people wherever they live in the country. In addition, the bonus, particularly coming from western Canada and this should be understood, is we would have a broader understanding of western Canadian transportation issues. It is simply logical. It simply makes sense.

The government refused that amendment. It has put before us instead a requirement that those appointed to the Canadian Transportation Agency “shall reside in the National Capital Region”.

For that reason, the NDP is moving to delete the requirement that individuals appointed to the transportation agency have to live in the national capital region. As a result, we have a number of consequential amendments.

The four motions all deal with this important factor; that the Canadian Transportation Agency should not be limited to those who choose to reside in Ottawa. We should not exclude the vast majority of Canadians who may want to contribute or who may have real talent and real skills to contribute. In addition, we should endeavour to have individuals within the agency that have the regional expertise.

*Government Orders*

It has often been said that British Columbia is perhaps the most remote of the provinces to Ottawa. We certainly have to fly across the country to get to Ottawa. B.C. members of Parliament are honoured and privileged, particularly the 10 B.C. MPs who represent the NDP, to do that.

I cross the country twice a week. On Sundays, normally, or Monday morning I fly to Ottawa. I fly back on Thursday evening or Friday morning. My family is very understanding, as are the families of the nine other B.C. NDP MPs who represent our province in Ottawa.

It is very clear, and there is no doubt about this, that sacrifices have to be made. Many British Columbians would love to participate and provide their expertise to the transportation agency. Yet they are being told that they cannot do so unless they reside in the national capital region. That is simply unacceptable. That is why we are offering the opportunity for the government to address an important issue, one that it should have allowed in committee.

The government should have simply said that it made sense to provide for the best possible expertise in the country and not limit the pool to only those who would choose to live in Ottawa. It should have said that it would attempt to do the recruitment in such a way that it would have regional expertise, that those individuals in the mountainous areas of British Columbia and the Pacific Ocean with that expertise would be encouraged to be part of the Canadian Transportation Agency.

As we know, the way the bill is currently configured, they do not have that choice. The government has simply said that they do not have that choice, that they have to live in Ottawa. That is unacceptable.

That is the element of the motions the NDP has brought forward. We are essentially supportive of much of the bill.

I would like to mention the work of Brian Allen and the Quayside Community Board in New Westminster, British Columbia. Mr. Allen, as did mayor Wayne Wright, both testified before the committee and provided valuable feedback as well on the issue of railway noise, which is another area of weakness in the bill.

● (1700)

Despite the fact that the bill is less strong on the issue of railway noise, we are hopeful we will see improvements to government policy over the next few months so people in the quay area of New Westminster and in other urban communities can finally get a good night's sleep. Mr. Allen was indispensable in providing support to ensure that the committee did deal with railway noise. Although we are disappointed with the results in that area too, we do have some hope that over the course of the next few months we will see action finally.

We are supportive of Bill C-11 and of many of the amendments that the NDP and other parties brought forward. It was a collaborative effort. There are a couple of weaknesses and we hope they can be addressed at report stage, particularly the area around the Canadian Transportation Agency.

**Hon. Joseph Volpe (Eglinton—Lawrence, Lib.):** Mr. Speaker, let me acknowledge the good work that my colleagues on the

committee have done. I am a new addition to the committee, but not new to the issues of transportation. You and I served on the committee that eventually led to some of the issues we are debating today. I will have more to say about this in a few minutes.

Could the member clarify the urgency of having to ensure that people not necessarily reside here if they are part of a functioning board? Certainly they would bring expertise as well as regional perspective. They would also work to ensure that those regional issues and regional perspective were brought into an environment that would coordinate all the perspectives nationwide, those which should be brought to bear on railway policy to the benefit of all Canadians.

While I am at that, would he clarify for us the understanding on Motion No. 10 in the French version? Perhaps the Bloc might want to do this more than others. He is talking about the amendments that he identified as ones that might be acceptable. There is a change which says:

[*Translation*]

“estime raisonnables pour faire le moins de bruit ou de”

[*English*]

In his understanding of that amendment, would that lead someone to conclude that less noise is the same thing as absolutely no noise?

● (1705)

**Mr. Peter Julian:** Mr. Speaker, I would like to take a moment to congratulate the member for Eglinton—Lawrence for his new position as transportation critic. I look forward to working with him and our other colleagues on the transportation committee. We have had an initial meeting. I look forward to working productively together to advance Canada.

Regarding the member's first point around the issue of the Canadian Transportation Agency and residing in Ottawa, he is right to say that members of the Canadian Transportation Agency need to meet occasionally in Ottawa. Our opposition is not to the occasional meeting in Ottawa, that is an indispensable part of the job.

Our concern is that members are forced to reside in the national capital region, which means two things. First, obviously it reduces the number of applicants for this kind of position. Many Canadians would choose not to live in Ottawa for a variety of reasons, family ties being one of the most important ones. Second, it is difficult to uproot people's immediate families and in a sense have a country dividing them from their larger family, in British Columbia, for example.

Essentially he is right that the meetings should take place. Our argument is that there should be no requirement to live in the national capital region. That would be better for the Canadian Transportation Agency.

**Mr. Ed Fast (Abbotsford, CPC):** Mr. Speaker, the comments of the member for Burnaby—New Westminster could be helpful if it were not for the fact that this is simply a rehash of what has already gone on at committee.

As members know, the process that the House follows is that a bill moves through first and second reading and is then referred to committee for a thorough discussion.

*Government Orders*

At that committee, numerous witnesses from across the country gave input into the bill. The hon. member had an opportunity participate. In fact, I have the transcript from November 23, 2006. The hon. member took part in the discussion regarding the very clauses that he now wishes to delete. What he is conveniently forgetting to tell the public in his comments is the fact that he originally made a motion to increase the number of members from five to six, not to seven, and there was some confusion in committee and our clerk confirmed that.

I also want to highlight the fact that over the last two years the member knows the Canadian Transportation Agency has operated with five members. The focus here is efficiency.

He had also suggested that it was unfortunate that we could not recruit people from across Canada. They were not willing to move to the national capital region. That is already happening with many other governmental organizations. The Supreme Court of Canada, the Federal Court and even the CRTC have a requirement that its members live in the national capital region.

**The Deputy Speaker:** Order, please. I am sorry, but the time has expired. I let the member go on, but I cannot let him go on and on. I have to give the member a chance to answer.

The hon. member for Burnaby—New Westminster.

**Mr. Peter Julian:** Mr. Speaker, the Conservative Party has changed its speech.

I can remember a few years ago when the Conservatives would stand up for western Canada, but obviously that has changed. Now they are saying, "Come to Ottawa. We are not going to make any changes".

The hon. member is well aware that the Canadian Transportation Agency currently has seven people on its statutes. The NDP amendment was to have the chair reside in the national capital region, but the six other members could reside outside the national capital region. There is absolutely no doubt, and the hon. member should know, coming from British Columbia, that, yes, it reduces the pool of applicants for those positions. We cannot simply say to people that they have to uproot their families, leave British Columbia and come to Ottawa because that is the only way they can work for the Canadian Transportation Agency.

The Conservatives, their old party, the Reform Party, used to speak up for western Canada. It is sad that it is no longer the case. Now they speak up for Ottawa.

• (1710)

**Mr. Ed Fast (Abbotsford, CPC):** Mr. Speaker, I am not going to comment on the hon. member's riposte. I will simply continue to focus in on the things that the bill does, the things that we as a committee agreed to do.

The big beneficiaries of Bill C-11 are of course not only those in the transportation industry but Canadians across our great country.

The Standing Committee on Transport, Infrastructure and Communities heard from a wide range of witnesses, as I mentioned earlier. We studied the legislation in detail and considered a wide assortment of amendments from both the government and the opposition parties.

For Canadians, transportation is a vital aspect of daily living. Indeed, railways and ships were critical in building our country. Most of the opposition's proposed amendments were, I believe, put forward in the best spirit of non-partisanship with a view to improving the bill and making better legislation. Very few suggested amendments were posited for the opposite intention.

Perhaps it is best to start from the beginning and review how thorough the committee's analysis of Bill C-11 was.

Every effort was made to study the potential impact of the bill upon all the relevant stakeholders. In addition to the Minister of Transport, Infrastructure and Communities and officials from Transport Canada, witnesses included representatives from the Canadian Transportation Agency, the Air Transport Association of Canada, the Travellers' Protection Initiative, and citizens groups from across Canada. In fact, there were citizens from the riding of Burnaby—New Westminster, whose member spoke up just a few minutes ago.

The large majority of the witnesses supported the bill, or specific provisions of the bill, and encouraged its quick passage. Many witnesses sought improvements to the bill to make it work better. Based on the testimony from witnesses, I am pleased to note that the committee presented and accepted a number of amendments, which I believe strengthened the bill. I thank the committee members for taking the opportunity to hear from witnesses and for their thorough review, due diligence and cooperation in improving the bill.

Let me summarize the main amendments.

First, we addressed transportation policy. Our aim was to simplify and modernize transportation policy in Canada. The policy statement provides broad guidance to the development of transportation policy programs and direction to the Canada Transportation Agency and the courts in resolving disputes.

The amendments to Bill C-11 will strengthen references to safety, security and sustainable transportation and improve the language that pertains to the role that transportation rates and conditions play.

We also believe that reducing the number of permanent members of the Canadian Transportation Agency from seven to five and locating them at national headquarters, instead of across the country, makes good common sense. It saves taxpayers' dollars and it does not rely on unnecessary travel.

In the bill, we also addressed mediation. The committee has shortened from 60 days to 30 days the period in which mediation needs to take place. The purpose of this was a general agreement that transportation in a country as large as ours is a vital component of daily living. Transportation is not only in the national interest; it is often the national interest.

Disputes often have a profoundly negative impact on the lives and jobs of thousands of Canadians who rely on the transportation sector for food, clothing, merchandise and supplies of all kinds. We as a committee believe that it is in the national interest to resolve transportation disputes in a timely manner.



*Government Orders*

We also addressed the whole issue of reporting, of making sure that the Ministry of Transport reports on a regular basis and in an effective manner. We have proposed that the current annual reporting by the minister on transportation activities be replaced with a major report every five years.

The chief difficulty with data management is not so much its collection but its analysis. The data must be appropriately assessed in order to justify its gathering. Furthermore, it is environmentally responsible to find ways of using less paper and to find alternative ways of disseminating the information through the website.

● (1715)

The requirements for annual reports for transportation were put in place in 1987. Those provisions have never been updated. After some 20 years of experience, it has become very clear to our government that trends in transportation are more easily detected when reports cover longer periods of time. With that in mind, we introduced a five year reporting requirement, and the committee agreed to that.

That said, the committee also amended the bill to maintain the annual reporting requirement, the only change being that in the future the report will provide only a cursory review of the state of the transportation industry, leaving the comprehensive analysis for the more significant five year report.

We also addressed the issue of mergers of different transportation companies. We have existing provisions that relate only to airlines. By changing these and expanding them, we are covering all modes of transportation.

This will require the minister to consult with the Competition Bureau and send a recommendation to the governor in council on whether or not to approve the proposed merger and, if appropriate, what conditions would apply. Again, we believe that this would be in keeping with the best interests of all Canadians. For example, if a merger adversely affects access to transport in a given region of the country, then that is going to be a factor that the minister may want to consider.

Many sectors of the transportation industry are served by a small number of enterprises. Mergers in these sectors may raise issues of regional and national interest that fall beyond the scope of reviews conducted by the Competition Bureau.

A new merger and acquisition review process will cover all transportation undertakings over a certain threshold level of assets and revenues. The process we are proposing will involve, first of all, that applications for mergers would be required to address specific issues set out in review guidelines. If the proposal also raises sufficient public interest issues related to national transportation, the minister could appoint a person to review the proposed transaction. Finally, any proposed merger would result in one government decision, to avoid duplication. Public interest concerns would be addressed by the minister and competition concerns by the Commissioner of Competition.

The amendments to Bill C-11 will also require the minister to publish guidelines on information related to the public interest that must be included in the notice given to the minister by companies proposing a merger. The amendments will also require the minister

to consult with the Competition Bureau in developing these guidelines.

We also addressed the whole issue of air complaints: consumers who are using the airlines and have beefs. As we know, many Canadians travel long distances and use air travel to do that. The industry's growth has resulted in an increasing number of complaints.

However, even if complaints are properly addressed by the airlines, it is incumbent upon the industry to keep a record of what these complaints were and how they will be or were addressed. A lesson is learned only if the action taken to rectify the complaint is duly recorded and available for use again.

Therefore, the committee added a requirement that in its annual report the agency must report the number and nature of complaints filed with the agency for each carrier, how the complaints were dealt with, and systemic trends that the agency has observed.

Complaint letters sent to the agency now increasingly relate to matters within the agency's core regulatory functions, such as the reasonableness of the terms and conditions of flights. With the recent implementation of the air travel complaints program, the agency has successfully demonstrated that it can address the need to respond to travellers' complaints, allowing agency staff to continue to respond to complaints in an informal manner. The agency already publishes information regarding many important airline consumer issues in its annual report and on its website.

We also addressed the issue of airfare advertising. The committee added this requirement. Arguably, no other form of transportation contains as many hidden expenses as does air travel. Bill C-11 requires airlines advertising airfares to indicate all fees, charges and surcharges, to allow consumers to readily determine the cost of their flight.

We also addressed railway noise, something that was of great concern to communities across the country. We believe we have introduced complaint mechanisms and mediation processes that will address this.

● (1720)

In short, committees often represent the best of the parliamentary process, whereby members from different political parties work together to improve legislation. That is what the committee did in this case. We believe we have done this and that is why it is time to move the bill forward.

Stakeholders are interested in the passage of the bill. They have been patiently waiting for the bill to become law. We are now one step closer to doing that. I encourage members of the House to support the amended bill.

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, the member from Abbotsford is absolutely right to say that there was cooperation from all four corners of the House to work on this bill and that there have been substantial improvements. There is no doubt about that.

*Government Orders*

Let us get back to the essential consideration before us now, which is the amendment motions that have been brought forward by the NDP regarding the compulsory nature of the Canadian Transportation Agency in forcing people to live in Ottawa and eliminating or lessening the potential pool of candidates for the Canadian Transportation Agency. The member certainly did not explain why he opposes the idea that a person from Abbotsford who has the best possible qualifications but does not want to live in Ottawa, for obvious reasons that should be evident to anyone from British Columbia, should not be able to apply and be appointed to the Canadian Transportation Agency.

He has not explained why folks from Abbotsford and the Fraser Valley who are perfectly qualified, people who have all the qualifications and certainly would be assets to the Canadian Transportation Agency and to Canada, are excluded from applying for those positions unless they want to live in Ottawa. The bill is very clear: "The members shall reside in the National Capital Region...". If the member could explain, because we have this one area of disagreement—

**The Deputy Speaker:** Order. The hon. member for Abbotsford.

**Mr. Ed Fast:** Mr. Speaker, first of all, this government is not going to force anyone to move to Ottawa. I think the member is being somewhat crafty in making that suggestion. In fact, I would respond by saying that if we look at clause 5 of the bill, we see that it specifically provides for the governor in council to actually make arrangements that perhaps would expand that residency requirement. This is not cast in stone. It says that the members of the Canadian Transportation Agency will reside in the national capital region unless otherwise determined.

I also suggest to the member that he had an opportunity to make those arguments at committee. I do not think he is going to deny that. That is what the committee process is for. I would suggest that what he is doing here is essentially thwarting the democratic process. He is known for his filibustering on the softwood lumber agreement. Now he is trying to raise issues that were already dealt with at the committee stage. Let us get the bill done. Let us move it forward. Let us serve the interests of all Canadians.

[*Translation*]

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Mr. Speaker, section 95.1 addresses the noise made in railroad yards by railway companies. This bill truly addresses the noise problem. The railway companies have to make as little noise and vibration as possible, among other things by taking into account the potential impact on persons residing in properties adjacent to the railway.

I would like my Conservative colleague to confirm that the people who live next to the Moreau station in Hochelaga, the Joffre railroad yard in Lévis—Bellechasse, the Farnham railroad yard in Brome—Missisquoi or those who live next to the Pointe-Saint-Charles railroad yard in Jeanne-Le Ber can be assured that the Canadian Transportation Agency can intervene to prevent companies from making excessive noise. They must cause as little noise or vibration as possible.

[*English*]

**Mr. Ed Fast:** Mr. Speaker, at committee we had a very fulsome discussion about railway noise. It probably took up most of our time. There were suggestions made by Canadians from across the country. We had people from across the country giving input. We even set up special teleconferencing to enable people from the west coast to participate in this process. They made one thing clear. They support the transportation system in Canada. They support railways, but they also believe that railway noise must be put in the context of quality of life.

I know that the hon. member from the Bloc played a very critical role in making sure these concerns were raised. I think he would agree with me that we have come up with a very good compromise bill. It is not the be-all and end-all, but it is a significant step forward in addressing the issue of railway noise. I appreciate his support in committee and in the House in supporting the bill.

• (1725)

**Hon. Joseph Volpe (Eglinton—Lawrence, Lib.):** Mr. Speaker, I know you are only going to give me a few minutes before you cut off debate and everybody is transfixed to hear what I have to say.

My first reaction is: What a wonderful bill. Another week and another Liberal bill recast as a Conservative initiative.

Members will know this bill because it appeared in the previous Parliament as Bill C-44, and it was for a wider transportation policy to address a series of issues. Now, Bill C-44 has been broken down into three parts, and this is one.

I am going to speak for about 10 minutes to ensure that everybody understands the benefits of the bill. I do not want to be too critical, but I noted that there are some members here who are particularly interested in one aspect of this bill that merits reinforcement; and that is, those agencies, corporations and entities that are engaged in commuter railways and commuter traffic and who depended on a change in the national transportation policy are addressed to ensure that they were included in transportation issues to the benefit of all consumers and commuters because they are one and the same. The bill in its initial format, and now repeated again, addresses issues that are of concern to them.

One is access to federally regulated rail lines that might be declared surplus, or not, but certainly to have commuter agencies at least access them so that they can be maximized in their utilization for the purposes of consumers.

Second, to establish under this act opportunities to arbitrate on what amounts might be charged by the tier one railways to some of these commuter lines. So, to have not only access but to arbitrate on a fair process of remuneration in order that these agencies function in an economically feasible environment. I think I have that right.

Then, finally, to have, when there is a disposition of these access lines, the valuation process be one that makes it feasible for commuter agencies to acquiesce the purchase process and then to make the application for commuter use in an environment where there is a valuation process that makes it fair for those agencies to function.

Members must remember that I am talking about federally regulated rail lines and federally regulated agencies.

What we had envisioned under Bill C-44, and now repeated in Bill C-11, was a process whereby the interests of the user, the end user, in this case the commuter as an end user, be part and parcel of transportation policy.

I know that the debate so far on these amendments has focused on where a member of the board of directors would live or not live and who would get the advantage in terms of getting employment. I think that is nice. It is fine to do that. However, the most important issue is to keep in mind how we develop railway policy throughout the country.

When I said that this is another Liberal bill being re-presented and cast by a minister of transport who is accustomed to borrowing good ideas from the Liberals, it makes one wonder if actually he is a Liberal. Hold on. I think he was.

Nevertheless, we can become once again what we were generated to be, at least through the ideas and legislation that is going to help Canadians everywhere. I think that there were three sections especially that were presented to committee members. While I was not there, they are issues that are—

• (1730)

**The Deputy Speaker:** I am sorry to interrupt the hon. member for Eglinton—Lawrence, but he will have six minutes left in a 10 minute speech when the House takes up this topic again.

\* \* \*

[*Translation*]

#### CANADA ELECTIONS ACT

The House resumed consideration, from February 5, of Bill C-31, An Act to amend the Canada Elections Act and the Public Service Employment Act, as reported (with amendment) from the committee, and of the motions in Group No. 1.

**The Deputy Speaker:** It being 5:30 p.m., the House will now proceed to the taking of the deferred recorded division on the motion at report stage of Bill C-31.

Call in the members.

• (1750)

**The Speaker:** The question is on Motion No. 1.

• (1800)

(The House divided on Motion No. 1, which was negatived on the following division:)

#### Government Orders

(Division No. 99)

#### YEAS

##### Members

Angus	Atamanenko
Bell (Vancouver Island North)	Bevington
Black	Blaikie
Charlton	Chow
Christopherson	Comartin
Crowder	Cullen (Skeena—Bulkley Valley)
Davies	Dewar
Godin	Julian
Layton	Marston
Martin (Winnipeg Centre)	Martin (Sault Ste. Marie)
Mathysen	Nash
Siksany	Stoffer
Wasylycia-Leis — 25	

#### NAYS

##### Members

Abbott	Ablonczy
Albrecht	Alghabra
Allen	Allison
Ambrose	Anders
Anderson	André
Arthur	Asselin
Bachand	Bagnell
Bains	Baird
Barnes	Batters
Beaumier	Bélangier
Bellavance	Bennett
Benoit	Bernier
Bevilacqua	Bezan
Bigras	Blackburn
Blais	Blaney
Bonin	Bonsant
Boshcoff	Bouchard
Boucher	Breitkreuz
Brown (Oakville)	Brown (Leeds—Grenville)
Brown (Barrie)	Bruinooge
Brunelle	Byrne
Calkins	Cannan (Kelowna—Lake Country)
Cannis	Cannon (Pontiac)
Cardin	Carrie
Carrier	Casson
Chamberlain	Chan
Chong	Clement
Coderre	Comuzzi
Cotler	Crête
Cullen (Etobicoke North)	Cuzner
D'Amours	Davidson
Day	DeBellefeuille
Del Mastro	Demers
Deschamps	Devolin
Dhaliwal	Dhalla
Dion	Doyle
Dryden	Duceppe
Dykstra	Easter
Emerson	Epp
Faille	Fast
Finley	Fitzpatrick
Flaherty	Fletcher
Folco	Freeman
Fry	Gagnon
Galipeau	Gallant
Gaudet	Gauthier
Godfrey	Goodale
Goodyear	Gourde
Gravel	Grewal
Guarnieri	Guay
Guergis	Guimond
Hanger	Harper
Harris	Harvey
Hawn	Hearn
Hiebert	Hill
Hinton	Holland
Hubbard	Ignatieff
Jaffer	Jean
Jennings	Kadis
Kamp (Pitt Meadows—Maple Ridge—Mission)	Karetak-Lindell

*Government Orders*

Karygiannis	Keddy (South Shore—St. Margaret's)
Keeper	Kenney (Calgary Southeast)
Khan	Komarnicki
Kotto	Kramp (Prince Edward—Hastings)
Laforest	Laframboise
Lake	Lalonde
Lauzon	Lavallée
LeBlanc	Lee
Lemay	Lemieux
Lessard	Lévesque
Lukiwski	Lunn
Lunney	Lussier
MacAulay	MacKenzie
Malhi	Malo
Maloney	Manning
Marleau	Martin (Esquimalt—Juan de Fuca)
Martin (LaSalle—Émard)	Matthews
Mayes	McCallum
McGuinty	McGuire
McKay (Scarborough—Guildwood)	McTeague
Ménard (Hochelega)	Ménard (Marc-Aurèle-Fortin)
Menzies	Merasty
Merrifield	Miller
Mills	Minna
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Mourani	Murphy (Moncton—Riverview—Dieppe)
Murphy (Charlottetown)	Nadeau
Neville	Nicholson
Norlock	Oda
Ouellet	Owen
Pallister	Paquette
Paradis	Pearson
Perron	Peterson
Petit	Picard
Plamondon	Poilievre
Prentice	Preston
Proulx	Rajotte
Ratansi	Redman
Regan	Reid
Richardson	Ritz
Robillard	Rodriguez
Rota	Russell
Savage	Scarpaleggia
Scheer	Schellenberger
Scott	Sgro
Shipley	Silva
Simard	Simms
Skelton	Smith
Solberg	St-Cyr
St-Hilaire	St. Amand
St. Denis	Stanton
Steckle	Storseth
Strahl	Sweet
Szabo	Telegdi
Temelkovski	Thibault (Rimouski-Neigette—Témiscouata—Les
Basques)	
Thibault (West Nova)	Thompson (New Brunswick Southwest)
Thompson (Wild Rose)	Tilson
Toews	Tonks
Trost	Tweed
Valley	Van Kesteren
Van Loan	Vellacott
Verner	Vincent
Volpe	Wallace
Warawa	Warkentin
Watson	Wilfert
Williams	Wilson
Wrzesniewski	Yelich
Zed— 255	

**PAIRED**

## Members

Barbot	Bourgeois
Casey	Goldring
Loubier	Obhrai
Roy	Sorenson— 8

**The Speaker:** I declare Motion No. 1 lost.

[*English*]

The next question is on Motion No. 2.

**Hon. Jay Hill:** Mr. Speaker, if you were to seek it I think you would find unanimous consent to apply the results of the vote previously taken to the motion now before the House.

**The Speaker:** Is it agreed?

**Some hon. members:** Agreed.

[*Translation*]

(The House divided on Motion No. 2, which was negated on the following division:)

(*Division No. 100*)

**YEAS**

## Members

Angus	Atamanenko
Bell (Vancouver Island North)	Bevington
Black	Blaikie
Charlton	Chow
Christopherson	Comartin
Crowder	Cullen (Skeena—Bulkley Valley)
Davies	Dewar
Godin	Julian
Layton	Marston
Martin (Winnipeg Centre)	Martin (Sault Ste. Marie)
Mathysen	Nash
Siksay	Stoffer
Wasylycia-Leis— 25	

**NAYS**

## Members

Abbott	Ablonczy
Albrecht	Alghabra
Allen	Allison
Ambrose	Anders
Anderson	André
Arthur	Asselin
Bachand	Bagnell
Bains	Baird
Barnes	Batters
Beaumier	Bélangier
Bellavance	Bennett
Benoit	Bernier
Bevilacqua	Bezan
Bigras	Blackburn
Blais	Blaney
Bonin	Bonsant
Boshcoff	Bouchard
Boucher	Breitkreuz
Brown (Oakville)	Brown (Leeds—Grenville)
Brown (Barrie)	Bruinooge
Brunelle	Byrne
Calkins	Cannan (Kelowna—Lake Country)
Cannis	Cannon (Pontiac)
Cardin	Carrie
Carrier	Casson
Chamberlain	Chan
Chong	Clement
Coderre	Comuzzi
Cotler	Crête
Cullen (Etobicoke North)	Cuzner
D'Amours	Davidson
Day	DeBellefeuille
Del Mastro	Demers
Deschamps	Devolin
Dhaliwal	Dhalla
Dion	Doyle
Dryden	Duceppe
Dykstra	Easter
Emerson	Epp
Faille	Fast
Finley	Fitzpatrick
Flaherty	Fletcher
Folco	Freeman

Fry	Gagnon
Galipeau	Gallant
Gaudet	Gauthier
Godfrey	Goodale
Goodyear	Gourde
Gravel	Grewal
Guarnieri	Guay
Guergis	Guimond
Hanger	Harper
Harris	Harvey
Hawn	Hearn
Hiebert	Hill
Hinton	Holland
Hubbard	Ignatieff
Jaffer	Jean
Jennings	Kadis
Kamp (Pitt Meadows—Maple Ridge—Mission)	Karetak-Lindell
Karygiannis	Keddy (South Shore—St. Margaret's)
Keeper	Kenney (Calgary Southeast)
Khan	Komarnicki
Kotto	Kramp (Prince Edward—Hastings)
Laforest	Laframboise
Lake	Lalonde
Lauzon	Lavallée
LeBlanc	Lee
Lemay	Lemieux
Lessard	Lévesque
Lukiwski	Lunn
Lunney	Lussier
MacAulay	MacKenzie
Malhi	Malo
Maloney	Manning
Marleau	Martin (Esquimalt—Juan de Fuca)
Martin (LaSalle—Émard)	Matthews
Mayes	McCallum
McGuinty	McGuire
McKay (Scarborough—Guildwood)	McTeague
Ménard (Hochelaga)	Ménard (Marc-Aurèle-Fortin)
Menzies	Merasty
Merrifield	Miller
Mills	Minna
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Mourani	Murphy (Moncton—Riverview—Dieppe)
Murphy (Charlottetown)	Nadeau
Neville	Nicholson
Norlock	Oda
Ouellet	Owen
Pallister	Paquette
Paradis	Pearson
Perron	Peterson
Petit	Picard
Plamondon	Poillievre
Prentice	Preston
Proulx	Rajotte
Ratansi	Redman
Regan	Reid
Richardson	Ritz
Robillard	Rodriguez
Rota	Russell
Savage	Scarpaleggia
Scheer	Schellenberger
Scott	Sgro
Shipley	Silva
Simard	Simms
Skelton	Smith
Solberg	St-Cyr
St-Hilaire	St. Amand
St. Denis	Stanton
Steckle	Storseth
Strahl	Sweet
Szabo	Telegdi
Temelkovski	Thibault (Rimouski-Neigette—Témiscouata—Les
Basques)	
Thibault (West Nova)	Thompson (New Brunswick Southwest)
Thompson (Wild Rose)	Tilson
Toews	Tonks
Trost	Tweed
Valley	Van Kesteren
Van Loan	Vellacott
Verner	Vincent
Volpe	Wallace
Warawa	Warkentin
Watson	Wilfert

*Government Orders*

Williams	Wilson
Wrzesnewskyj	Yelich
Zed— 255	

## PAIRED

## Members

Barbot	Bourgeois
Casey	Goldring
Loubier	Obhrai
Roy	Sorenson— 8

**The Speaker:** I declared Motion No. 2 lost.

[*English*]

I also declare Motions Nos. 4 to 9 negated.

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC)** moved that the bill, as amended, be concurred in.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Speaker:** All those in favour will please say yea.

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

**The Speaker:** In my opinion the yeas have it.

The hon. chief government whip on a point of order.

**Hon. Jay Hill:** Mr. Speaker, I think if you were to seek it you would find unanimous consent to apply the results of the vote previously taken to the motion before the House, with Conservative members voting yes.

**The Speaker:** Is it agreed to apply the vote just taken to the motion now before the House?

**Some hon. members:** Agreed.

**Hon. Karen Redman:** Mr. Speaker, Liberals present will be voting yes.

[*Translation*]

**Mr. Michel Guimond:** Mr. Speaker, the Bloc Québécois will support this motion.

● (1805)

**Mr. Yvon Godin:** Mr. Speaker, the NDP members vote against this motion.

[*English*]

**The Speaker:** We will treat it as the same result that applied before. The hon. member for Portneuf—Jacques-Cartier also wishes to indicate his preference.

[*Translation*]

**Mr. André Arthur:** Mr. Speaker, I vote in favour of the motion.

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

## Government Orders

## (Division No. 101)

## YEAS

## Members

Abbott  
Albrecht  
Allen  
Ambrose  
Anderson  
Arthur  
Bachand  
Bains  
Barnes  
Beaumier  
Bellavance  
Benoit  
Bevilacqua  
Bigras  
Blais  
Bonin  
Boshcoff  
Boucher  
Brown (Oakville)  
Brown (Barrie)  
Brunelle  
Calkins  
Cannis  
Cardin  
Carrier  
Chamberlain  
Chong  
Coderre  
Cotler  
Cullen (Etobicoke North)  
D'Amours  
Day  
Del Mastro  
Deschamps  
Dhaliwal  
Dion  
Dryden  
Dykstra  
Emerson  
Faille  
Finley  
Flaherty  
Folco  
Fry  
Galipeau  
Gaudet  
Godfrey  
Goodyear  
Gravel  
Guarnieri  
Guergis  
Hanger  
Harris  
Hawn  
Hiebert  
Hinton  
Hubbard  
Jaffer  
Jennings  
Kamp (Pitt Meadows—Maple Ridge—Mission)  
Karygiannis  
Keeper  
Khan  
Kotto  
Laforest  
Lake  
Lauzon  
LeBlanc  
Lemay  
Lessard  
Lukiwski  
Lunney  
MacAulay  
Malhi  
Maloney  
Marleau  
Martin (LaSalle—Émard)  
Mayes

Ablonczy  
Alghabra  
Allison  
Anders  
André  
Asselin  
Bagnell  
Baird  
Batters  
Bélangier  
Bennett  
Bernier  
Bezan  
Blackburn  
Blaney  
Bonsant  
Bouchard  
Breitkreuz  
Brown (Leeds—Grenville)  
Bruinooge  
Byrne  
Cannan (Kelowna—Lake Country)  
Cannon (Pontiac)  
Carrie  
Casson  
Chan  
Clement  
Comuzzi  
Crête  
Cuzner  
Davidson  
DeBellefeuille  
Demers  
Devolin  
Dhalla  
Doyle  
Duceppe  
Easter  
Epp  
Fast  
Fitzpatrick  
Fletcher  
Freeman  
Gagnon  
Gallant  
Gauthier  
Goodale  
Gourde  
Grewal  
Guay  
Guimond  
Harper  
Harvey  
Hearn  
Hill  
Holland  
Ignatieff  
Jean  
Kadis  
Karetak-Lindell  
Keddy (South Shore—St. Margaret's)  
Kenney (Calgary Southeast)  
Komarnicki  
Kramp (Prince Edward—Hastings)  
Laframboise  
Lalonde  
Lavallée  
Lee  
Lemieux  
Lévesque  
Lunn  
Lussier  
MacKenzie  
Malo  
Manning  
Martin (Esquimalt—Juan de Fuca)  
Matthews  
McCallum

McGuinty  
McKay (Scarborough—Guildwood)  
Ménard (Hochelega)  
Menzies  
Merrifield  
Mills  
Moore (Port Moody—Westwood—Port Coquitlam)  
Moore (Fundy Royal)  
Mourani  
Murphy (Charlottetown)  
Neville  
Norlock  
Ouellet  
Pallister  
Paradis  
Perron  
Petit  
Plamondon  
Prentice  
Proulx  
Ratansi  
Regan  
Richardson  
Robillard  
Rota  
Savage  
Scheer  
Scott  
Shipley  
Simard  
Skelton  
Solberg  
St-Hilaire  
St. Denis  
Steckle  
Strahl  
Szabo  
Temelkovski  
Basques)  
Thibault (West Nova)  
Thompson (Wild Rose)  
Toews  
Trost  
Valley  
Van Loan  
Verner  
Volpe  
Warawa  
Watson  
Williams  
Wrzesnewskyj  
Zed— 255

McGuire  
McTeague  
Ménard (Marc-Aurèle-Fortin)  
Merasty  
Miller  
Minna  
Murphy (Moncton—Riverview—Dieppe)  
Nadeau  
Nicholson  
Oda  
Owen  
Paquette  
Pearson  
Peterson  
Picard  
Poilievre  
Preston  
Rajotte  
Redman  
Reid  
Ritz  
Rodriguez  
Russell  
Scarpaleggia  
Schellenberger  
Sgro  
Silva  
Simms  
Smith  
St-Cyr  
St. Amand  
Stanton  
Storseth  
Sweet  
Telegdi  
Thibault (Rimouski-Neigette—Témiscouata—Les  
Thompson (New Brunswick Southwest)  
Tilson  
Tonks  
Tweed  
Van Kesteren  
Vellacott  
Vincet  
Wallace  
Warkentin  
Wilfert  
Wilson  
Yelich

## NAYS

## Members

Angus  
Bell (Vancouver Island North)  
Black  
Charlton  
Christopherson  
Crowder  
Davies  
Godin  
Layton  
Martin (Winnipeg Centre)  
Mathysen  
Siksay  
Wasylycia-Leis— 25

Atamanenko  
Bevington  
Blaikie  
Chow  
Comartin  
Cullen (Skeena—Bulkley Valley)  
Dewar  
Julian  
Marston  
Martin (Sault Ste. Marie)  
Nash  
Stoffer

## PAIRED

## Members

Barbot  
Casey  
Loubrier  
Roy

Bourgeois  
Goldring  
Obhrai  
Sorenson— 8

**The Speaker:** I declare the motion carried.

## ROUTINE PROCEEDINGS

[Translation]

### COMMITTEES OF THE HOUSE

#### JUSTICE AND HUMAN RIGHTS

The House resumed from February 5 consideration of the motion.

**The Speaker:** The House will now proceed to the taking of the deferred recorded division on the motion for concurrence in the fourth report of the Standing Committee on Justice and Human Rights.

• (1815)

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

(Division No. 102)

#### YEAS

##### Members

Abbott	Ablonczy
Albrecht	Alghabra
Allen	Allison
Ambrose	Anders
Anderson	André
Angus	Arthur
Asselin	Atamanenko
Bachand	Bagnell
Bains	Baird
Barnes	Batters
Beaumier	Bélanger
Bell (Vancouver Island North)	Bellavance
Bennett	Benoit
Bernier	Bevilacqua
Bevington	Bezan
Bigras	Black
Blackburn	Blaikie
Blais	Blaney
Bonin	Bonsant
Boshcoff	Bouchard
Boucher	Breitkreuz
Brown (Oakville)	Brown (Leeds—Grenville)
Brown (Barrie)	Bruinooge
Brunelle	Byrne
Calkins	Cannan (Kelowna—Lake Country)
Cannis	Cannon (Pontiac)
Cardin	Carrie
Carrier	Casson
Chamberlain	Chan
Charlton	Chong
Chow	Christopherson
Clement	Coderre
Comartin	Comuzzi
Cotler	Crête
Crowder	Cullen (Skeena—Bulkley Valley)
Cullen (Etobicoke North)	Cuzner
D'Amours	Davidson
Davies	Day
DeBellefeuille	Del Mastro
Demers	Deschamps
Devolin	Dewar
Dhaliwal	Dhalla
Dion	Doyle
Dryden	Duceppe
Dykstra	Easter
Emerson	Epp
Faille	Fast
Finley	Fitzpatrick
Flaherty	Fletcher
Folco	Freeman
Fry	Gagnon
Galipeau	Gallant
Gaudet	Gauthier
Godfrey	Godin
Goodale	Goodyear
Gourde	Gravel

#### Routine Proceedings

Grewal	Guarnieri
Guay	Guergis
Guimond	Hanger
Harper	Harris
Harvey	Hawn
Hearn	Hiebert
Hill	Hinton
Holland	Hubbard
Ignatieff	Jaffer
Jean	Jennings
Julian	Kadis
Kamp (Pitt Meadows—Maple Ridge—Mission)	Karetak-Lindell
Karygiannis	Keddy (South Shore—St. Margaret's)
Keeper	Kenney (Calgary Southeast)
Khan	Komarnicki
Kotto	Kramp (Prince Edward—Hastings)
Laforest	Laframboise
Lake	Lalonde
Lauzon	Lavallée
Layton	LeBlanc
Lee	Lemay
Lemieux	Lessard
Lévesque	Lukiwski
Lunn	Lunney
Lussier	MacAulay
MacKenzie	Malhi
Malo	Maloney
Manning	Marleau
Marston	Martin (Esquimalt—Juan de Fuca)
Martin (Winnipeg Centre)	Martin (LaSalle—Émard)
Martin (Sault Ste. Marie)	Mathysen
Matthews	Mayer
McCallum	McGuinty
McGuire	McKay (Scarborough—Guildwood)
McTeague	Ménard (Hochelaga)
Ménard (Marc-Aurèle-Fortin)	Menzies
Merasty	Merrifield
Miller	Mills
Minna	Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)	Mourani
Murphy (Moncton—Riverview—Dieppe)	Murphy (Charlottetown)
Nadeau	Nash
Neville	Nicholson
Norlock	Oda
Ouellet	Owen
Pallister	Paquette
Paradis	Pearson
Perron	Peterson
Petit	Picard
Plamondon	Poillievre
Prentice	Preston
Proulx	Rajotte
Ratansi	Redman
Regan	Reid
Richardson	Ritz
Robillard	Rodriguez
Rota	Russell
Savage	Scarpaleggia
Scheer	Schellenberger
Scott	Sgro
Shiple	Siksay
Silva	Simard
Simms	Skelton
Smith	Solberg
St-Cyr	St-Hilaire
St. Amand	St. Denis
Stanton	Steckle
Stoffer	Storseth
Strahl	Sweet
Szabo	Telegdi
Temelkovski	Thibault (Rimouski-Neigette—Témiscouata—Les
Basques)	
Thibault (West Nova)	Thompson (New Brunswick Southwest)
Thompson (Wild Rose)	Tilson
Toews	Tonks
Trost	Tweed
Valley	Van Kesteren
Van Loan	Vellacott
Verner	Vincent
Volpe	Wallace
Warawa	Warkentin
Wasylycia-Leis	Watson
Wilfert	Williams
Wilson	Wrzesnewskyj

*Government Orders*

Yelich Zed— 280

## NAYS

Nil

## PAIRED

## Members

Barbot Bourgeois  
Casey Goldring  
Loubrier Obhrai  
Roy Sorenson— 8

**The Speaker:** I declare the motion carried.

**GOVERNMENT ORDERS**

[English]

**CRIMINAL CODE**

The House resumed consideration of the motion that Bill C-26, An Act to amend the Criminal Code (criminal interest rate), be read the third time and passed.

**The Speaker:** The House will now proceed to the taking of the deferred recorded division on the motion at third reading stage of Bill C-26.

**Hon. Jay Hill:** Mr. Speaker, were you to seek it, I think you would find unanimous consent to apply the results of the vote just taken to the third reading of Bill C-26, with Conservative members present this evening voting yes.

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

**Some hon. members:** Agreed.

**The Speaker:** The hon. chief opposition whip.

**Hon. Karen Redman:** Mr. Speaker, Liberals will be voting yes.

[Translation]

**Mr. Michel Guimond:** Mr. Speaker, the Bloc Québécois members will vote against this motion.

[English]

**Mr. Yvon Godin:** Mr. Speaker, members of the NDP are voting yes to this motion.

[Translation]

**Mr. André Arthur:** I vote in favour of this motion.

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

*(Division No. 103)*

## YEAS

## Members

Abbott Ablonczy  
Albrecht Alghabra  
Allen Allison  
Ambrose Anders  
Anderson Angus  
Arthur Atamanenko  
Bagnell Bains  
Baird Barnes

Batters  
Bélanger  
Bennett  
Bernier  
Bevington  
Black  
Blaikie  
Bonin  
Boucher  
Brown (Oakville)  
Brown (Barrie)  
Byrne  
Cannan (Kelowna—Lake Country)  
Cannon (Pontiac)  
Casson  
Chan  
Chong  
Christopherson  
Coderre  
Comuzzi  
Crowder  
Cullen (Etobicoke North)  
D'Amours  
Davies  
Del Mastro  
Dewar  
Dhalla  
Doyle  
Dykstra  
Emerson  
Fast  
Fitzpatrick  
Fletcher  
Fry  
Gallant  
Godin  
Goodyear  
Grewal  
Guergis  
Harper  
Harvey  
Hearn  
Hill  
Holland  
Ignatieff  
Jean  
Julian  
Kamp (Pitt Meadows—Maple Ridge—Mission)  
Karygiannis  
Keeper  
Khan  
Kramp (Prince Edward—Hastings)  
Lauzon  
LeBlanc  
Lemieux  
Lunn  
MacAulay  
Malhi  
Manning  
Marston  
Martin (Winnipeg Centre)  
Martin (Sault Ste. Marie)  
Matthews  
McCallum  
McGuire  
McTeague  
Merasty  
Miller  
Minna  
Moore (Fundy Royal)  
Murphy (Charlottetown)  
Neville  
Norlock  
Owen  
Paradis  
Peterson  
Poilievre  
Preston  
Rajotte  
Redman  
Reid  
Ritz  
Rodriguez  
Russell

Beaumier  
Bell (Vancouver Island North)  
Benoit  
Bevilacqua  
Bezan  
Blackburn  
Blaney  
Boshcoff  
Breitkreuz  
Brown (Leeds—Grenville)  
Bruinooge  
Calkins  
Cannis  
Carrie  
Chamberlain  
Charlton  
Chow  
Clement  
Comartin  
Cotler  
Cullen (Skeena—Bulkley Valley)  
Cuzner  
Davidson  
Day  
Devolin  
Dhaliwal  
Dion  
Dryden  
Easter  
Epp  
Finley  
Flaherty  
Folco  
Galipeau  
Godfrey  
Goodale  
Gourde  
Guarnieri  
Hanger  
Harris  
Hawn  
Hiebert  
Hinton  
Hubbard  
Jaffer  
Jennings  
Kadis  
Karetak-Lindell  
Keddy (South Shore—St. Margaret's)  
Kenney (Calgary Southeast)  
Komarnicki  
Lake  
Layton  
Lee  
Lukiwski  
Lunney  
MacKenzie  
Maloney  
Marleau  
Martin (Esquimalt—Juan de Fuca)  
Martin (LaSalle—Émard)  
Mathysen  
Mayes  
McGuinty  
McKay (Scarborough—Guildwood)  
Menzies  
Merrifield  
Mills  
Moore (Port Moody—Westwood—Port Coquitlam)  
Murphy (Moncton—Riverview—Dieppe)  
Nash  
Nicholson  
Oda  
Pallister  
Pearson  
Petit  
Prentice  
Proulx  
Ratansi  
Regan  
Richardson  
Robillard  
Rota  
Savage



*Private Members' Business***PRIVATE MEMBERS' BUSINESS**

[English]

**CRIMINAL CODE**

**Mr. Ron Cannan (Kelowna—Lake Country, CPC)** moved that Bill C-376, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts, be read the second time and referred to a committee.

He said: Mr. Speaker, it is an honour to rise to address the House of Commons to debate Bill C-376, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

This is the first private member's bill I have tabled since I was elected in 2006 to represent the constituents of Kelowna—Lake Country. The bill pertains to a problem that has concerned me since my days as a city councillor for the city of Kelowna in British Columbia, now as a member of Parliament, and not least as a father of three daughters, two who are still teenagers, and thus part of the demographic that is particularly vulnerable to the tragic results of drinking and driving.

I will begin my remarks by laying out the particulars of the bill and will follow with the rationale. Bill C-376 will create a new .05 blood alcohol concentration, BAC, offence. This is in addition to the current .08% blood alcohol content which already exists in the Criminal Code.

The new .05 legislation will be an exclusively summary conviction offence with relatively moderate fines and driving prohibitions. It will give peace officers the right to issue a ticket to the accused who can choose to plead guilty without having to appear in court. It will make changes to the Criminal Records Act so that if a person convicted of the new .05% offence has no additional drinking and driving related convictions for two years, the record of the conviction will be destroyed.

These are the particulars, but what is the rationale, the impetus for the bill? In other words, why introduce .05% into the Criminal Code? The short answer is that it will save lives. What many people do not know is impaired driving remains the number one cause of criminal death in Canada, more than all other causes of homicide combined. This is a problem we cannot ignore.

I believe in part this problem exists because the current .08 blood alcohol content is not an accurate reflection of the true risks associated with drinking and driving. When parliamentarians set the .08% blood alcohol content in 1970, they did so based on findings that we now know considerably underestimated the risks of fatal crashes associated with impaired driving. Driving related skills are significantly impaired at levels well below .08%. Not only does research show that a majority of the driving population is impaired in some important measures at blood alcohol contents as low as .02%, it has also established that occasional drinkers have a higher risk of fatal crash than regular drinkers at the same blood alcohol content.

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Simard  
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Solberg  
St. Denis  
Steckle  
Storseth  
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Telegdi  
Thibault (West Nova)  
Thompson (Wild Rose)  
Toews  
Trost  
Valley  
Van Loan  
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Thompson (New Brunswick Southwest)  
Tilson  
Tonks  
Tweed  
Van Kesteren  
Vellacott  
Volpe  
Warawa  
Wasylcia-Leis  
Wilfert  
Wilson  
Yelich

**NAYS**

## Members

André  
Bachand  
Bigras  
Bonsant  
Brunelle  
Carrier  
DeBellefeuille  
Deschamps  
Faille  
Gagnon  
Gauthier  
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Lemay  
Lévesque  
Malo  
Ménard (Marc-Aurèle-Fortin)  
Nadeau  
Paquette  
Picard  
St-Cyr  
Thibault (Rimouski-Neigette—Témiscouata—Les

**PAIRED**

## Members

Barbot  
Casey  
Loubier  
Roy

Bourgeois  
Goldring  
Obhrai  
Sorenson— 8

**The Speaker:** I declare the motion carried.

(Bill read the third time and passed)

[English]

**The Speaker:** Order. It being 6:17 p.m., the House will now proceed to the consideration of private members' business as listed today's order paper.

*Private Members' Business*

The fact is no amount of drinking and driving is completely safe. Although logically the only solution is to never to drink and drive, as legislators, we must balance such laws against the issues of practicality, of the burden it places on the resources of all levels of government and the police, and the right of the individual to determine his or her own choice to act responsibly.

In this respect it is up to us to determine based on sound scientific evidence what a safe blood alcohol content level is. In other words, how much is too much? The evidence shows that a blood alcohol content level below .05% is a responsible limit. Given the evidence, there is a clear trend within the international community for lower blood alcohol content limits which I feel Canada too should adopt.

Most of the developed countries of the world now have administrative or criminal blood alcohol content limits of .05% or lower for the general driving population. Virtually all of the leading medical, accident prevention and traffic safety organizations around the world support a blood alcohol content driving limit at or below .05%.

The British Medical Association has maintained for decades that .05% blood alcohol content is the highest level that can be accepted as entirely consistent with the safety of other road users. Our Canadian medical associations concur. Both the Ontario Medical Association and the Canadian Medical Association have made public statements in support of a .05% blood alcohol content in the past.

In many countries around the world, legislators have set reasonable limits and have effectively reduced the incidents of death and injury due to drinking and driving. Yet this is not the case in Canada, despite the fact that impaired driving remains the number one cause of criminal death in Canada, as I mentioned, more than all other causes of homicide combined.

Many have tried. Parliamentarians before me and organizations such as Mothers Against Drunk Driving, otherwise known as MADD, have advocated for a lower blood alcohol content for some time but it has not been accepted. The question is why. I think the answer lies in certain myths about lowering the blood alcohol content and the concerns Canadians have as a result.

• (1820)

In a letter to the editor in my local newspaper, the *Kelowna Capital News*, a constituent wrote that lowering the blood alcohol content to .05% would only succeed in stopping people from going out to dinner and enjoying a drink with a meal. Lowering the blood alcohol content would fail to curb heavy drinkers whom he believed caused the majority of accidents and could not be deterred.

These are arguments shared by a number of concerned constituents, but they are in fact not true. I will address them here today as I did in response to my constituents.

A lower blood alcohol content does not impede one from enjoying a drink with dinner. In fact, few people understand the amount one can drink and still come under the .08 limit of today. At the current level of .08, the average male can drink six bottles of beer on an empty stomach over a two hour period without reaching the legal limit and get behind the wheel of a car. This seems excessive. In contrast, lowering the blood alcohol content to .05 requires that he

cut those drinks back to four, which I think we can all agree has no impact on the enjoyment of going out for dinner and enjoying a drink.

Second, the assertion that drunks causing accidents are the ones who exceed current .08 is not accurate.

As a deterrent effect, lowering the blood alcohol limit reduces impaired driving at all blood alcohol content levels. In countries like Germany and Sweden, where levels have been legislated at .05 and .02 respectively, the sharpest declines were seen among those drinkers and drivers at the highest blood alcohol content levels.

The .05 level is neither a prohibitionist measure nor is it ineffective in reaching the so-called heavy drinkers. In fact, countries that instituted a .05 or lower blood alcohol content have seen significant reductions in the number of deaths due to impaired driving and have witnessed a deterrent effect on those who drink and drive.

When Canadians are informed of these facts and understand the amount of alcohol that the current law allows drivers to consume, surveys show that support for a lower blood alcohol limit increases.

In the fall of 2006, the *Toronto Star* did an expose of impaired driving and asked its readership the following poll question. Should Canada follow many European countries in lowering the legal blood alcohol level for motorists? The results were that 84% said yes, and 15% said no.

In the fall of 2005, an SES national survey showed overwhelming support for reducing the amount one can drink alcohol and then legally drive. According to the recent SES findings, more than seven of ten Canadians believe that the drinking limits allowed by our impaired driving laws should be reduced. When allowable drinking levels at a proposed .05 blood alcohol concentration legal limit were explained, 84% of Canadians felt this level was about right or should be even lower.

I believe there is a willingness on the part of Canadians to follow the lead of other countries and set a .05 limit. As the surveys show, Canadians are comfortable with a .05 law and view it as a responsible measure which also reflects the right of the individual to exercise his or her own discretion.

There is one more concern and it is by no means a small one, but one I would like to address today. The concern is that by adding a .05 blood alcohol content to the Criminal Code, the measure will unduly burden the provinces, the courts and our police. I do not think anyone can argue that it certainly will change what is now the current practice.

*Private Members' Business*

At the moment all provinces have, with the exception of Quebec, provincial and territorial short term roadside licence suspension legislation. This legislation does not create any offence, or carry any fine or other penalty. In most cases, the roadside suspensions are not officially recorded and have no long term licensing consequences. For most drivers, the suspension will merely result in having to park the vehicle or allow a sober licensed passenger to drive. Under Bill C-376, we will add significant weight to the provincial sanctions at .05 blood alcohol content.

Those who violate the proposed Criminal Code offence would be guilty of a federal summary conviction offence and subject to a mandatory fine and federal driving prohibition and it would apply uniformly throughout Canada.

Yes, we are required to consider the concerns of the provinces, but the status quo is not working and the federal sanctions proposed have the potential to be a far greater deterrent than the existing provincial and territorial short term roadside suspensions.

We must try to achieve a .05% Criminal Code offence in Canada, as so many other countries have done, to significantly reduce traffic fatalities and save potentially hundreds of Canadian lives.

I am not the first to bring this issue to the attention of the House and I may not be the last. Others have tried to do so before me, including my hon. colleagues from Cariboo—Prince George and Langley as well as Senator Marjory LeBreton and, of course, the late Chuck Cadman.

• (1825)

Today, I am asking the House to consider this issue again. By supporting Bill C-376, we can have a significantly positive impact by reducing drinking and driving related deaths and injuries in Canada, for the loss of a child, a daughter, a son, a father or a mother due to a drunk driver is unimaginable.

Coming together is a beginning. Keeping together is progress. Working together is success. I look forward to working together with my hon. colleagues, and all Canadians, to introduce more effective impaired driving laws that would reduce both the unnecessary deaths and the carnage on our roads.

• (1830)

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I congratulate the member for bringing the bill forward. I will be supporting his bill enthusiastically. The House has dealt with the issue of impairment caused by the consumption of alcohol a number of times, whether related to fetal alcohol syndrome, or driving an automobile or operating machinery.

The member probably has found out by now that the biggest opposition he is having to the bill is coming from the beverage alcohol industry. In my experience in trying to get health warning labels on the containers of alcoholic beverages, I found that it is the most powerful lobby in the country and it will put every unreasonable assertion out there about why this is a stupid idea.

Could the member comment on whether he has been approached by the alcohol industry to back off the bill and is he aware of any other stakeholder group that is opposed to his proposed the initiative?

**Mr. Ron Cannan:** Mr. Speaker, I thank my hon. colleague opposite for his support for this bill and his understanding of some of the challenges that have been faced by my supporters and my colleagues, who brought this bill forward in the past.

Ironically, to date, I have not had a lot of opposition from the breweries and other beverage industries. One of the local microbreweries in my riding, Tree Brewing, came forward and supported the bill on behalf of some of the microbreweries. It understands there could be some industry concerns.

I think from a society perspective, people have understood the impacts of responsible drinking and driving. We have rights on one hand and we have responsibility on the other of bringing those together. From 27 years ago, when the legislation was first introduced, we have come a long way, and there is unanimous support from the community today. I have not had that opposition. In fact, I have had support from various organizations.

I have a letter from the president of Brain Trust Canada, who has offered his support for my private member's bill. He says: "I believe that this legislation will save lives and reduce the incidents of brain injury in Canada. In B.C. alcohol has been found to factor in over 60% of all motor vehicle crashes, resulting in harm to occupants. Reducing the legal limit will aid in the fight against the terrible human cost resulting from drinking and driving. We are pleased to offer our support and thank you on behalf of our membership for your efforts to reduce the human suffering caused by drinking and driving".

To date I have not had any. I might have some discussion after this. I look forward to meeting and working with industries such as the hospitality industry. I come from the Okanagan Valley. We have the 10 top Canadian wineries in B.C., so we definitely support the consumption of some good Okanagan beverages. However, it is the rights and responsibilities. I look forward to working once again with everybody in the House to move the bill forward.

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, as I said earlier in the House today, I am fully in support of the objectives of the bill. I have a technical concern and I hope the member could look into it. It is the listing of people.

I like the idea of a summary conviction and the lower level of conviction, but I do not like the listing of the criminal offence because there have been a lot of problems with that in the United States and other countries. Sometimes these records last forever. In Canada one can get a pardon.

If there is a way to have this deterrent without that type of listing, I would be much in favour of that. Hopefully, we can look into that at committee.

**Mr. Ron Cannan:** Mr. Speaker, I appreciate the member's support as well. I will take that information under advisement. It has some implications from a provincial perspective. We are working with our provincial and territorial colleagues to try to address those concerns.

*Private Members' Business*

**Hon. Roy Cullen (Etobicoke North, Lib.):** Mr. Speaker, I am pleased to have the opportunity to speak this evening to Bill C-376, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

• (1835)

[*Translation*]

First of all, I would like to congratulate the member for Kelowna—Lake Country for tabling this bill. Impaired driving is a serious problem that carries a high price for the innocent, their families and the Canadian legal system. All members present understand and share the desire of the member for Kelowna—Lake Country to reduce impaired driving and its serious consequences.

[*English*]

For reasons I will explain in my remarks, I do not think the bill targets the real problems we currently have with ongoing impaired driving. For that reason I cannot support it.

The first concern with the bill is that it does not properly match the punishment with the offence. While I think everyone in the House will agree that there must be legal sanctions for people driving with blood alcohol content, or BAC, levels of between .05% and .08%, I have strong reservations as to whether the criminal justice system is the best tool to deal with these people.

Lowering the criminal blood alcohol content limit to .05 would push many people into the criminal justice system who probably should not be there. Criminal charges can have very serious impacts on a person's ability to work, to be bonded and to travel. Even if a person's criminal record is removed at some point, some people may still be affected because many legal forms require people to state whether they have ever been charged with a criminal offence.

Moreover, research conducted by Canada's Traffic Injury Research Foundation suggests that 4% of all drivers are responsible for 88% of all impaired driving trips. Drivers stopped with BAC levels between .05 and .08 tend not to be part of this high risk group.

While we all agree that we need to send these people a message, pushing them directly into the criminal justice system is not the best solution, in my judgment. A more appropriate way to deal with drinking and driving offences is through a graduated system of punishments that treats offenders more harshly as their blood alcohol content increases or if they reoffend. In fact, this system already exists in Canada.

What some people may not realize is that in nine provinces it is already an offence for anyone to be driving with a blood alcohol content of .05. Motor vehicle or highway traffic laws of most provinces allow for immediate roadside suspensions for drivers stopped with BAC levels between .05 and .08. In Saskatchewan it is .04.

These so-called administrative sanctions can be immediately handed out by police officers to offending drivers on the roadside, without the need for charges or courts. These sanctions achieve the goal of getting drivers with .05 and above off the road without incurring the time and cost of court and legal proceedings. They also are regarded by many experts, including the Canada Safety Council, as being an appropriate and effective deterrent for lower BAC

drivers. We need to take drivers off the road who continuously offend or who drive while suspended. This is possible currently with the regulations and laws on our books.

As I mentioned, an analysis by the Traffic Injury Research Foundation suggests that lowering the criminal BAC limit to .05 would significantly increase the number of criminal prosecutions in Canada. The extra caseload created by this would put additional stress on our criminal court system and require police officers to spend more time in court instead of patrolling our roads and dealing with much more serious criminal activity.

[*Translation*]

If the legal system is to be given the means to pursue and punish drivers with a lower concentration of alcohol in the blood, I do not believe that it should do so within the criminal justice system. To propose devoting more legal and police resources to the criminal prosecution of drivers with alcohol levels of 0.5 or 0.8 would result in these resources being diverted from the prosecution of more serious crimes.

[*English*]

Criminal charges would represent an excessive level of punishment for most of the people who would be captured by this new limit.

I believe that this bill is directed at the wrong people, with respect. While a criminal blood alcohol content threshold of .05 would provide a new and harsh punishment for some drivers, a lower criminal BAC limit would have no additional impact on the small group of hard core drinking drivers who are disproportionately responsible for fatal crashes involving alcohol. These hard core drinking drivers have been studied in detail by the Traffic Injury Research Foundation, the internationally recognized experts on the subject who are based right here in Ottawa.

Analyzing 1999 Canadian road fatality statistics, these researchers found that 67% of all the drivers fatally injured in motor vehicle accidents had not been drinking at all, while 20% had blood alcohol levels in excess of .15 and 7% had BAC levels of between .08 and .15, the current criminal threshold. While 3% of drivers had BAC levels between .05 and .08, the same percentage of fatally injured drivers, 3%, also had BAC levels between zero and .049, which suggests the relative level of risk was equivalent.

• (1840)

[*Translation*]

Statistics show that, in terms of drunk driving, we must concentrate on those deemed "serious" offenders, who have blood alcohol levels of 0.15 or more. Unfortunately, this bill does not contain any additional deterrents for this high-risk group.

*Private Members' Business*

[English]

It has been mentioned that this legislation will only bring Canada in line with laws in many other countries which have already adopted a national blood alcohol content limit of .05. France, Norway, Switzerland, Austria, Denmark, Germany, Belgium and several U.S. states are often cited as examples. However, last year a study of international drinking and driving laws in 77 comparable jurisdictions sponsored by the Canada Safety Council found that only eight jurisdictions treat a .05 driving offence as a crime.

Taking into account that most provinces and territories already have legal sanctions for BAC levels of .05 and above, Canada's legislation is perfectly in line with international standards.

My issue with this legislation is not whether a person driving with a BAC level of between .05 and .08 should be punished. My concern is whether these drivers should be criminalized for it. Our legislative priority must be to prevent alcohol related motor vehicle accidents, not simply to punish offenders as harshly as we can.

[Translation]

This bill would bring before the courts individuals who should not be there. These individuals should, instead, be dissuaded from driving while impaired by the immediate penalties imposed by the police officer at the scene, which is already the case.

[English]

The majority of drinking drivers involved in alcohol related fatal crashes have blood content levels of .15 or more. These are the drivers we need to target.

[Translation]

**Mr. Réal Ménard (Hochelaga, BQ):** Mr. Speaker, I would like to congratulate our colleague on his private member's bill. I understand this was his first experience introducing a bill as a new member. I would like to thank him for contributing to the work of the House.

I am among those who believe that we should dedicate more time to private members' business, which gives us all the opportunity to do our work as members even though we may not always agree with what our colleagues propose.

I am disinclined to recommend that my caucus support this bill as it stands. I understand that the member wants to keep people under the influence off public roads. I agree with him that this is a very serious problem. It is our responsibility as legislators to punish those who disobey traffic laws and the Criminal Code. However, I do not think that what the member is proposing is the best way to accomplish that.

I did not have an opportunity to look into it myself, so I asked our Bloc Québécois legal researcher to check with Éduc'alcool, a very credible Quebec organization involved in campaigns to prevent alcohol abuse and alcoholism. Éduc'alcool is financed through liquor taxes paid by Quebec taxpayers. The Société des alcools du Québec, a Crown corporation, contributes to a fund that pays for such initiatives. I did not have a chance to talk to them about this, but Éduc'alcool explained to our researcher that this is not the right way to do it.

The right way is to run prevention campaigns, information campaigns, especially campaigns targeted at at-risk groups. For example, at certain times of the year, students go to parties where lots of alcohol is available, so they tend to drink a lot. It does not always occur to inveterate drinkers to leave the car and give someone else the keys when they are too drunk to drive.

In Quebec, the results were quite encouraging. Éduc'alcool and its—at times shocking—ad campaigns forced Quebeckers and others who saw the ads to be aware of the problem and ask themselves questions. One of Éduc'alcool's themes was that drinking and driving kills. When people are very drunk, their reflexes slow and if they are speeding, there can be a point of no return.

I believe that this bill is not the route we should take as legislators. Of course, there are interesting aspects to it. For example, criminal charges will not be laid. Instead, a ticket will be issued, giving rise to a summary conviction charge. If the individual does not reoffend, there can even be a sort of automatic pardon. If the person is duly identified, after a set period of time, the offence will be wiped off the individual's record.

The member's objectives are commendable, which is noble. But we have to ask ourselves whether this is the right way to go about achieving those objectives.

We have to hope that governments, regardless of their political stripe—whether they are left, right, centrist or not—will fund advertising campaigns by organizations such as Éduc'alcool. These campaigns are expensive. To reach people during prime time can easily cost hundreds of thousands of dollars.

• (1845)

An analysis of what has been written about the fact that Quebeckers' have adopted much safer behaviour behind the wheel shows that the Criminal Code has very clear provisions whereby blood alcohol content will be measured, violators will be prosecuted, and hardened drinkers and people who commit offences will be punished. Obviously, in cases of criminal negligence causing serious bodily harm or death, sentences can go up to life in prison.

The government is also proposing to harmonize sections 253 and 254, part a and part b, in Bill C-32. We agree with the principle of denunciation in cases where a person causes death or serious bodily harm. The sentences in the Criminal Code reflect denunciation and social disapproval, and this is as it should be.

*Private Members' Business*

Do we really think, however, that the segment of the population that would be picked up in going from 0.5 to 0.8 represents the people who are a danger on the public roads? When we want to check whether someone has a blood alcohol level of 0.5 or 0.8 millilitres per 100 milligrams, we find that we are looking at people who have probably had a glass and a half, or two glasses, or two and a half glasses, at a party or a reunion or a family get-together. The people who are going to be affected by this measure are not hardened drinkers or the people whom we want to deter from getting behind the wheel and get to hand over their keys because they have a problem with alcohol dependency.

That is therefore why we have serious reservations, at the same time recognizing that impaired driving is a matter of great concern. I was in the House for the debate in 1997, and I am going to take part very seriously in debate on Bill C-32, which we will be studying when it is referred. For example, we will look at the possibility of having sobriety tests for drugs. Yes, that is a problem. Yes, we are right, as legislators, to be concerned about it.

However, changing the legal limit from 0.5 to 0.8, as the bill proposes, is not the way to fix the situation. Let me repeat: in Quebec, we have had success stories. A few years ago, some of our colleagues in this House thought that the situation could be fixed by making liquor manufacturers put prescribed labels on bottles of wine or beer. Our colleague from Mississauga South proposed that bill. At one time I believed that this might have been a worthwhile approach. When we looked into it more deeply, though, and examined these questions with experts who had done studies on a regular basis, we realized that this was unfortunately not the right approach and that even though it had been adopted in some American states, it had not necessarily produced results.

I congratulate the member for his contribution to the debate. I thank him for drawing the attention of this House to an important problem. I would respectfully submit that this may not be the right approach to take, and I would propose instead that we both work to persuade the government to invest more money in awareness campaigns directed to targeted groups, particularly young people and hardened drinkers.

• (1850)

[*English*]

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, I am proud to rise on behalf of the New Democratic Party to speak to private member's Bill C-376 that has been brought forward by the member of Parliament for Kelowna—Lake Country, a person with whom I have worked in committee.

I would like to congratulate him for bringing this private member's bill forward. It is based on much of what we in the NDP presented in a private member's motion last April, Motion No. 29, which spoke specifically to reducing the possibility of blood alcohol concentration from .08 to .05, and also spoke about a policy of zero tolerance, including mandatory fines and jail time for impaired driving offences.

That was tabled in April and we had the private member's bill brought forward by the member for Kelowna—Lake Country at the end of October, so I congratulate him on bringing it forward.

I certainly agree in principle with this bill. There is no doubt about that. I believe that in committee we will be able to make some improvements, some concerns that I will raise a little bit later on, but there is no doubt in his conviction that he raises by bringing this bill forward. My concern, if there is one, is the fact that the government itself does not seem inclined to push this issue forward.

We know that this is an issue of major concern in communities across the country and indeed is, tragically, one of the chief causes of death, particularly among young Canadians. We definitely need, as a Parliament, in all four corners of this House, to move forward and reduce the allowable blood alcohol content. There is no doubt about that. The private member's bill does move that forward. I would certainly hope that the government is willing to push forward so that we have legislation like this in place.

I would like to pay tribute for a moment to the activists with Mothers Against Drunk Driving. Indeed, the greater Vancouver chapter of MADD is located in my constituency, on 12th Street in New Westminster. I would like to pay tribute to Bob Rorison, who is the president, and Helen Hoefflicker, the past president of that chapter, as well as the board of directors including: Katie Gaba, Audrey Yan, Melissa Tyson, Wendy Tamminga, Krista Clark, Donnis Vanloo and Reza Sabour.

The board of directors of MADD in greater Vancouver play an active role, as well as the many volunteers who are involved in MADD, both in educating the public and particularly the young people about the consequences of drunk driving. They want to ensure that it does not happen and that tragedies are avoided, but also they push forward the legislative framework, so that there is less and less tolerance of drunk driving and we can drive the fatality rate and the huge injury rate down. They play an extremely important role.

I participated, along with my colleague from Surrey North, in the last MADD candlelight tribute that was held to victims of drunk driving in Vancouver just last fall, and will be participating in the next candlelight tribute as well. They play an extremely important role and they deserve really the thanks of parliamentarians from all four corners of the House for the work that they do.

I would also like to mention the stand of the NDP in various provinces. In Nova Scotia, for example, a few weeks ago, the Nova Scotia NDP has been pressing for proposed changes to the Motor Vehicle Act, recommending strongly lowering the allowable blood alcohol concentration level from .08 to .05. Nova Scotia New Democrats as well as New Democrats across the country are active to ensure that we can reduce the carnage that is taking place on the highways and bridges of our country.

Tragically, in my area of Burnaby—New Westminster, we have seen many accidents related to alcohol. On some of the choke points in greater Vancouver, such as the Patella Bridge in New Westminster, many tragedies could be avoided if we took action.

It is for that reason that I am rising in support of the private member's bill in principle. I will come back in a moment to some of the concerns we may have, but there is absolutely no doubt and there is very conclusive evidence that lowering the allowable blood alcohol concentration has an impact on reducing accident rates, reducing fatalities and reducing injuries.

*Private Members' Business*

•(1855)

For example, it is important to note studies that have been done which show the legal impairment among fatally injured drivers. In a study from 1997-98, by country, when we look at Canada with the .08 that is currently permitted, we see that among a number of western industrialized countries we actually had the highest percentage of legally impaired drivers who were fatally injured.

In Canada, with its .08, over 30% of fatally injured drivers were legally impaired. In the United States, it was similar at about 30% or a little lower. In the United States, states range from .08% to 1% in terms of blood alcohol level. Finland, which has a .05 maximum level, actually has a lower rate, with just over 20% of the fatally injured drivers found to be legally impaired. In the United Kingdom, where it is .08, it is at roughly the same level, but other countries with .05, such as Japan, the Netherlands and Germany, for example, have much lower rates in regard to the percentage of legally impaired among fatally injured drivers.

Just to look at the studies that have been done in this regard, for example, in Belgium the BAC or blood alcohol concentration limit was reduced to .05 in 1994. At that time, there was a 10% decrease in traffic fatalities in 1995 and then a further 11% decrease in 1996. It is very clear: there were fewer victims, fewer tragedies, fewer deaths and fewer injuries as a result of that initiative taken in Belgium.

Sweden enacted a .05 BAC limit in the 1950s, saw a reduction and then furthered that reduction down to .02. That limit was introduced in 1990 and resulted in further traffic safety benefits. In fact, a 1997 study reported that in the six years after the enactment of the .02 limit there was a 9.7% reduction in fatal crashes, an 11% reduction in single vehicle crashes and a 7.5% reduction in all crashes.

The authors of that study noted that the clearest effects occurred in fatal and single vehicle crashes, the category of crashes in which alcohol is most likely to be involved. It is further supported by a study in the year 2000 which estimated that a .02 BAC limit resulted in an approximately 10% decrease in fatal crashes and a 12% decrease in serious personal injury crashes.

Finally, a 1997 Australian study that analyzed traffic data for periods ranging from 13 to 17 years, a much longer period, indicated that those states that reduced their BAC limit from .08 to .05 experienced positive results. For example, Queensland reduced its BAC limit to .05 and there was a 14% reduction in serious collisions and an 18% reduction in fatal collisions. Similarly, a .05 BAC restriction in New South Wales was estimated to have reduced serious collisions by 7%, fatal collisions by 8% and single vehicle nighttime collisions by 11%. Other studies have reported similar results with a .05 BAC limit in South Australia, in the Australian capital territory.

It is very clear. Study after study shows conclusively that lowering the BAC limit, lowering the legally allowable limit of blood alcohol concentration from .08 to .05, is going to reduce the number of injuries, reduce the number of fatalities and reduce the number of accidents that we have on our city roads. That means, perhaps more than most other measures that we can take as a Parliament, that we

are going to see fewer Canadians killed as a result of taking this measure. Very simply, this is an initiative that we have to take.

•(1900)

[*Translation*]

We support the principle of this idea of reducing the blood alcohol concentration from .08% to .05%. This is a very important principle.

[*English*]

We have a few difficulties with the summary convictions and some of the penalties provided for in the bill, but we hope that in committee we will be able to make those adjustments.

There is no doubt that the principle of reducing the blood alcohol level is an important one. I certainly congratulate the member for Kelowna—Lake Country for bringing this forward. The NDP had produced this and we are glad to have the idea taken. We hope that Parliament will support this measure so we can reduce the carnage on our nation's highways, reduce the accident rate, reduce fatalities and see more Canadians living the healthy productive lives that we wish for everyone.

**Mr. Blaine Calkins (Wetaskiwin, CPC):** Mr. Speaker, I am pleased to have this opportunity to rise and speak today to Bill C-376, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

The bill proposes to create a criminal offence for having a blood alcohol concentration exceeding 50 milligrams in 100 millilitres of blood or being over 50 as it is commonly called.

I would like to take this moment to congratulate the hon. member and my colleague here from Kelowna—Lake Country for bringing this legislation forward. I know he has worked closely with Mothers Against Drunk Driving Canada on the drafting of this bill.

Combating impaired driving is a non-partisan issue. Repeatedly, all parties in the House have cooperated to amend the Criminal Code to make its provisions more effective in detecting and convicting those who drink and drive.

Indeed, the House currently has before it Bill C-32 in which the government has proposed major amendments that respond to concerns that have been expressed by law enforcement and prosecutors for many years.

I note that the justice critic of the Liberal Party, the hon. member for Notre-Dame-de-Grâce—Lachine, supported Bill C-32. I expect that other parties will also support Bill C-32.

I expect that all parties will consider carefully the presentations that will be made in committee by witnesses and we will work together to craft amendments if it becomes apparent that Bill C-32 could be improved.

If it should be the will of the House that Bill C-376 receive second reading and be referred to committee, I trust that the committee will have the same attitude toward this private member's bill.

*Private Members' Business*

If it is clear that this bill or this bill with amendments will be an effective tool in the fight against drinking drivers, then I am sure it will be supported. However, there are many issues that will have to be considered before a decision can be made.

It is important that we make the best use of our limited police, prosecution and court resources in this field of policing and criminal justice as we do in all other areas. We need to determine whether a Criminal Code offence for being over .05, combined with provincial administrative measures, is the best way to deal with low blood alcohol content drivers.

When Bill C-376 was tabled, Mothers Against Drunk Driving issued a press release supporting it and explained its benefits. The bill does not simply amend the code to substitute the over .08 with the over .05. Instead, it introduces new elements.

First, the new offence would be enforceable by a ticket.

Second, the penalties for the .05 offence would be less onerous than those for the .08 offence. A first conviction would be punishable by a \$300 fine and a 45 day federal driving prohibition. Subsequent offences would be subject to a \$600 fine and a 90 day federal driving prohibition.

Third, offenders who did not have a subsequent impaired driving conviction within two years would be deemed not to have a criminal record for the .05 offence.

As Mothers Against Drunk Driving stated in its release:

In summary, the proposed .05 BAC offence is designed to deter impaired driving without being unduly punitive or creating unacceptable burdens on the police and the courts. Moreover, the option of pleading guilty without having to go to court may discourage accused persons from needlessly challenging the charges.

Those are worthy goals, but I would ask members to also consider certain issues with respect to the proposed offence and the way it would be enforced to determine whether the goals would be achieved.

I believe that having less punitive measures for over .05 than for over .08 is appropriate. In the paper "BAC to the Future," also on MADD's website, there is a table showing that a male who is 35 years of age is at three times the risk of a fatal crash at blood alcohol contents of .02 to .049, six times at blood alcohol contents of .05 to .079, and 11 times from .08 to .099. The risk rises exponentially with every drink thereafter. A 35-year-old male driver in the .10 to .149 blood alcohol content range is 29 times as likely to be in a fatal accident.

● (1905)

Proponents of criminal sanctions beginning at .05 suggest that the greatest safety gains might come not from deterring the social drinker but by convincing those drivers who have been driving at high blood alcohol contents to take one or two fewer drinks. They are still a danger to themselves and others but, if we follow the curve, they are less of a danger.

Obviously there will always be a degree of arbitrariness in setting a criminal level for blood alcohol concentration. The person who has a blood alcohol concentration of .079 is essentially at the same level of risk as the person who has a blood alcohol content of .081. However, the first has not committed a criminal offence and the

second has, although the police would probably not lay a charge where the person is that marginally over.

One benefit of a new .05 offence is that these drivers would face something more serious than a brief suspension imposed at the roadside. Members would need to decide whether making over .05 a criminal offence is appropriate given that they are a greater danger than the sober driver but not as dangerous as the driver who is over .08.

If it is considered appropriate to make over .05 a criminal offence, members will need to consider the merits in the creation of a ticketing regime under the Criminal Code as is proposed in Bill C-376. The idea is innovative and the drafters have developed a detailed proposal. I suspect that when most of us hear about a ticket we think about a speeding ticket filled out at the side of the road. The police officer gives the ticket to the driver and they both go on their way. One is happy and one is not so happy. The police submit the ticket and the driver can either mail in the stipulated fine or contest the ticket. If the driver does nothing, he or she will be found guilty and the province will take measures to collect the fine.

This proposed ticket in Bill C-376 is very different. Criminal Code convictions are based on an approved instrument reading at the police station, not on the reading of a screening device used at the roadside. Failing, the screener gives the officer reasonable grounds to demand that the driver come to the station to be tested on the approved instrument.

To prove the new over .05 offence, the police would need to take the driver to the station. They also would need to fingerprint the driver so that the police information system can keep track of the convictions. Moreover, the driver would not be able to simply mail the fine in. The driver would need to attend at a court within 21 days to pay the fine and have imposed a prohibition from driving.

In these circumstances, I question whether this ticketing scheme will be used very much by the police. When they stop the driver who blows under .08 but over .05 at the roadside, will they take the driver back to the station and wait around while he consults counsel? I suspect the officer will be more likely to impose the short provincial roadside suspension in order to leave him or herself free to deal with much more dangerous drivers with high blood alcohol contents.



In summary, Bill C-376 addresses a serious concern and it should be given due consideration by this House. However, we must hear from the police, prosecutors, provincial licensing officials and all stakeholders. We must ensure that any change we make will work on the ground.

• (1910)

[*Translation*]

**Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.):** Mr. Speaker, I am pleased to take part in the debate on Bill C-376. I would like to thank and congratulate the hon. member for Kelowna—Lake Country for his bill and his passion for this subject.

[*English*]

I also would like to congratulate the member for Kelowna—Lake Country for being very proud of his heritage and, I would say, his cultural icon, which is what I would call Napa North in the Okanagan, Osoyoos and other winemakers in the area who truly make the Okanagan a national treasure.

If I may move from championing the delicate and notable passion for spirits and wine to the abhorrence of the abuse of alcohol in speaking about Bill C-376, I do so now by way of background.

This past week, a provincial court judge, Judge Sylvio Savoie, rendered a decision giving a repeat drunk driver in my jurisdiction of Moncton a sentence of five years in prison when the prosecuting team only asked for four. This case is illustrative of what the problem with impaired driving is. We have a problem of repeat offenders, people who are not sensible, who do not seem to react to the penalties and who continue to drink and drive.

Last year a couple was killed on Salisbury Road outside of Moncton because of the actions of a drunk driver travelling in the opposite direction who had a previous conviction under the laws of Canada for impaired driving and who had been seen before the accident wavering in the traffic but who was not caught in time to save the destruction of this family. This couple had two children who are now orphans.

We have a problem of resources of policing and detection of people who are drunk and driving. We have a problem generally, therefore, of deterrence. The question that remains about Bill C-376 is whether this very well intended law will be effective in deterring drivers from getting behind the wheel drunk and whether it will be effective in keeping our communities safe.

In addition to lauding the efforts of the hon. member, I want to laud the efforts of MADD, Mothers Against Drunk Driving, which, in addition to initiatives such as this, has suggested over the years more vigilance in the detection of impaired drivers, more resources for policing so the detection can take place, and certain advanced suggestions, such as installing ignition controls for those who are repeat offenders in the realm of impaired driving for people whose BAC, blood alcohol limits, have been elevated before as found in the courts of law.

We do have some concerns with the bill. If the bill is presented to the justice committee we hope the hon. member will take some counsel, not only from the committee but perhaps from the speeches in the Commons this evening and at another time, and perhaps listen

### *Private Members' Business*

to some advice with respect to how to make the bill passable, effective and perhaps even better so that his objectives can be met.

One of the suggestions that seems very clear to us is that the criminalization of the activity has some enduring effects that may go beyond even his intention of punishing the drivers who are driving impaired and, more important, deterring such activity in the future.

While we know that the bill as stated attempts to expunge the record of a person convicted of an offence under the bill after two years of essentially non-criminal activity behind the wheel, we also know that our neighbours to the south and, indeed, internationally treat the record of having had a criminal conviction differently.

In Canada we have a system of pardons that work well with respect to federal and provincial institutions. It does not, however, work currently at the border we have with the United States of America. Unless the member can demonstrate otherwise to the committee and work assiduously to help us in this regard, somebody convicted of the offence of .05 might be faced with the prospect of being banned for life from going to the United States of American because of being convicted under this offence.

• (1915)

What I think the member is attempting to get at is to deter people from getting behind the wheel. He is trying to do it in a sensible way by lowering the threshold to stop people from drinking and driving. I do not think he is intending to ruin people's lives forever by instituting this law. That must be addressed.

We must also take into account what the experts are saying. While my friend in the New Democratic Party says that studies are replete with the effectiveness of .05, he may be mistaken, and the committee will delve into this should the bill be forwarded to committee, between the difference of a bill which criminalizes the activity as opposed to the various provincial statutes that are in place which have very deleterious effects on a person's ability to drive in the future, as opposed to criminalizing the activity.

It is very important to remember that 9 out of the 10 provinces and three territories already have deleterious effects for driving over .05. This stops people from driving for a period of time which is a good deterrent for most people and is certainly very preventive to the public.

I add the Canada Safety Council's words and those of the eminent law professor, David Paciocco, who has opined on this subject, to suggest that internationally the trend toward criminalizing activity is not where the world is going. The trend toward lowering levels for detection and deterrents with civil consequences, losing a driver's licence and privileges, is where the effectiveness resides. It is the trend which I urge the hon. member to look at.

Mr. Emile Therien, former president of the Canada Safety Council, said on another plane that the most egregious cases of impaired driving deal with people whose blood alcohol content is sky high. The two cases I have mentioned in the course of my comments were such cases: excessively elevated blood alcohol content, repeat offenders seemingly not deterred by the most severe sentences, certainly over .08.

*Private Members' Business*

Mr. Emile Therien said that the priority must be to prevent alcohol related crashes, not just to punish drinking drivers. He said that most drivers involved in alcohol related fatal crashes have BACs over .15. That is the group the government should focus on.

•(1920)

**The Deputy Speaker:** Order. I am afraid the hon. member is going to have to end it there because the time provided for the

consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedence on the order paper.

It being 7:19 p.m., this House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 7:20 p.m.)

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