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Monday, April 30, 2007

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, April 30, 2007

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

● (1105)

[*English*]

ELECTORAL REFORM

The House resumed from February 19 consideration of the motion.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, I am pleased to speak to the important motion put forward by the member for Vancouver Island North. I am hopeful that all members will see their way clear to supporting the motion.

Motion No. 262 calls for the continuation of the work previously done by the Standing Committee on Procedure and House Affairs in the 38th Parliament. It specifically calls on the House to make further recommendations on strengthening and modernizing the democratic and electoral systems and that we set up a special committee to hear from Canadians on what is important in terms of electoral reform.

The member for Vancouver Island North and a former member of this House, Mr. Ed Broadbent, have done considerable work in trying to bring this important issue around proportional representation before the House and Canadians. Mr. Broadbent said it far more eloquently than I could ever say it. In his speech at Queen's University on March 2005, he gave reasons why electoral reform was so necessary. He said:

> The truth is that the most seriously flawed component of our democratic society is our profoundly undemocratic electoral system. We have impartial courts and the rule of law, a Charter of Rights and Freedoms, a vigorous independent civil society and an independent press, but our electoral system is an outdated, non-representative, conflict-prone, gender discriminating, regionally divisive mess, bestowed to us from a pre-democratic era.

A number of points have been covered quite well about why we need proportional representation and electoral reform in this country but I will focus on one particular area, the under-representation of women in the House.

Equal Voice has done a good job of outlining the importance of electing more women and outlining the dismal state of affairs in Canada's Parliament. On its website, it says that once a leader, Canada, with just 64 women in Parliament, 20.8% of MPs, now ranks 47th in the world in terms of women's representation in the national legislature. Canada is far behind countries like Iraq, Afghanistan, Pakistan and Portugal. Canada's international rankings in terms of women's representation has been falling. In 2002, Canada was 34th in the world and we have dropped to 47th. Our international standing is declining with every federal election.

Not a single country in the world has delivered more women to its national Parliament without undertaking action to make it happen. The under-representation of women in the national Parliament is not a problem that will fix itself, which is where the issue around proportional representation comes in. In countries that have looked at proportional representation, they have been able to increase the representation of women, visible minorities and aboriginal peoples in their Parliament. This is why it is such an urgent matter that we must consider.

When Equal Voice was doing the analysis on women in federal politics, it looked at political party representation. In this current sitting of the House, 64 of the 308 members who are women, the NDP has 41%, which is the highest percentage of any party, down to a dismal 11% for the Conservatives. This under-representation impacts on the kinds of policies and legislation that the House develops.

At its annual general meeting in 2004, Fair Vote Canada made a presentation on “Reaching Women About Proportional Representation”. Its presentation was entitled, “The Electoral Glass Ceiling” and it says:

> An elite consensus — that 20 to 25 per cent representation of women is 'good enough' — provides the solid underpinnings of the electoral glass ceiling for women.

Given those kinds of numbers and the trends in Canada, it goes on to say:

> One hundred and seventeen years...is how long it will take for women to achieve equity in the Canadian House of Commons.
>
> THAT'S 4 GENERATIONS.
>
> At the rate we are going...it won't be until our great, great granddaughters are women that we'll have 50/50 in the House.
>
> IT WILL BE IN 2118.

● (1110)

Given the fact that women represent over 50% of the population, I would argue that having only 20% sitting in the House is just not acceptable.

Fair Vote Canada talks about why it is important. It says that:

> The absence of women from structures of governance inevitably means that national, regional and local priorities— i.e. how resources are allocated—are typically defined without meaningful input from women, whose life experience gives them a different awareness of the community's needs, concerns and interests from that of men.

Why does proportional representation work? Fair Vote Canada states:

> What studies of proportional representation reveal, however, is that it sufficiently alters the political structure to enable women to transcend the 'winner-takes-all' competition for votes one now witnesses in Canada.
>
> Changing a country's electoral system often represents a far more realistic goal to work towards than dramatically changing the culture's view of women.

I would argue that if we had more women in the House that when employment insurance reform happened in 1995, we would not have seen women disproportionately impacted by the changes in that legislation. Women are now far less likely to quality for employment insurance under those rules and regulations. I would argue that we would have the national child care system. Instead, we have a family allowance system that does not remotely meet the needs of women and families in looking after their children.

There are any number of other pieces of legislation that disproportionately impact women. We do not even conduct an adequate gender based analysis on our budget process to determine how it affects women and men differently. If we had more women in the House, surely we would have policies and legislation that more reflected the needs of women and children and their families in this country.

An organization called Safer Futures looks at safety in communities and the fact that as communities are made safer for women and children they are also made safer for everybody. If we had more women in federal, provincial and municipal politics, we would be developing programs and policies that reflect the reality of women's lives.

In a newspaper recently was a stunning picture of the premiers and the representatives from the territories but none were woman. We need to change the face of politics so women feel it is an appropriate place for them. Besides looking at proportional representation, electoral reform must look at the larger issue of how we conduct ourselves as parliamentarians.

Mr. Broadbent not only talked about conduct in this House but also about the fact that we need to change many systems. In a speech that he gave to the NDP breakthrough conference in October 2005, he outlined a number of extremely important elements in electoral reform. I will not go through all of them but there are a couple that are really important.

He said that reforms were badly needed. He said that wherever we can, we must put an end to backroom wheeling and dealing in politics. He was referring to floor crossing. These days one never knows exactly which member will be sitting on which side of the House. We would argue that any member who chooses not to sit for the party that he or she was elected to represent should either sit as an independent or go back to the electorate for a vote to determine that the new party is actually the party the constituents supported.

Mr. Broadbent also said that election dates should be fixed. We know there is a bill that attempts to fix election dates in Canada. This would prevent governments from calling elections whenever its numbers took a bounce in the polls. In a minority government, there is still the option for governments to fall if there is a vote of confidence before the House.

Mr. Broadbent went on to talk about the need for democratic reform for our outmoded first past the post electoral system. He talked about 90% of the world's democracies, including Australia, New Zealand, Scotland, Ireland and Wales having abandoned or significantly modified the pre-democratic British system that still prevails in Ottawa.

I would urge all members of the House to support this important motion so we can ensure that when Canadians vote that every vote truly does count.

● (1115)

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Mr. Speaker, I appreciate the opportunity to participate in the debate today on Motion No. 262. The motion proposes two initiatives in response to the 43rd report of the Standing Committee on Procedure and House Affairs.

First, the motion proposes that a special committee of the House of Commons be created to make recommendations on democratic reform issues and, second, that a special committee look into creating a citizens consultation group and to report on this matter within six weeks.

At the outset, I want to make it clear that I will be urging members to vote against this motion, not because involving parliamentarians and citizens in discussion about democratic reform is an unworthy exercise, but because the government has already taken such clear action in this important area and it will continue to do so.

After the 43rd report was released in the last Parliament, nothing happened in the area of democratic reform, consultations or otherwise. This stands in sharp contrast to the actions of this government. We have engaged and continue to engage parliamentarians in a number of important democratic reform initiatives. We have already started a process to consult Canadians on democratic reform issues. In short, I will demonstrate today that the motion before us has been overtaken by events.

First , in the area of engaging parliamentarians on democratic reform issues, I am confident in saying that this government has done more than any previous government in bringing forward democratic reform initiatives for consideration in Parliament. Parliament adopted Bill C-2, the Accountability Act, which included a number of political financing reforms, most notably a ban on union and corporate donations, a contribution limit of $1,000, a ban on cash donations and a ban on trust funds. These measures help to eliminate the perception that only those with money have an influence on politics. This, in turn, enhances confidence in the political process.

The government also introduced Bill C-16 to establish fixed dates for federal elections. This bill was passed unanimously with all party consent in the House. More recently, the House of Commons adopted a motion to reject an unnecessary amendment adopted by the Senate. We are hoping t the Senate will now accept the now twice expressed will of the members of the democratically elected House of Commons regarding this bill. The Senate should recognize the legitimacy of the House, in particular on matters relating to elections, and pass this bill as it was originally intended.

The implementation of fixed dates for elections will greatly improve the fairness of Canada's electoral system by eliminating the ability of the governing party to set the timing of a general election to its own advantage.

The government has also taken important steps in the area of Senate reform, with the introduction of practical and achievable measures. Last May, the government introduced Bill S-4 in the Senate, which would establish a term limit for senators of eight years. The adoption of this bill would eliminate the current situation where unelected, unaccountable senators can sit for up to 45 years.

An eight year term would allow senators to gain the experience necessary to fulfill the Senate's important role of legislative review, while ensuring that the Senate is refreshed by new perspectives and ideas. Despite widespread support for this initiative, the bill has, unfortunately, been held up in the Senate for almost a year now.

Also in the area of Senate reform, the government introduced Bill C-43, the Senate appointment consultations act, which would provide a process whereby voters may be consulted on potential appointments to the Senate in their respective provinces. Debate on this bill began last week. For the first time ever, legislation will provide Canadians with a voice on who represents them in the Senate.

The government has also introduced Bill C-31, which includes a number of initiatives aimed at ensuring the integrity of the electoral system, including a new system of voter identification. Bill C-31 would implement most of the recommendations of the 13th report of the Standing Committee on Procedure and House Affairs. The passage of this bill will reduce the opportunities for fraud and promote fairness in our electoral system. I hope Bill C-31 will soon be passed in the Senate.

In summary, this government has demonstrated the most extensive commitment ever to the modernization of Canada's national democratic institutions.

In the area of public consultations, we are not just looking into the issue, as proposed in Motion No. 262, we are acting.

● (1120)

On January 9, 2007, the government announced that it was launching a public consultation process on democratic reform issues. In particular, the process would engage Canadians in a dialogue to identify the priorities, values and principles that should underpin Canada's democratic institutions and practices.

The process consists of two main elements, both organized by independent contractors.

First, there is a deliberative process to consult Canadians in 12 citizens' forums, one held in each province, one in the Territories, and also in one national youth forum. The process is more than half complete, with the forums in British Columbia, Alberta, the Territories, Saskatchewan, Ontario, Manitoba, Newfoundland and Labrador, Nova Scotia and Prince Edward Island already completed. Each forum includes approximately 40 to 50 citizens who are roughly representative of the Canadian population.

In that regard, it is worth noting that by the time we are finished approximately 500 Canadians will have participated in the deliberative discussions, all of them giving up a few days of their time, not to mention studying the issues in advance.

The response so far has been very enthusiastic. Participants are examining a whole range of issues, including: political parties, the electoral system, the House of Commons and the Senate, and the role of the citizen.

In the youth forum, which will take place in Ottawa, participants will take a close look at why there is low voter turnout among Canada's youth and why a significant number of young people appear to be disengaged from the political process.

The second element is a large scale national survey that will be administered to a representative sample of Canadians across the country.

We will learn in the forums and the survey and they will be combined into a final report that will be ready by June of this year.

I very much look forward to the report and what it will tell us about the views of Canadians and our democratic institutions and practices. The government intends to take the results of these consultations very seriously.

In conclusion, I urge all members to vote no on Motion No. 262. While the member undoubtedly had honourable intentions in bringing the motion forward, passing this initiative would not serve any useful purpose. The government has engaged and will continue to engage parliamentarians on democratic reform issues; witness the extensive legislative agenda we have introduced in this important area.

The comprehensive process to hear the views of Canadians on democratic reform issues, which we announced in January, is well under way. We will be listening to the views of Canadians and deciding the next steps in the reform of our democratic institutions.

Parliamentarians will play a role in that process. Having the information from the consultation process will mean that parliamentarians are better informed when considering further improvements to our democratic process.

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, I am pleased to rise today to speak on this very important motion. I am very supportive of it and I thank the member for bringing it forward. I thank her, too, for her focus this morning on the issue of how this House does not represent the face of Canada and how we had hoped that by a tiny incrementalism we could do better. I think it is quite clear to most of us and most political observers that without a dramatic change in our electoral system we will not reach a House of Commons that reflects the people of Canada.

As for our journey in this, I was blessed to have the unbelievable force of Doris Anderson teaching me at every moment, with her hope that we would be able to do this and then her realization that only with electoral reform would we actually make the necessary changes. With her death on March 2, I think all of us felt that we had a moral obligation to carry on her fight for electoral reform and for a House of Commons that would more truly represent the people of Canada.

It is interesting that Equal Voice has set up a fund in her name to do just this job of carrying on the fight for electoral reform and a more representative Parliament. At the April 15 tea held to honour her and to raise money for this fund, it was interesting to note that it was the very day that the Ontario Citizens' Assembly on Electoral Reform chose and voted to suggest to the Government of Ontario, and put to the people of Ontario in a referendum this fall, a mixed member proportional system, which was indeed Doris's ideal system and the one that she thought would be fairest for women.

There is an increasing appetite, I believe, for Canadians to understand that part of their cynicism in terms of politics and Parliament is that their vote does not count. The distortion that can happen in elections means that their votes are not really reflected in the people who come to this chamber. It was interesting in recent visits to Alberta to note that even in Alberta the appetite for this, particularly among Liberals, is very acute in terms of the recent electoral outcome of 15% of the people of Alberta voting Liberal yet not one member being sent to this House.

We have seen this many times. Almost 20% of Canadians voted for the Conservative Party in 1993, yet only two seats—

An hon. member: Progressive Conservative.

● (1125)

Hon. Carolyn Bennett: It was the Progressive Conservative Party. I thank the member from Kings—Hants for the correction. Only two seats were Progressive Conservative.

As well, many times we have seen a Quebec government with a separatist majority in spite of the fact that most of the people of Quebec voted for a federalist party.

We have seen a very impressive report from the Law Reform Commission of Canada. My only caution with this motion today is that the timelines may be too brisk. We have learned the hard way what happens when we hurry this process. Indeed, it is countries such as Switzerland that are best at doing bottom-up citizen engagement and that look down their noses at the proposition system in California, which is only six months. Countries such as Switzerland know that it takes at least four years to drill down so that individual citizens actually understand what is being discussed.

I think the cynicism is really that people are worried that their votes do not count. I believe that for any prescription for a democratic deficit we have to move on all four fronts. We need to move to a true democracy between elections, true parliamentary reform, and true party reform, as well as what is being discussed today in terms of electoral reform.

Democracy between elections will require a two-way accountability between citizens and their elected representatives, an understanding of assured listening, and a real representative democracy, which requires meaningful citizen engagement.

Canada has led the OECD in some experiments in citizen engagement. The OECD paper, "Citizens as Partners", which separates out the differences among information, consultation and deliberation, is something that all members of the House would find extraordinarily interesting.

On parliamentary reform, I think that we have to see a much better use of committees, particularly in this House. I have to say that the rehearsing of government members before committee appearances and using motions for work plans is appalling. It is the worst I have seen in my 10 years here.

The idea is that non-geographic constituencies must be utilized and that we must do a much better job of using technology in the House in terms of the kind of study that we did on the subcommittee on persons with disabilities.

In order for any sort of electoral reform and any sort of proportional representation that involves political parties to take place, we need to make sure that the parties themselves have good governance in terms of fairness, transparency and taking people seriously, such as what the decisions taken in terms of the makeup of a party list would represent and again would indeed be democratic themselves.

I think that most of us do believe that in terms of moving toward electoral reform we would need some sort of blended proportional system. This is a big country in which geographic representatives are still extraordinarily important. I have been very interested in some of the Green Party proposals. It has what it calls the "best losers" system, wherein the party list would be made up only of defeated candidates, people who have chosen to put their names on the ballot and who have been able to knock on doors and know what that really means.

I think we have to learn from processes that did not work. The B.C. citizens' assembly was run, as one American observer noted, like a university tutorial. People knew from the time that Ken Carty was appointed as the researcher that the single transferable vote would probably preside. Instead of actually engaging citizens, the process was about creating experts and, in some ways, almost lobbying for a certain method.

I believe that the Ontario process was much improved compared to that one, but without the media attention and without grassroots involvement we still are at risk of having the people of Ontario not really knowing what is going on before they come to what now is really a very short time to the referendum. I call upon the government of Ontario to actually put the resources into a communications strategy and plan so that people will actually be able to have the information with which to cast that very important vote in October.

The process really does matter. I believe and have believed that we need a step way of process. We have to begin not by spending our time picking which system would be better; we need to have a conversation with Canadians about how the present system is not fair. Until they can understand that this is not fair, I think we will end up in trouble if we then confuse the picture with nitpicking about which system is better instead of actually having a consensus arrived at in this country that this present electoral system is not fair. None of the emerging democracies are picking our system. We are left with England and the United States in terms of this very antiquated system.

I hope we will understand that from that decision of a consensus on the fairness of this system we need to move into a true deliberative democracy, a true deliberative dialogue that then would explore all of the options for a made in Canada solution. I am worried that the forum the government member referred to is really just again creating 40 little expert groups across the country instead of having a real online conversation with Canadians.

We then need a communication plan. We need to be able to have a referendum. We then need the legislation. I believe it will take all five steps, but the first step must be creating the case for change.

I believe that the principles matter and that whatever system we pick must indeed have Doris Anderson's ultimate goal of having a Parliament that reflects the people of Canada. We know that has not been possible in any country that has not moved to electoral reform. It is the legacy of Doris that moves us forward. We know that the bigger parties have always ended up particularly—she always called it the seduction of the big win, which is what has always allowed governments to perhaps resist the—

● (1130)

The Acting Speaker (Mr. Royal Galipeau): Resuming debate. The hon. member for Haliburton—Kawartha Lakes—Brock.

Mr. Barry Devolin (Haliburton—Kawartha Lakes—Brock, CPC): Mr. Speaker, I am pleased to participate in the debate on Motion No. 262, which proposes two initiatives in response to the 43rd report of the Standing Committee on Procedure and House Affairs. First, the motion recommends that a special committee of the House of Commons be created to make recommendations on democratic reform issues. Second, it proposes that a special committee look into creating a citizens' consultation group and to report on this matter within six weeks.

I intend to oppose this motion for reasons I will make clear in my remarks today. I would also encourage other members of the House to oppose it.

There appear to be some fundamental inconsistencies in the NDP's approach to electoral reform and public consultation on democratic reform and electoral reform in particular. In this regard I noticed that one of the opposition day motions put forward by the NDP is that we should move immediately to implement electoral reform but that we should implement a specific type of electoral reform, that of a mixed member proportional system.

At the same time the NDP is putting forward Motion No. 262 to study our electoral system, it is also suggesting that we immediately reform our electoral system, and not necessarily in a way that reflects what the Canadian public may wish, but rather in a way that reflects the interests of the New Democratic Party. We can, therefore, all be excused for being confused about what exactly is the plan of the NDP with regard to democratic reform in general and electoral reform specifically.

Does the NDP want us to move immediately to implement a mixed member system, as it has stated on many occasions, or does the NDP want us to consult Canadians on electoral reform in advance, as suggested by Motion No. 262, and find out whether Canadians believe electoral reform is an issue they wish to pursue?

It seems that the NDP has not only prejudged the need for electoral reform, but is also prescribing for Canadians exactly what type of electoral reform Canadians should pursue. I find this interesting because there are a number of electoral systems that could be pursued should it be decided that reform is an advisable course of action.

Personally, I do not believe it would be advisable to barrel ahead to change our electoral system and change it to a specific electoral system before we even have any indication from Canadians that this is what they want.

I note that the sponsor of Motion No. 262 in the first hour of debate made it quite clear that she wanted the consultations to focus solely on electoral reform. From her remarks it did not seem that she and indeed her party had anything but a narrow focus on one single issue.

The question again is, does the NDP want to hear the views of Canadians on electoral reform, or does it want to prescribe for Canadians the type of electoral reform that it has apparently already decided on without consultation?

The actions of this government in the area of democratic reform stand in stark contrast to those of the NDP. We recognize that democratic reform is not a single issue. It is not just about electoral reform, as the NDP would have everyone believe.

Democratic reform encompasses a wide range of issues from political financing to improvements to our electoral system and the modernization of our democratic institutions. This was a fact that was recognized in the 43rd report, which was released in June 2005 but not acted on by the previous government.

The report's conclusions underline a whole range of issues beyond electoral reform that should be the subject of consultation. We need to be clear about the conclusions of the 43rd report if we are to act on them.

Let me read for members exactly what the report said. The report states that a citizens' consultation group along with the parliamentary committee should:

> —make recommendations on the values and principles Canadians would like to see in their democratic and electoral systems.... [This] would take into account an examination of the role of Members of Parliament and political parties; citizen engagement and rates of voter participation, including youth and aboriginal communities; civic literacy; and how to foster a more representative House of Commons, including, but not limited to, increased representation of women and minorities, and questions of proportionality, community of interest and representation—

My question would be, why is the NDP focusing only on one aspect of democratic reform when there are so many other equally important issues?

For our part, this government is taking a much different approach. First, rather than just thinking about a consultation process as suggested by Motion No. 262, we have actually taken action to implement a process as the government announced it would do in January.

As a result of the government's actions, a citizens' consultation process is under way. The process consists of two key parts. The first is a series of 12 deliberative forums, one in each province, one for the territories and one youth forum, each with a participation of 40 to 50 citizens who are roughly representative of the Canadian population. The second part is a telephone survey on a range of issues related to our democratic institutions.

● (1135)

The deliberative consultation process is well under way. Consultations have already taken place in British Columbia, Alberta, the territories, Saskatchewan, Ontario, Manitoba, Nova Scotia, Prince Edward Island, and Newfoundland and Labrador.

In contrast to the process recommended by Motion No. 262, the government sponsored process is consulting citizens on a broad range of issues. Each forum is addressing a common set of topics, including political parties, the electoral system, the House of Commons, the Senate and the role of the citizen. It will be noted that this is very similar to the recommendation of the 43rd report. Unlike the NDP approach, we are not focusing only on a single issue and we are not prejudging the views of Canadians on these issues.

Once the process is over, a report on the process will be prepared for the government. The government intends to take the results of these consultations very seriously and parliamentarians will continue to be engaged on these important subjects.

It appears that the government is pursuing a much more comprehensive approach to consultation than is proposed in Motion No. 262. Since the process is well under way, Motion No. 262 has become redundant and has been for some time now.

Apart from the consultation process, the government has engaged parliamentarians on a wide range of important democratic reform initiatives, as we indicated we would do in our electoral platform. I dare say that no other government in history has accomplished so much in this important area. Allow me to review some of the initiatives we have taken so far on this issue.

First, we passed Bill C-2, the Federal Accountability Act, which provides for some important political financing reforms, including a ban on corporate and union donations, and the reduction of contribution limits to $1,000. This will ensure that money and influence are not the determining factors in financing political parties and the parties can operate on a level playing field.

We have introduced practical and achievable legislation in the area of Senate reform, including Bill S-4, which would limit the tenure of senators to a period of eight years, and Bill C-43, which would establish a national process for consulting Canadians on their preferences for Senate appointments.

Of particular interest for this debate, the consultations proposed in Bill C-43 would not be carried out by means of a first past the post system. Rather, elections would be conducted using a proportional and preferential voting system called the single transferable vote, or STV system. It will be interesting to know the ultimate position of the New Democratic Party on Bill C-43 since the bill is proposing the introduction of a proportional electoral system which the NDP has been advocating for the House of Commons. Bill C-43 is an important initiative because for the first time Canadians will have the opportunity to have input into their selection of senators.

The government has also moved forward on an important initiative to improve the integrity of our electoral system. Bill C-31 includes important provisions to combat electoral system fraud, in particular through the introduction of requirements for voter ID. If passed, I believe the bill would make a tremendous contribution to ensuring that no election was tainted by the possibility of voter fraud.

The government is taking steps to increase electoral fairness through the introduction of Bill C-16 which establishes fixed dates for federal elections. If passed, this initiative would ensure that elections occurred once every four years and not just on the whim of a prime minister who might choose to call an election on the basis of whether or not his or her party was high in the polls.

The government has demonstrated a tremendous commitment to electoral reform. We are well on our way to meeting the commitments that we made to Canadians.

To conclude, I must encourage all members to vote against the motion for the reasons I have stated. Given that the government has already taken action to implement a public consultation process, Motion No. 262 is redundant. Not only that, but the government's process is much more comprehensive than was recommended by the NDP. It will not be focused only on electoral reform, contrary to the desire of the sponsor of the motion. It conforms largely to the recommendations of the 43rd report of the Standing Committee on Procedure and House Affairs.

The New Democratic Party has already decided prior to consulting with Canadians that the mixed member proportional system is the way to go. This government does not want to prejudge the views of Canadians on this important matter.

Might I add that the previous speaker made mention of several changes that she feels need to be made to the way that Parliament works. It is important to point out that the previous Liberal government was in power for 13 years. The Liberals moved forward on none of these provisions. I find that extraordinary.

Quite frankly, as someone who has had a lifelong interest in democratic reform, I am proud of the initiatives that our government has launched. I encourage all members of all parties in the House to support them when they come forward.

● (1140)

Mr. Dean Allison (Niagara West—Glanbrook, CPC): Mr. Speaker, I appreciate the opportunity to participate in the debate on Motion No. 262, which proposes two initiatives in response to the 43rd report of the Standing Committee on Procedure and House Affairs. The motion proposes that we strike a special committee of the House of Commons to make recommendations on democratic reform. The motion also proposes the creation of a citizens' consultation group to report on the matter.

This is the type of motion the member for Elgin—Middlesex—London made at the Standing Committee on Procedure and House Affairs. The member proposed to do a study on democratic reform. What I find interesting is that the member's proposal was voted down by the committee, which included the NDP member on the committee at that time.

I am curious as to why the NDP member would bring forward Motion No. 262 at this time, based on the fact that this was something that one of our members had earlier proposed. Also this is an initiative that as a government we have been looking at as well. Therefore, I find that the motion is redundant.

I appreciate what the member for Vancouver Island North is trying to do. I think we all agree that it makes sense to look at the democratic process from time to time and see if there are ways that we can change it to make it better.

It is for all of these reasons I will not be supporting the motion. Certainly, as I have said before, it is very worthwhile to look at ways to make the democratic process better, but the government has already taken action. Our government has already initiated a process to start looking at this issue.

The previous government did not do a whole lot about the democratic process over the 13 years that the Liberals were in power. They certainly talked about doing something about the democratic process, but unfortunately it never materialized under the previous government.

One thing our government has definitely been looking at is how we consult with Canadians and how we can do a better job on democratic reform issues. With that in mind I would like to talk about what the government is looking at doing over the next little while.

We certainly want to engage parliamentarians. We have initiated a number of legislative issues. Public consultation is also very important to make this process work. We should engage all Canadians.

The work the government has been doing has been noted by other members, but it bears repeating.

The government enacted Bill C-2, the Federal Accountability Act. This is one of the most notable things this government has done. The act bans union as well as corporate donations, and limits contributions to $1,100, and makes sure that no cash donations are accepted. In terms of the democratic process we have seen what happens in other parts of the world where there is not a limit on donations. People seem to have more influence with the more money that they are able to spend on elections. Limiting the amount will work in our democratic process. It is important regardless of where Canadians come from that they be able to have a say in government and not just be able to influence the government with money.

Bill C-16 was introduced by the Conservative government. The bill looks at establishing fixed election dates. The bill passed unanimously by the House. The Senate recently attempted to add an amendment that the government rejects. We are hoping that the Senate will move forward and put the bill back to the way it was originally.

What is important with fixed election dates is that we would not just worry about what is going on in the polls. Whatever party was in government would have an opportunity for more stability. People would know that every four years an election would be held on a certain date. This has worked in some provinces. This is something that we could look at federally as well.

● (1145)

The third initiative that the government has introduced in terms of legislation is Bill S-4 which was introduced in the Senate. That bill limits the terms for senators. It would eliminate the current situation where unelected and unaccountable senators can sit for up to 45 years. An eight year term would allow senators to get the kind of experience they need when looking at legislative initiatives and ensure they would get new perspectives.

Even though that bill was introduced in the Senate, we are stuck. It has been sitting in the other place for almost a year now, which is kind of surprising. It may be a bit of a concern if a bill was introduced to limit a term from 45 years to 8 years, but we would encourage that unelected, majority-driven Liberal Senate to pass that bill.

There are also other areas that we have looked at. The government introduced Bill C-43, the Senate appointment consultations act, which we will be debating next week. This bill would enable us to talk to people about how senators should be appointed.

These are all great initiatives that will help make the democratic process better.

We have also introduced Bill C-31 which looks at a number of different measures in terms of the electoral system and voter ID. This is important based on all the recommendations that were contained in the 13th report of the procedure and House affairs committee. The government is looking for a way to implement those recommendations through Bill C-31. We are trying to make the electoral system more fair. We are trying to reduce fraud. The bill has the support of all parties and we are certainly hoping that it will be passed very shortly in the Senate.

The second issue that I would like to address today is public consultations. It is important that not only elected representatives participate in the system, but individuals from across the country participate as well. The government is already engaged in this. We started the process back on January 9.

We want to set up citizen forum groups across the country, so we could deal with all the provinces and territories. We are midway in this process. We have been able to talk to people. At each of these forums somewhere in the neighbourhood of 40 to 50 individuals have represented the Canadian population. We are hoping that when we are done with this process, we will have spoken to some 400 or 500 Canadians.

In this way, we really believe that we can get some impartial views. One of the members talked about the fact that certain parties were already leaning toward one certain system. In this way, we have a chance not to bias the process but give Canadians an opportunity to participate. So far the participation and the response has been very enthusiastic. This is good to see as we look at a whole range of individuals from different parties, from across all electoral systems, as well as the House of Commons, the Senate and citizens.

We are also looking at a youth forum that would take place in Ottawa. This forum would try to establish why there is such low voter turnout among young people. We realize that young people are disengaged and sometimes frustrated with the system. It is important that we look at ways to engage young people, so they can be part of the political process and look at making a difference.

We are also looking at sending a survey out across the country. This could be part of our final report.

We have consultations going on with members of the House and with the Senate. We have surveys, citizen groups and youth forums. All of these things will be important as we look at delivering the final report some time in June of this year. I certainly look forward to seeing it.

As we look at introducing legislation in the House, it is important that we consult with people. This gives us a better understanding obviously as we look at different parts of the country with different needs. I have sat in on a few meetings of the procedure and House Affairs, and I know there are concerns given the fact that we have large urban ridings and rural ridings. Because of the uniqueness of this country, I believe this consultation process is important.

Once again, I am going to urge all members to vote against this motion because of what we already having going on in the House. I want to thank parliamentarians for their participation in this process.

● (1150)

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Vancouver Island North is the mover of Motion No. 262 and I am about to recognize her. This will be her five minutes right of reply. The hon. member for Vancouver Island North.

Ms. Catherine Bell (Vancouver Island North, NDP): Mr. Speaker, I know I only get five minutes, but I think I need at least half an hour to counter some of the inane arguments that I have heard on this issue.

Just to talk about the single issue that the Conservatives repeatedly brought up, they talked about Senate reform. We are talking about electoral reform, our electoral system that gets us to the House of Commons, but they repeatedly talked about Senate reform in their remarks. Therefore, I would counter that single issue argument.

The Conservatives put together a series of focus groups. Those focus groups as we know are designed mainly to look at Senate reform. They threw electoral reform into the mix hastily, I might add, after I put my Motion No. 262 forward. They basically hijacked that motion. They hired a biased think tank, a special interest group, to have one meeting in each province across the country with hand-picked attendees at these meetings.

I have heard from some of those attendees. What they are telling me is that 45 minutes of each day of these focus groups was spent discussing electoral reform. The Conservatives call that broad consultation.

Consultation takes time and the member who previously spoke said that the Conservatives want to have consultation. Here is the way to do it: support Motion No. 262 and have that consultation process go across the country and involve citizens, have full participation and citizen engagement.

The Conservatives say a report will be written and that report is supposed to go to the minister, to the government, but I ask: will Parliament ever see that report? We are not so sure.

The Conservatives also said that the NDP has put forward some ideas on electoral reform. That is just what they are: ideas. I thought that was our job in Parliament, to put forward ideas, to have fulsome debate on those ideas. For the member to say that we put something forward is quite ludicrous as well as to speak against putting ideas forward in the House. We have been putting them forward for years.

Motion No. 262 is a specific motion. It is calling for broad consultation, something that all members of the House say they want to hear. Over a period of time we want a full discussion by asking Canadians about the values and the principles that they want to see in an electoral system and then have that report come back to Parliament, to the members of the House, so that we can continue the work that was started in the last Parliament by Ed Broadbent and others in the House.

Every one matters and every vote should count. However, over the past 10 years we have seen a decrease in voter turnout. Why is that? It is because more and more Canadians feel that their vote does not count. That is especially true among young voters. They need to be engaged in a fulsome debate as well, not just in one province, in one town, to have a one day discussion, but across this broad country to involve them at every level.

We look around the House and we see less than 30% of the members are women. We should be plus 52% if we had equality in this country. My colleague, the member for Nanaimo—Cowichan, talked about the need for electoral reform to ensure a more gender equal representation and I thank her for those comments.

I also want to honour the work that was done previously by our former leader and member for Ottawa Centre, Mr. Ed Broadbent, who worked tirelessly on the issue of electoral reform so we could have gender equity in the House.

I also want to thank the member for St. Paul's for her comments. She spoke about Doris Anderson and her work to bring electoral reform to this country. Doris never gave up on that subject. Right until the day she died, she was fighting for electoral reform.

Our voting system is outdated. Most other older European nations use a voting system developed in the 20th century, while Canada uses a voting system that was developed in the 12th century. It is outrageous.

Canadians know their system is outdated and unfair. They are ahead of the government on this issue. Canadians are ready for a change and the government knows this or it would not have put electoral reform into its Senate reform debates. Canadian need to be heard.

I call on all parties to support this motion and let us move forward so everyone's vote will count.

● (1155)

[*Translation*]

The Acting Speaker (Mr. Royal Galipeau): The Acting Speaker (Mr. Royal Galipeau): 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 Acting Speaker (Mr. Royal Galipeau): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Royal Galipeau): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Royal Galipeau): In my opinion the nays have it.

And five or more members having risen:

The Acting Speaker (Mr. Royal Galipeau): Pursuant to Standing Order 93, a recorded division stands deferred until Wednesday, May 2, immediately before the time provided for private members' business.

GOVERNMENT ORDERS

● (1200)

[*English*]

CRIMINAL CODE

The House proceeded to the consideration of Bill C-48, An Act to amend the Criminal Code in order to implement the United Nations Convention against Corruption.

Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, there have been consultations and I believe you will find unanimous consent for the following motion. I move:

That, notwithstanding any Standing Order or usual practices of the House, Bill C-48, An Act to Amend the Criminal Code in order to implement the United Nations Convention against Corruption, shall be deemed to have been read a second time and referred to a committee of the whole, deemed considered in committee of the whole, deemed reported without amendment, deemed concurred in at report stage, and deemed read a third time and passed.

The Acting Speaker (Mr. Royal Galipeau): Does the hon. parliamentary secretary have the unanimous consent of the House to move the motion?

Some hon. members: Agreed.

The Acting Speaker (Mr. Royal Galipeau): The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to, bill read the second time, considered in committee of the whole, reported, concurred in, read the third time and passed)

* * *

CRIMINAL CODE

The House proceeded to the consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act, as reported (with amendment) from the committee.

SPEAKER'S RULING

The Acting Speaker (Mr. Royal Galipeau): Before I recognize the hon. the parliamentary secretary, I must read a decision by the Speaker.

[*Translation*]

There are 20 motions in amendment standing on the notice paper for the report stage of Bill C-10. Motions Nos. 1 to 20 will be grouped for debate and voted upon according to the voting pattern available at the table.

I will now put Motions Nos. 1 to 20 to the House.

[*English*]

MOTIONS IN AMENDMENT

Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, CPC), seconded by the member for Windsor—Tecumseh, moved:

Motion No. 1

That Bill C-10 be amended by restoring the long title as follows:

"An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act"

Pursuant to Standing Order 76(2), notice also received from:

The Minister of Justice and Attorney General of Canada — March 15, 2007

Motion No. 2

That Bill C-10 be amended by restoring the Preamble as follows:

"WHEREAS Canadians are entitled to live their lives in peace, freedom and security;

WHEREAS acts of violence involving the use of firearms, including ones by street gangs, are increasingly threatening the safety of Canadians in their communities;

WHEREAS the Parliament of Canada is committed to taking measures to protect Canadians from this threat while continuing to respect and promote the values reflected in, and the rights and freedoms guaranteed by, the Canadian Charter of Rights and Freedoms;

AND WHEREAS these measures include legislation to impose higher minimum penalties on those who commit serious or repeat offences involving firearms;"

Pursuant to Standing Order 76(2), notice also received from:

The Minister of Justice and Attorney General of Canada — March 15, 2007

Hon. Lawrence Cannon (for the Minister of Justice) moved:

Motion No. 3

That Bill C-10 be amended by restoring Clause 1 as follows:

"1. Section 84 of the Criminal Code is amended by adding the following after subsection (4):

(5) In determining, for the purposes of any of subsections 85(3), 95(2), 96(2) and 98(4), section 98.1 and subsections 99(2), 100(2), 102(2), 103(2) and 117.01(3), whether a convicted person has committed a second, third or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence:

(a) an offence under section 85, 95, 96, 98, 98.1, 99, 100, 102 or 103 or subsection 117.01(1);

(b) an offence under section 244; or

(c) an offence under section 220, 236, 239, 272 or 273, subsection 279(1) or section 279.1, 344 or 346 if a firearm was used in the commission of the offence.

However, an earlier offence shall not be taken into account if ten years have elapsed between the day on which the person was convicted of the earlier offence and the day on which the person was convicted of the offence for which sentence is being imposed, not taking into account any time in custody.

(6) For the purposes of subsection (5), the only question to be considered is the sequence of convictions and no consideration shall be given to the sequence of commission of offences or whether any offence occurred before or after any conviction."

Pursuant to Standing Order 76(2), notice also received from:

The Minister of Justice and Attorney General of Canada — March 15, 2007

Motion No. 4

That Bill C-10 be amended by restoring Clause 2 as follows:

"2. (1) Paragraph 85(1)(a) of the Act is replaced by the following:

(a) while committing an indictable offence, other than an offence under section 220 (criminal negligence causing death), 236 (manslaughter), 239 (attempted murder), 244 (discharging firearm with intent), 272 (sexual assault with a weapon) or 273 (aggravated sexual assault), subsection 279(1) (kidnapping) or section 279.1 (hostage-taking), 344 (robbery) or 346 (extortion)

(2) Paragraphs 85(3)(b) and (c) of the Act are replaced by the following:

(b) in the case of a second offence, to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of three years; and

(c) in the case of a third or subsequent offence, to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of five years."

Pursuant to Standing Order 76(2), notice also received from:

The Minister of Justice and Attorney General of Canada — March 15, 2007

● (1205)

Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, CPC) , seconded by the member for Windsor—Tecumseh, moved:

Motion No. 5

That Bill C-10 be amended by restoring Clause 7 as follows:

"7. (1) The portion of subsection 95(1) of the Act before paragraph (a) is replaced by the followin

95. (1) Subject to subsection (3), every person commits an offence who, in any place, possesses a loaded prohibited firearm or restricted firearm, or an unloaded prohibited firearm or restricted firearm together with readily accessible ammunition that is capable of being discharged in the firearm, unless the person is the holder of

(2) Paragraph 95(2)(a) of the Act is replaced by the following:

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of

(i) in the case of a first offence, three years, and

(ii) in the case of a second or subsequent offence, five years; or"

Pursuant to Standing Order 76(2), notice also received from:

The Minister of Justice and Attorney General of Canada — March 15, 2007

Motion No. 6

That Bill C-10 be amended by restoring Clause 10 as follows:

"10. Subsection 99(2) of the Act is replaced by the following:

(2) Every person who commits an offence under subsection (1) where the object in question is a firearm, a prohibited device, any ammunition or any prohibited ammunition is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of

(a) in the case of a first offence, three years; and

(b) in the case of a second or subsequent offence, five years.

(3) In any other case, a person who commits an offence under subsection (1) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of one year."

Pursuant to Standing Order 76(2), notice also received from:

The Minister of Justice and Attorney General of Canada — March 15, 2007

Motion No. 7

That Bill C-10 be amended by restoring Clause 11 as follows:

"11. Subsection 100(2) of the Act is replaced by the following:

(2) Every person who commits an offence under subsection (1) by possessing a firearm, a prohibited device, any ammunition or any prohibited ammunition is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of

(a) in the case of a first offence, three years; and

(b) in the case of a second or subsequent offence, five years.

(3) In any other case, a person who commits an offence under subsection (1) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of one year."

Pursuant to Standing Order 76(2), notice also received from:

The Minister of Justice and Attorney General of Canada — March 15, 2007

Motion No. 8

That Bill C-10 be amended by restoring Clause 13 as follows:

"13. Subsection 103(2) of the Act is replaced by the following:

(2) Every person who commits an offence under subsection (1) where the object in question is a firearm, a prohibited device or any prohibited ammunition is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of

(a) in the case of a first offence, three years; and

(b) in the case of a second or subsequent offence, five years.

(2.1) In any other case, a person who commits an offence under subsection (1) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of one year."

Pursuant to Standing Order 76(2), notice also received from:

The Minister of Justice and Attorney General of Canada — March 15, 2007

Hon. Lawrence Cannon (for the Minister of Justice) moved:

Motion No. 9

That Bill C-10 be amended by restoring Clause 17 as follows:

"17. Section 239 of the Act is replaced by the following:

239. (1) Every person who attempts by any means to commit murder is guilty of an indictable offence and liable

(a) if a restricted firearm or prohibited firearm is used in the commission of the offence or if any firearm is used in the commission of the offence and the offence is committed for the benefit of, at the direction of, or in association with, a criminal organization, to imprisonment for life and to a minimum punishment of imprisonment for a term of

(i) in the case of a first offence, five years,

(ii) in the case of a second offence, seven years, and

(iii) in the case of a third or subsequent offence, ten years;

(a.1) in any other case where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and

(b) in any other case, to imprisonment for life.

(2) In determining, for the purpose of paragraph (1)(a), whether a convicted person has committed a second, third or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence:

(a) an offence under this section;

(b) an offence under subsection 85(1) or (2) or section 244; or

(c) an offence under section 220, 236, 272 or 273, subsection 279(1) or section 279.1, 344 or 346 if a firearm was used in the commission of the offence.

However, an earlier offence shall not be taken into account if ten years have elapsed between the day on which the person was convicted of the earlier offence and the day on which the person was convicted of the offence for which sentence is being imposed, not taking into account any time in custody.

(3) For the purposes of subsection (2), the only question to be considered is the sequence of convictions and no consideration shall be given to the sequence of commission of offences or whether any offence occurred before or after any conviction."

Pursuant to Standing Order 76(2), notice also received from:

The Minister of Justice and Attorney General of Canada — March 15, 2007

Motion No. 10

That Bill C-10 be amended by restoring Clause 18 as follows:

"18. Section 244 of the Act is replaced by the following:

244. (1) Every person commits an offence who discharges a firearm at a person with intent to wound, maim or disfigure, to endanger the life of or to prevent the arrest or detention of any person — whether or not that person is the one at whom the firearm is discharged.

(2) Every person who commits an offence under subsection (1) is guilty of an indictable offence and liable

(a) if a restricted firearm or prohibited firearm is used in the commission of the offence or if the offence is committed for the benefit of, at the direction of, or in association with, a criminal organization, to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of

(i) in the case of a first offence, five years,

(ii) in the case of a second offence, seven years, and

(iii) in the case of a third or subsequent offence, ten years; and

(b) in any other case, to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of four years.

(3) In determining, for the purpose of paragraph (2)(a), whether a convicted person has committed a second, third or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence:

(a) an offence under this section;

(b) an offence under subsection 85(1) or (2); or

(c) an offence under section 220, 236, 239, 272 or 273, subsection 279(1) or section 279.1, 344 or 346 if a firearm was used in the commission of the offence.

However, an earlier offence shall not be taken into account if ten years have elapsed between the day on which the person was convicted of the earlier offence and the day on which the person was convicted of the offence for which sentence is being imposed, not taking into account any time in custody.

(4) For the purposes of subsection (3), the only question to be considered is the sequence of convictions and no consideration shall be given to the sequence of commission of offences or whether any offence occurred before or after any conviction."

Pursuant to Standing Order 76(2), notice also received from:

The Minister of Justice and Attorney General of Canada — March 15, 2007

Motion No. 11

That Bill C-10 be amended by restoring Clause 19 as follows:

"19. (1) Paragraph 272(2)(a) of the Act is replaced by the following:

(a) if a restricted firearm or prohibited firearm is used in the commission of the offence or if any firearm is used in the commission of the offence and the offence is committed for the benefit of, at the direction of, or in association with, a criminal organization, to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of

(i) in the case of a first offence, five years,

(ii) in the case of a second offence, seven years, and

(iii) in the case of a third or subsequent offence, ten years;

(a.1) in any other case where a firearm is used in the commission of the offence, to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of four years; and

(2) Section 272 of the Act is amended by adding the following after subsection (2):

(3) In determining, for the purpose of paragraph (2)(a), whether a convicted person has committed a second, third or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence:

(a) an offence under this section;

(b) an offence under subsection 85(1) or (2) or section 244; or

(c) an offence under section 220, 236, 239 or 273, subsection 279(1) or section 279.1, 344 or 346 if a firearm was used in the commission of the offence.

However, an earlier offence shall not be taken into account if ten years have elapsed between the day on which the person was convicted of the earlier offence and the day on which the person was convicted of the offence for which sentence is being imposed, not taking into account any time in custody.

(4) For the purposes of subsection (3), the only question to be considered is the sequence of convictions and no consideration shall be given to the sequence of commission of offences or whether any offence occurred before or after any conviction."

Pursuant to Standing Order 76(2), notice also received from:

The Minister of Justice and Attorney General of Canada — March 15, 2007

Motion No. 12

That Bill C-10 be amended by restoring Clause 20 as follows:

"20. (1) Paragraph 273(2)(a) of the Act is replaced by the following:

(a) if a restricted firearm or prohibited firearm is used in the commission of the offence or if any firearm is used in the commission of the offence and the offence is committed for the benefit of, at the direction of, or in association with, a criminal organization, to imprisonment for life and to a minimum punishment of imprisonment for a term of

(i) in the case of a first offence, five years,

(ii) in the case of a second offence, seven years, and

(iii) in the case of a third or subsequent offence, ten years;

(a.1) in any other case where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and

(2) Section 273 of the Act is amended by adding the following after subsection (2):

(3) In determining, for the purpose of paragraph (2)(a), whether a convicted person has committed a second, third or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence:

(a) an offence under this section;

(b) an offence under subsection 85(1) or (2) or section 244; or

(c) an offence under section 220, 236, 239 or 272, subsection 279(1) or section 279.1, 344 or 346 if a firearm was used in the commission of the offence.

However, an earlier offence shall not be taken into account if ten years have elapsed between the day on which the person was convicted of the earlier offence and the day on which the person was convicted of the offence for which sentence is being imposed, not taking into account any time in custody.

(4) For the purposes of subsection (3), the only question to be considered is the sequence of convictions and no consideration shall be given to the sequence of commission of offences or whether any offence occurred before or after any conviction."

Pursuant to Standing Order 76(2), notice also received from:

The Minister of Justice and Attorney General of Canada — March 15, 2007

Motion No. 13

That Bill C-10 be amended by restoring Clause 21 as follows:

"21. (1) Paragraph 279(1.1)(a) of the Act is replaced by the following

(a) if a restricted firearm or prohibited firearm is used in the commission of the offence or if any firearm is used in the commission of the offence and the offence is committed for the benefit of, at the direction of, or in association with, a criminal organization, to imprisonment for life and to a minimum punishment of imprisonment for a term of

(i) in the case of a first offence, five years,

(ii) in the case of a second offence, seven years, and

(iii) in the case of a third or subsequent offence, ten years;

(a.1) in any other case where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and

(2) Section 279 of the Act is amended by adding the following after subsection (1.1):

(1.2) In determining, for the purpose of paragraph (1.1)(a), whether a convicted person has committed a second, third or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence:

(a) an offence under subsection (1);

(b) an offence under subsection 85(1) or (2) or section 244; or

(c) an offence under section 220, 236, 239, 272, 273, 279.1, 344 or 346 if a firearm was used in the commission of the offence.

However, an earlier offence shall not be taken into account if ten years have elapsed between the day on which the person was convicted of the earlier offence and the day on which the person was convicted of the offence for which sentence is being imposed, not taking into account any time in custody.

(1.3) For the purposes of subsection (1.2), the only question to be considered is the sequence of convictions and no consideration shall be given to the sequence of commission of offences or whether any offence occurred before or after any conviction."

Pursuant to Standing Order 76(2), notice also received from:

The Minister of Justice and Attorney General of Canada — March 15, 2007

Motion No. 14

That Bill C-10 be amended by restoring Clause 22 as follows:

"22. (1) Subsection 279.1(1) of the Act is replaced by the following

279.1 (1) Every one takes a person hostage who — with intent to induce any person, other than the hostage, or any group of persons or any state or international or intergovernmental organization to commit or cause to be committed any act or omission as a condition, whether express or implied, of the release of the hostage —

(a) confines, imprisons, forcibly seizes or detains that person; and

(b) in any manner utters, conveys or causes any person to receive a threat that the death of, or bodily harm to, the hostage will be caused or that the confinement, imprisonment or detention of the hostage will be continued.

(2) Paragraph 279.1(2)(a) of the Act is replaced by the following:

(a) if a restricted firearm or prohibited firearm is used in the commission of the offence or if any firearm is used in the commission of the offence and the offence is committed for the benefit of, at the direction of, or in association with, a criminal organization, to imprisonment for life and to a minimum punishment of imprisonment for a term of

(i) in the case of a first offence, five years,

(ii) in the case of a second offence, seven years, and

(iii) in the case of a third or subsequent offence, ten years;

(a.1) in any other case where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and

(3) Section 279.1 of the Act is amended by adding the following after subsection (2):

(2.1) In determining, for the purpose of paragraph (2)(a), whether a convicted person has committed a second, third or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence:

(a) an offence under this section;

(b) an offence under subsection 85(1) or (2) or section 244; or

(c) an offence under section 220, 236, 239, 272 or 273, subsection 279(1) or section 344 or 346 if a firearm was used in the commission of the offence.

However, an earlier offence shall not be taken into account if ten years have elapsed between the day on which the person was convicted of the earlier offence and the day on which the person was convicted of the offence for which sentence is being imposed, not taking into account any time in custody.

(2.2) For the purposes of subsection (2.1), the only question to be considered is the sequence of convictions and no consideration shall be given to the sequence of commission of offences or whether any offence occurred before or after any conviction."

Pursuant to Standing Order 76(2), notice also received from:

The Minister of Justice and Attorney General of Canada — March 15, 2007

Motion No. 15

That Bill C-10 be amended by restoring Clause 23 as follows:

"23. (1) Section 344 of the Act is renumbered as subsection 344(1).

(2) Paragraph 344(1)(a) of the Act is replaced by the following:

(a) if a restricted firearm or prohibited firearm is used in the commission of the offence or if any firearm is used in the commission of the offence and the offence is committed for the benefit of, at the direction of, or in association with, a criminal organization, to imprisonment for life and to a minimum punishment of imprisonment for a term of

(i) in the case of a first offence, five years,

(ii) in the case of a second offence, seven years, and

(iii) in the case of a third or subsequent offence, ten years;

(a.1) in any other case where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and

(3) Section 344 of the Act is amended by adding the following after subsection (1):

(2) In determining, for the purpose of paragraph (1)(a), whether a convicted person has committed a second, third or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence:

(a) an offence under this section;

(b) an offence under subsection 85(1) or (2) or section 244; or

(c) an offence under section 220, 236, 239, 272 or 273, subsection 279(1) or section 279.1 or 346 if a firearm was used in the commission of the offence.

However, an earlier offence shall not be taken into account if ten years have elapsed between the day on which the person was convicted of the earlier offence and the day on which the person was convicted of the offence for which sentence is being imposed, not taking into account any time in custody.

(3) For the purposes of subsection (2), the only question to be considered is the sequence of convictions and no consideration shall be given to the sequence of commission of offences or whether any offence occurred before or after any conviction."

Pursuant to Standing Order 76(2), notice also received from:

The Minister of Justice and Attorney General of Canada — March 15, 2007

Motion No. 16

That Bill C-10 be amended by restoring Clause 24 as follows

"24. (1) Paragraph 346(1.1)(a) of the Act is replaced by the following:

(a) if a restricted firearm or prohibited firearm is used in the commission of the offence or if any firearm is used in the commission of the offence and the offence is committed for the benefit of, at the direction of, or in association with, a criminal organization, to imprisonment for life and to a minimum punishment of imprisonment for a term of

(i) in the case of a first offence, five years,

(ii) in the case of a second offence, seven years, and

(iii) in the case of a third or subsequent offence, ten years;

(a.1) in any other case where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and

(2) Section 346 of the Act is amended by adding the following after subsection (1.1):

(1.2) In determining, for the purpose of paragraph (1.1)(a), whether a convicted person has committed a second, third or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence:

(a) an offence under this section;

(b) an offence under subsection 85(1) or (2) or section 244; or

(c) an offence under section 220, 236, 239, 272 or 273, subsection 279(1) or section 279.1 or 344 if a firearm was used in the commission of the offence.

However, an earlier offence shall not be taken into account if ten years have elapsed between the day on which the person was convicted of the earlier offence and the day on which the person was convicted of the offence for which sentence is being imposed, not taking into account any time in custody.

(1.3) For the purposes of subsection (1.2), the only question to be considered is the sequence of convictions and no consideration shall be given to the sequence of commission of offences or whether any offence occurred before or after any conviction."

Pursuant to Standing Order 76(2), notice also received from:

The Minister of Justice and Attorney General of Canada — March 15, 2007

Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, CPC) , seconded by the member for Windsor—Tecumseh, moved:

Motion No. 17

That Bill C-10 be amended by restoring Clause 26 as follows:

"26. Subparagraph (a)(ix) of the definition "primary designated offence" in section 487.04 of the Act is replaced by the following:

(ix) section 244 (discharging firearm with intent),"

Motion No. 18

That Bill C-10 be amended by restoring Clause 27 as follows:

"27. Subparagraph (a)(xviii) of the definition "designated offence" in subsection 490.011(1) of the Act is replaced by the following:

(xviii) paragraph 273(2)(a) (aggravated sexual assault — use of a restricted firearm or prohibited firearm or any firearm in connection with criminal organization),

(xviii.1) paragraph 273(2)(a.1) (aggravated sexual assault — use of a firearm),"

Motion No. 19

That Bill C-10 be amended by restoring Clause 29 as follows:

"29. Paragraph 1(r) of Schedule I to the Corrections and Conditional Release Act is replaced by the following:

(r) section 244 (discharging firearm with intent);"

Motion No. 20

That Bill C-10 be amended by restoring Clause 30 as follows:

"30. (1) If subsection 1(5) of An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act, being chapter 25 of the Statutes of Canada, 2005, (in this section, the "other Act") comes into force before section 26 of this Act, section 26 of this Act is replaced by the following:

26. Subparagraph (a.1)(v) of the definition "primary designated offence" in section 487.04 of the Act is replaced by the following:

(v) section 244 (discharging firearm with intent),

(2) If section 26 of this Act comes into force before subsection 1(5) of the other Act, subparagraph (a.1)(v) of the definition "primary designated offence" in section 487.04 of the Criminal Code, as enacted by that subsection 1(5), is replaced by the following:

(v) section 244 (discharging firearm with intent),

(3) If subsection 1(5) of the other Act and section 26 of this Act come into force on the same day, subsection 1(5) of the other Act is deemed to have come into force before section 26 of this Act and subsection (1) applies."

He said: Mr. Speaker, I rise today to address Motions Nos. 3, 4, 9, 10, 11, 12, 13, 14, 15 and 16 as moved by the Minister of Justice.

Bill C-10 addresses a very important public safety concern, the threat of gun crimes. The bill aims to ensure that the Criminal Code sets appropriately tough penalties for serious or repeat firearm offences.

The aggravating factors that trigger the toughest sentences in the bill are limited to those linked to gangs and criminal organizations or those who use restricted or prohibited firearms. These crimes include attempted murder, discharging a firearm with intent, sexual assault with a weapon, aggravated sexual assault, kidnapping, hostage taking, robbery and extortion. These are very serious crimes. During the last election our party committed to raise the mandatory minimum penalty for violent gun crimes, as did the Liberals and the NDP.

I am pleased that the hon. member for Windsor—Tecumseh and his party are honouring their election commitment and have worked cooperatively with the government to amend Bill C-10 in a manner that is effective and reflective of our campaign commitments.

After discussion with the opposition, the government has agreed to reduce the scope of the bill by targeting a core of key offences, those of greatest concern. Therefore, I will proceed to move amendments to those motions that reflect the compromises reached with the hon. member for Windsor—Tecumseh.

Time does not permit me to fully explain these amendments, however, my colleagues will do so later in the debate.

I move, seconded by the member for Windsor—Tecumseh:

That Motion 3, proposing to restore Clause 1 of Bill C-10 be amended by substituting the following for the portion of subsection 84(5) before paragraph (a) contained in the Motion:

(5) In determining, for the purposes of any of subsections 85(3), 95(2), 99(2), 100 (2) and 103(2), whether a convicted person has committed a second or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence.

● (1210)

I move, seconded by the member for Windsor—Tecumseh:

That Motion 4 proposing to restore Clause 2 of Bill C-10 be amended by substituting the following for paragraphs 85(3)(b) and (c) contained in that Motion:

(b) in the case of a second or subsequent offence, to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of three years.

I move, seconded by the member for Windsor—Tecumseh:

That Motion 9 proposing to restore Clause 17 of Bill C-10 be amended

(a) by substituting the following for subparagraphs 239(1)(a)(ii) and (iii) contained in that Motion:

(ii) in the case of a second or subsequent offence, seven years;

(b) by substituting, in the English version, the following for the portion of subsection 239(2) before paragraph (a) contained in that Motion:

(2) In determining, for the purpose of paragraph (1)(a), whether a convicted person has committed a second or subsequent offence—

Hon. Charles Hubbard: Mr. Speaker, I rise on a point of order. I am not sure that a member can amend his own motion. Could we check the records on that?

The Acting Speaker (Mr. Royal Galipeau): I thank the hon. member for Miramichi for his point of order, but the hon. parliamentary secretary is not amending his own motions. He is amending motions of the Minister of Justice.

Mr. Rob Moore: Mr. Speaker, for those listening to my riveting speech, I do not know whether to start over because thanks to the intervention by the member for Miramichi I am not sure exactly where I was. I will go back to subparagraph (ii).

(ii) in the case of a second or subsequent offence, seven years;

(b) by substituting, in the English version, the following for the portion of subsection 239(2) before paragraph (a) contained in that Motion:

(2) In determining for the purpose of paragraph (1)(a), whether a convicted person has committed a second or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence:

I move, seconded by the member for Windsor—Tecumseh:

That Motion 10 proposing to restore clause 18 of Bill C-10 be amended

(a) by substituting the following for subparagraphs 244(2)(a) (ii) and (iii) contained in that Motion:

(ii) in the case of a second or subsequent offence, seven years; and

(b) by substituting, in the English version, the following for the portion of subsection 244(3) before paragraph (a) contained in that Motion:

(3) In determining, for the purpose of paragraph (2)(a), whether a convicted person has committed a second or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence:

I move, seconded by the member for Windsor—Tecumseh:

That Motion 11 proposing to restore Clause 19 of Bill C-10 be amended

(a) by substituting the following for subparagraphs 272(2)(a) (ii) and (iii) contained in that Motion:

(ii) in the case of a second or subsequent offence, seven years;

(b) by substituting, in the English version, the following for the portion of subsection 272(3) before paragraph (a) contained in that Motion:

(3) In determining, for the purpose of paragraph 2(a), whether a convicted person has committed a second or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence:

I move, seconded by the member for Windsor—Tecumseh:

That Motion 12 proposing to restore Clause 20 of Bill C-10 be amended

(a) by substituting the following for subparagraph 273(2)(a) (ii) and (iii) contained in that Motion:

(ii) in the case of a second or subsequent offence, seven years;

(b) by substituting, in the English version, the following for the portion of subsection 273(3) before paragraph (a) contained in that Motion:

(3) In determining, for the purpose of paragraph (2)(a), whether a convicted person has committed a second or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence:

I move, seconded by the member for Windsor—Tecumseh:

That Motion 13 proposing to restore Clause 21 of Bill C-10 be amended

(a) by substituting the following for subparagraphs 279(1.1)(a) (ii) and (iii) contained in that Motion:

(ii) in the case of a second or subsequent offence, seven years;

(b) by substituting, in the English version, the following for the portion of subsection 239(1.2) before paragraph (a) contained in that Motion:

(1.2) In determining, for the purpose of paragraph (1.1)(a), whether a convicted person has committed a second or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence:

I move, seconded by the member for Windsor—Tecumseh:

That Motion 14 proposing to restore Clause 22 of Bill C-10 be amended

(a) by substituting the following for subparagraphs 279.1(2)(a) (ii) and (iii) contained in that Motion:

(ii) in the case of a second or subsequent offence, seven years;

(b) by substituting, in the English version, the following for the portion of subsection 279.1(2.1) before paragraph (a) contained in that Motion:

(2.1) In determining, for the purpose of paragraph (2)(a), whether a convicted person has committed a second or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence:

I move, seconded by the member for Windsor—Tecumseh:

That Motion 15 proposing to restore Clause 23 of Bill C-10 be amended

(a) by substituting the following for subparagraphs 344(1)(a) (ii) and (iii) contained in that Motion:

(ii) in the case of a second or subsequent offence, seven years;

(b) by substituting, in the English version, the following for the portion of subsection 344(2) before paragraph (a) contained in that Motion:

(2) In determining, for the purpose of paragraph (1)(a), whether a convicted person has committed a second or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence:

● (1220)

I move, seconded by the member for Windsor—Tecumseh:

That Motion 16 proposing to restore Clause 24 of Bill C-10 be amended

(a) by substituting the following for paragraphs 346(1.1)(a) (ii) and (iii) contained in that Motion:

(ii) in the case of a second or subsequent offence, seven years:

(b) by substituting, in the English version, the following for the portion of subsection 346(1.2) before paragraph (a) contained in that Motion:

(1.2) In determining, for the purpose of paragraph (1.1)(a), whether a convicted person has committed a second or subsequent office, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence:

The Acting Speaker (Mr. Royal Galipeau): Mr. Moore (Fundy—Royal), seconded by Mr. Comartin, moved that Motion No. 3. be amended. Shall I dispense?

Some hon. members: Agreed.

An hon. member: No.

The Acting Speaker (Mr. Royal Galipeau): Mr. Moore (Fundy—Royal), seconded by Mr. Comartin, moved:

That Motion 3 proposing to restore Clause 1 of Bill C-10 be amended by substituting the following for the portion of subsection 84(5) before paragraph (a) contained in the motion:

(5) In determining, for the purposes of any of subsections 85(3), 95(2), 99(2), 100 (2) and 103(2), whether a convicted person has committed a second or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence:

[*Translation*]

Mr. Moore (Fundy—Royal), seconded by Mr. Comartin, moved that Motion No. 4 be amended. Shall I dispense with the reading of the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Royal Galipeau): Mr. Moore (Fundy —Royal), seconded by Mr. Comartin, moved:

That the motion proposing to restore clause 2 of Bill C-10 be amended by substituting the following for paragraphs 85(3)(b) and (c) contained in that motion:

(b) in the case of a second or subsequent offence, to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of three years."

[*English*]

Mr. Moore (Fundy—Royal), seconded by Mr. Comartin, moved an amendment to Motion No. 9. Shall I dispense?

Some hon. members: Agreed.

An hon. member: No.

The Acting Speaker (Mr. Royal Galipeau): Mr. Moore (Fundy—Royal), seconded by Mr. Comartin, moved:

That Motion No. 9 proposing to restore clause 17 of Bill C-10 be amended

(a) by substituting the following for subparagraphs 239(1) (a) (ii) and (iii) contained in that Motion:

An hon. member: Dispense.

The Acting Speaker (Mr. Royal Galipeau): Hon. members should know that I asked for dispensation and it was denied, so I am continuing.

Hon. Larry Bagnell: Mr. Speaker, I rise on a point of order. I also said no and I was in my place.

The Acting Speaker (Mr. Royal Galipeau): I appreciate all the advice by all hon. members. I know who was in their place and who was not. I recognize that the hon. member for Yukon was in his place. I also recognize that he denied unanimous consent.

For those members who want to speed this up, I wish they would just let me get on with it:

(ii) in the case of a second or subsequent offence, seven years;

(b) by substituting, in the English version, the following for the portion of subsection 239(2) before paragraph (a) contained in that Motion:

(2) In determining, for the purpose of paragraph (i)(a), whether a convicted person has committed a second or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence:

[*Translation*]

Mr. Moore (Fundy—Royal), seconded by Mr. Comartin, moved that Motion No. 10 be amended. Shall I dispense with the reading of the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Royal Galipeau): Mr. Moore, seconded by Mr. Comartin, moved:

That the motion proposing to restore clause 18 of Bill C-20 be amended:

(a) by substituting the following for subparagraphs 244(2)(a) (ii) and (iii) contained in that motion:

(ii) in the case of a second or subsequent offence, seven years; and

(b) by substituting, in the English version, the following for the portion of subsection 244(3) before paragraph (a) contained in that motion:

[*English*]

(3) In determining, for the purpose of paragraph 2(a), whether a convicted person has committed a second or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence;

Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, CPC) Mr. Moore (Fundy—Royal), seconded by Mr. Comartin, moved an amendment to Motion No. 11. Shall I dispense?

Some hon. members: Agreed.

An hon. member: No.

The Acting Speaker (Mr. Royal Galipeau): Mr. Moore (Fundy—Royal), seconded by Mr. Comartin, moved:

That Motion No. 11 proposing to restore clause 19 of Bill C-10 be amended

(a) by substituting the following for subparagraphs 272(2)(a) (ii) and (iii) contained in that Motion:

(ii) in the case of a second or subsequent offence, seven years;

(b) by substituting, in the English version, the following for the portion of subsection (272(3) before paragraph (a) contained in that Motion:

(3) In determining, for the purpose of paragraph (2)(a), whether a convicted person has committed a second or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to considered as an earlier offence:

[*Translation*]

The Acting Speaker (Mr. Royal Galipeau) Mr. Moore (Fundy—Royal), seconded by Mr. Comartin, moved that Motion No. 12 be amended. Shall I dispense with the reading of the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Royal Galipeau): Mr. Moore (Fundy —Royal), seconded by Mr. Comartin, moved:

That the motion proposing to restore clause 20 of Bill C-10 be amended:

(a) by substituting the following for subparagraph 273(2)(a) (ii) and (iii) contained in that motion:

(ii) in the case of a second or subsequent offence, seven years;

(b) by substituting, in the English version, the following for the portion of subsection 273(3) before paragraph (a) contained in that Motion:

[*English*]

(3) In determining, for the purpose of paragraph (2)(a), whether a convicted person has committed a second or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence:

● (1225)

This is the moment where I wanted to check with the hon. the parliamentary secretary on Motion No. 13. I thought I heard subsection 239. Did he mean 239 or 279?

Mr. Rob Moore: Mr. Speaker, it should read 279(1.2)

The Acting Speaker (Mr. Royal Galipeau): Mr. Moore (Fundy—Royal), seconded by Mr. Comartin, moved an amendment to Motion No. 13. Shall I dispense?

Some hon. members: Agreed.

An hon. member: No.

The Acting Speaker (Mr. Royal Galipeau): Mr. Moore (Fundy—Royal), seconded by Mr. Comartin, moved:

That Motion No. 13 proposing to restore Clause 21 of Bill C-10 to be amended

(a) by substituting the following for subparagraphs 279(1.1)(a) (ii) and (iii) contained in that Motion:

(ii) in the case of a second or subsequent offence, seven years;

(b) by substituting, in the English version, the following for the portion of subsection 279(1.2) before paragraph (a) contained in that Motion:

(1.2) In determining, for the purpose of paragraph (1.1)(a), whether a convicted person has committed a second or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence:

Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, CPC) Mr. Moore (Fundy—Royal), seconded by Mr. Comartin, moved an amendment to Motion No. 14. Shall I dispense?

Some hon. members: Agreed.

An hon. member: No.

The Acting Speaker (Mr. Royal Galipeau): Mr. Moore (Fundy—Royal), seconded by Mr. Comartin, moved:

That Motion No. 14 proposing to restore Clause 22 of Bill C-10 be amended

(a) by substituting the following for subparagraphs 279.1(2)(a) (ii) and (iii) contained in that Motion:

(ii) in the case of a second or subsequent offence, seven years:

(b) by substituting, in the English version, the following for the portion of subsection 279.1(2.1) before paragraph (a) contained in that Motion:

(2.1) In determining, for the purpose of paragraph (2)(a), whether a convicted person has committed a second or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence:

Mr. Moore (Fundy—Royal), seconded by Mr. Comartin, moved an amendment to Motion No. 15. Shall I dispense?

Some hon. members: Agreed.

An hon. member: No.

The Acting Speaker (Mr. Royal Galipeau): Mr. Moore (Fundy—Royal), seconded by Mr. Comartin, moved:

That Motion No. 15 proposing to restore Clause 23 of Bill C-10 be amended

(a) by substituting the following for subparagraphs 344(1)(a)(ii) and (iii) contained in that Motion:

(ii) in the case of a second or subsequent offence, seven years;

(b) by substituting, in the English version, the following for the portion of subsection 344(2) before paragraph (a) contained in that Motion:

(2) In determining, for the purpose of paragraph (1)(a), whether a convicted person has committed a second or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to e considered as an earlier offence:

Mr. Moore (Fundy—Royal), seconded by Mr. Comartin, moved an amendment to Motion No. 16. Shall I dispense?

Some hon. members: Agreed.

An hon. member: No.

The Acting Speaker (Mr. Royal Galipeau): Mr. Moore (Fundy—Royal), seconded by Mr. Comartin, moved:

That Motion No. 16 proposing to restore Clause 24 of Bill C-10 be amended

(a) by substituting the following for subparagraphs 346(1.1)(a)(ii) and (iii) contained in that Motion:

(ii) in the case of a second or subsequent offence, seven years;

(b) by substituting, in the English version, the following for the portion of subsection 346(1.2) before paragraph (a) contained in that Motion:

(1.2) In determining, for the purpose of paragraph (1.1)(a), whether a convicted person has committed a second or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence:

● (1230)

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I find it astonishing that the NDP, which normally is very sensitive about social justice and the science of social justice and has given discretion to judges to decide on the best type of treatment, would support such amendments.

I have two questions and I will allow the parliamentary secretary to answer whichever one he chooses.

First, could he explain what he just did with the original motions and the amendments he added during his speech just so the public and those members of Parliament who are not on the committee with us have a general idea of what is occurring?

Second, as he knows, in committee a vast majority of the witnesses suggested that escalating clauses did not work, that they were counterproductive and actually made society more dangerous in some cases by training convicts in prison, and that the Americanization of the system did not work because many American states are now retracting such provisions because it has shown they do not work.

I understand where they came from in the first place but, after having heard the witnesses, and one of the purposes of these committees is to listen to experts, why are the Conservatives insisting on a modified or watered down version of their original bill?

● (1235)

Mr. Rob Moore: Mr. Speaker, I should have time to answer both questions.

In answer to his first question, what people find most alarming is that it was the Liberal Party in the last election that campaigned on doubling the mandatory minimum penalties for serious gun crimes. Many serious gun crime offences in Canada have a minimum sentence of four years. The Liberals' proposal would have been to double that to eight years. That is what the Liberals were saying during the election campaign.

After the election, when we got to committee after forming government, we introduced Bill C-10, which would have provided an increase in the mandatory minimum to five years and then, on a subsequent offence for the serious recidivist, repeat offenders who use firearms in our communities, such as gang members, it would have been seven years. On a third offence, if someone still had not got the message, after using a firearm in either a gang related offence or using a restricted or prohibited firearm in a violent offence against Canadians, it would have been a 10 year mandatory minimum.

Unfortunately, the Liberals have completely reversed themselves from their election platform when they were talking tough on crime. Now that it is time to actually get tough on crime, they have completely backed down. We are pleased to be moving forward with our commitments and we are pleased that the NDP is keeping its campaign commitment to get tougher on serious gun crimes.

The amendments that I was just speaking to in my speech would make the mandatory minimum penalty for a serious firearms offence five years and on a second, third or fourth offence the mandatory minimum would move up to seven years. These changes are being called for by Canadians, by provincial attorneys general, by mayors and by police.

We heard from many witnesses who said that the scourge of gun crime has to be stopped. It is a relatively few number of people who are doing it, but when people do not get the message that they cannot use firearms to victimize other Canadians, we as members of Parliament also have to send a strong message.

[*Translation*]

The Acting Speaker (Mr. Royal Galipeau): Unfortunately, we do not have much time left; nevertheless, the hon. member for Hochelaga has the floor for a brief question.

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, would the Parliamentary Secretary to the Minister of Justice be kind enough to tell us whether the Minister of Justice has studies that he could share with this House that show conclusive evidence that minimum sentencing serves as a deterrent? As you know, the committee saw no such studies.

[*English*]

Mr. Rob Moore: Mr. Speaker, the evidence that all parliamentarians heard was overwhelming. We heard from Canadians, the police and the provinces that we need to get tougher on gun crime. The hon. member was on the justice committee when we studied this bill. We heard from victims' advocates who said that we need to stop letting these people back out on the street.

● (1240)

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I have a comment more than a question for emphasis.

I am reading from the Liberal platform, which was a speech delivered by the prime minister of the day. In talking about tougher penalties for gun crimes, he stated:

> A Liberal government will reintroduce legislation to crack down on violent crimes and gang violence, and to double the mandatory minimum sentences for serious gun-related crimes.

The effect of that is that there would be an eight year mandatory minimum—

Some hon. members: Oh, oh!

The Acting Speaker (Mr. Royal Galipeau): Order, please. Resuming debate, the hon. member for Notre-Dame-de-Grâce—Lachine.

[*Translation*]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, with respect to the comment just made by the hon. NDP member, he knows very well that the former prime minister of the Liberal government was very committed to Bill C-82.

We must ensure that Canadians are not deceived again, which is more or less what the Conservatives and the current Prime Minister are trying to do with the environment. In fact, they are trying to do the same thing with the criminal justice file and, unfortunately, the NDP has abandoned its principles here in this House.

Bill C-10, which the Liberals tried to amend in committee, was blocked by the Conservatives and the New Democrats. The amendments were intended to ensure stronger mandatory minimum sentences for convictions for a first offence.

Furthermore, case law clearly shows that in cases of recidivism, a judge can take into account any aggravating factors, including the recidivism itself, the impact on the victim, the impact on the community, special circumstances surrounding the commission of the offence and so on, and can ensure that the penalties imposed are more severe than the minimum sentence.

I have a number of motions to table.

[*English*]

I move:

That Motion No. 5 be amended by deleting all the words after the words "as follows" and substituting the following:

7. (1) The portion of subsection 95(1) of the Act before paragraph (a) is replaced by the following:

95. (1) Subject to subsection (3), every person commits an offence who, in any place, possesses a loaded prohibited firearm or restricted firearm, or an unloaded prohibited firearm or restricted firearm together with readily accessible ammunition that is capable of being discharged in the firearm, unless the person is the holder of

(2) Paragraph 95(2)(a) of the Act is replaced by the following:

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of two years; or

I also move:

That Motion No. 6 be amended by deleting all of the words after the words "as follows" and substituting the following:

10. Subsection 99(2) of the Act is replaced by the following:

(2) Every person who commits an offence under subsection (1) where the object in question is a firearm, a prohibited device, any ammunition or any prohibited ammunition is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of two years.

(3) In any other case, a person who commits an offence under subsection (1) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of one year.

I move:

That Motion No. 7 be amended by deleting all of the words after the words "as follows" and substituting the following:

11. Subsection 100(2) of the Act is replaced by the following:

(2) Every person who commits an offence under subsection (1) by possessing a firearm, a prohibited device, any ammunition or any prohibited ammunition is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of two years.

(3) In any other case, a person who commits an offence under subsection (1) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of one year.

I move:

That Motion No. 8 be amended by deleting all of the words after the words "as follows" and substituting the following:

13. Subsection 103(2) of the Act is replaced by the following:

(2) Every person who commits an offence under subsection (1) where the object in question is a firearm, a prohibited device or any prohibited ammunition is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of two years.

(2.1) In any other case, a person who commits an offence under subsection (1) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of one year.

I move:

That Motion No. 9 be amended by deleting all of the words after the words "as follows" and substituting the following:

17. Section 239 of the Act is replaced by the following:

239. (1) Every person who attempts by any means to commit murder is guilty of an indictable offence and liable

(a) if a restricted firearm or prohibited firearm is used in the commission of the offence or if any firearm is used in the commission of the offence and the offence is committed for the benefit of, at the direction of, or in association with, a criminal organization, to imprisonment for life and to a minimum punishment of imprisonment for a term of five years.

(a.1) in any other case where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and

(b) in any other case, to imprisonment for life.

● (1245)

I move:

That Motion No. 10 be amended by deleting all of the words after "as follows" and by substituting the following:

18. Section 244 of the Act is replaced by the following:

244 (1) Every person commits an offence who discharges a firearm at a person with intent to wound, maim or disfigure, to endanger the life of or to prevent the arrest or detention of any person—whether or not that person is the one at whom the firearm is discharged.

(2) Every person who commits an offence under subsection (1) is guilty of an indictable offence and liable

(a) if a restricted firearm or prohibited firearm is used in the commission of the offence or if the offence is committed for the benefit of, at the direction of, or in association with, a criminal organization, to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of five years; and

(b) in any other case, to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of four years.

I move:

That Motion No. 11 be amended by deleting all of the words after "as follows" and by substituting the following:

19(1) Paragraph 272(2)(a) of the Act is replaced by the following:

a) if a restricted firearm or prohibited firearm is used in the commission of the offence or if any firearm is used in the commission of the offence and the offence is committed for the benefit of, at the direction of, or in association with, a criminal organization, to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of five years;

(a.1) in any other case where a firearm is used in the commission of the offence, to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of four years; and....

I move:

That Motion No. 12 be amended by deleting all of the words after "as follows" and by substituting the following:

20(1) Paragraph 273(2)(a) of the Act is replaced by the following:

a) if a restricted firearm or prohibited firearm is used in the commission of the offence or if any firearm is used in the commission of the offence and the offence is committed for the benefit of, at the direction of, or in association with, a criminal organization, to imprisonment for life and to a minimum punishment of imprisonment for a term of five years;

(a.1) in any other case where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and....

I move:

That Motion No. 13 by amended by deleting all of the words after "as follows" and by substituting the following:

21(1) Paragraph (279)(1.1)(a) of the Act is replaced by the following:

(a) if a restricted firearm or prohibited firearm is used in the commission of the offence or if any firearm is used in the commission of the offence and the offence is committed for the benefit of, at the direction of, or in association with, a criminal organization, to imprisonment for life and to a minimum punishment of imprisonment for a term of five years;

(a.1) in any other case where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and....

I move:

That Motion No. 14 be amended by deleting all of the words after "as follows" and by substituting the following:

22(1) Subsection 279.1(1) the following:

279.1(1) Everyone who takes a person hostage who—with intent to induce any person, other than the hostage, or any group of persons or any state or international or intergovernmental organization to commit or cause to be committed any act or omission as a condition, whether expressed or implied, of the release of the hostage—

(a) confines, imprisons, forcibly seizes or detains that person; and

(b) in any manner utters, conveys or causes any person to receive a threat that the death of, or bodily harm to, the hostage will be caused or that the confinement, imprisonment or detention of the hostage will be continued.

● (1250)

(2) Paragraph 279.1(2)(a) of the Act is replaced by the following:

(a) if a restricted firearm or prohibited firearm is used in the commission of the offence or if any firearm is used in the commission of the offence and the offence is committed for the benefit of, at the direction of, or in association with, a criminal organization, to imprisonment for life and to a minimum punishment of imprisonment for a term of five years;

(a.1) in any other case where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and....

I move:

That Motion No. 15 be amended by deleting all of the words after "as follows" and by substituting the following:

23(1) Section 344 of the Act is renumbered as subsection 344(1).

(2) Paragraph 344(1)(a) of the Act is replaced by the following:

(a) if a restricted firearm or prohibited firearm is used in the commission of the offence or if any firearm is used in the commission of the offence and the offence is committed for the benefit of, at the direction of, or in association with a criminal organization, to imprisonment for life and to a minimum punishment of imprisonment for a term of five years;

(a.1) in any other case where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and....

Finally, I move:

That Motion No. 16 be amended by deleting all of the words after "as follows" and by substituting the following:

24(1) Paragraph 346(1.1)(a) of the Act is replaced by the following:

(a) if a restricted firearm or prohibited firearm is used in the commission of the offence or if any firearm is used in the commission of the offence and the offence is committed for the benefit of, at the direction of, or in association with, a criminal organization, to imprisonment for life and to a minimum punishment of imprisonment for a term of five years;

(a.1) in any other case where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and....

● (1255)

[*Translation*]

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Notre-Dame-de-Grâce—Lachine will be interested to know that we have been generous when it comes to the 10 minutes of allocated time. I paid very close attention to the amendments proposed by the hon. member and we will take them under advisement for the time being.

The hon. member for Notre-Dame-de-Grâce—Lachine on a point of order.

Hon. Marlene Jennings: Mr. Speaker, given that you said you would not rule my motions out of order and would take them under advisement, I have a few points to raise, since I was unable to do so while tabling my motions.

[*English*]

The ruling to—

[*Translation*]

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Notre-Dame-de-Grâce—Lachine will have the opportunity to submit the points that she was unable to raise during questions and comments.

We are beginning the questions and comments period and I invite the hon. member to make her comments during that time.

Hon. Marlene Jennings: Mr. Speaker, I rise on a point of order. You said that, for the time being, you would not rule my motions out of order and that you would take the matter under advisement. I would like to take a few moments to provide the Speaker with some additional considerations before he makes a ruling on the admissibility of my motions rather than presenting them after the Speaker has made his decision, which could be an unfavourable one.

The Acting Speaker (Mr. Royal Galipeau): If the hon. member is asking for a few moments to argue whether or not her amendments are admissible, I will gladly grant her a little bit of time. However, if she is asking to debate the original motion, I would like to point out that she has already taken up 150% of the time I granted to her. It is with pleasure that I will listen to her arguments regarding whether or not the amendments she has submitted are admissible.

Hon. Marlene Jennings: Mr. Speaker, I believe that my amendments are actually subamendments that—

The Acting Speaker (Mr. Royal Galipeau): I am sorry to have to interrupt the hon. member for Notre-Dame-de-Grâce—Lachine, but the member for Vancouver East is rising on a point of order.

[*English*]

Ms. Libby Davies: Mr. Speaker, in response to what you responded to the member opposite, I would like to question how this process is unfolding. It seems to me that we cannot begin a debate on these amendments that have just been put forward until we know whether or not they are in order.

If the member is going to rise and put forward arguments as to why they should be in order or—

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Vancouver East gives good advice. I appreciate it. However, we are not in debate right now. We are listening to the hon. member for Notre-Dame-de-Grâce—Lachine argue on the eligibility of her amendments in order to help the Speaker to make an appropriate decision.

Ms. Libby Davies: Mr. Speaker, will you then be allowing other parties to also comment on whether or not these amendments are admissible? If you are allowing the mover to do so, then there may be other points of view.

The Acting Speaker (Mr. Royal Galipeau): That is a reasonable request. The member will be recognized if she rises at that moment.

Hon. Marlene Jennings: Mr. Speaker, I truly appreciate the ruling you have just made that allows me to speak to the admissibility of the motions for subamendments that I have just tabled.

In fact, those of us on this side, the Liberal caucus, believe that these amendments in fact are admissible because they speak to the very heart of Bill C-10. If we look at Bill C-10, we see that it says very clearly "An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act".

I do understand that the legislative summary talks about increasing or "escalating minimum penalties", but I think the Speaker is wise enough to know that the legislative summary that is found in a bill is not something that is debated or voted on in committee. It is not. What is in fact debated on and adopted or modified, for instance, is the title of the bill. The bill talks about "minimum penalties for offences involving firearms". It does not talk about escalating. That is the first point.

Second, it is clearly what we heard in committee and it is clearly what the original bill itself did, which was to increase the minimum mandatories. Our subamendments do that. I believe that our subamendments are in fact admissible, because were they to be deemed not admissible I think it would be creating a dangerous precedent, like the precedent the Speaker set by ruling that a parliamentary secretary could table subamendments to the amendments that his own minister and government tabled.

I am not aware in the 10 years that I have been here that a competent Speaker has made such a ruling, because in doing so it effectively precludes any opposition party from bringing subamendments to report stage amendments that have been tabled by the government itself. That, Mr. Speaker, is a dangerous ruling.

On the other hand, a ruling to rule the Liberal subamendments at report stage admissible is a ruling that would follow in the tradition of precedents in the House. I will rest at that point, but I believe I have made the point very clearly, and I feel that I have made the case very clearly.

● (1300)

Mr. Joe Comartin: Mr. Speaker, I rise on a point of order and refer to the page on subamendments that appears in Marleau and Montpetit at page 454. It states that:

> Sub-amendments must be strictly relevant to the amendment and seek to modify the amendment, not the original question; they cannot enlarge on the amendment, introduce new matters foreign to the amendment or differ in substance from the amendment.

Every single one of these amendments clashes with that ruling in Marleau and Montpetit. They either destroy the intent of the amendments that were moved by the parliamentary secretary or change them so dramatically as to have the same effect.

These clearly are not proper subamendments. They should be ruled out of order. We should get on with the debate on the basic issues that are in fact properly before the House.

Again, Mr. Speaker, those words are at page 454 of Marleau and Montpetit. I would recommend that they be taken into consideration in making your determination, Mr. Speaker, as to the admissibility of these subamendments.

[*Translation*]

The Acting Speaker (Mr. Royal Galipeau): As there are no further comments about this point of order, we will continue with questions and comments.

The hon. member for Hochelaga.

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I would like to talk a bit with the hon. member, but I will put on my glasses so that I can really see her. The member for Notre-Dame-de-Grâce—Lachine is quick to plead her case when circumstances warrant.

In the end, any amendments we can introduce will not alter the fact that this is a bad bill. It is a bad bill because it is an ideological construct that is not backed by scientific evidence.

We heard many witnesses in committee, as my colleagues on the committee will attest. I believe that, at the time, the member for Notre-Dame-de-Grâce—Lachine had not yet been appointed as opposition critic and that her predecessor was the member for London West.

Criminologists from the Université de Montréal, Carleton University and the University of Ottawa appeared before the committee and said that there was no scientific evidence, based on existing research, including studies commissioned by Justice Canada, by Julian Roberts, a researcher who was given the task of assessing the impact of Bill C-68. Does my colleague agree that minimum penalties are not a proven deterrent and that no scientific evidence was brought before the committee? Should we not be concerned that public policy is being formulated without scientific evidence to back it up?

● (1305)

Hon. Marlene Jennings: Mr. Speaker, as far as I am concerned, the experts in committee generally said that mandatory minimum sentences did not provide the desired results, except in a few very specific cases, and only when it was a first conviction and a first offence.

In cases where subsequent mandatory minimum sentences apply —during a second or third conviction—the intended purpose is not achieved. The experts generally said that minimum sentences did not work for reducing crime, except when very specific crimes were targeted and if mandatory minimum sentences were imposed only on a first offence. Going any further would limit judicial discretion and prevent judges from taking into consideration the suspect's reality, the victim's reality, the impact the commission of the crime had on the victims and the community where the crime was committed and the circumstances under which the crime was committed. This could be justified for a first conviction because society has decided that a certain type of criminal offence is reprehensible and that a clear message must be sent. We want to ensure that the offender is removed from society for a set amount of time. However, according to some studies, mandatory minimum sentences in cases of recidivism do not make the community more safe; they make it less safe.

The Conservative and New Democratic MPs heard the same testimony that the Bloc and Liberal MPs did in the Standing Committee on Justice and Human Rights. These two political parties, the one forming the government and the other one forming the smallest opposition party, have decided to disregard the expert testimony they heard. They have decided to disregard all the studies, the experience in the United States—

The Acting Speaker (Mr. Royal Galipeau): Order, please. During this five-minute period for questions and comments, only one question has been asked, and one response given.

Resuming debate. The hon. member for Hochelaga.

Mr. Réal Ménard (Hochelaga, BQ): Thank you, Mr. Speaker. I would ask the members to calm down, since things seem to be getting a little out of hand. We must be calm while doing our work.

I am pleased to speak to Bill C-10.

We must remember that, unlike what some government members have been insinuating, violent crime and the number of homicides are on the decline in Canada. Since 1992, crime rates have been decreasing in Canada, and there is every reason to be happy. Is crime going down because our economy is doing well, because, demographically, there are fewer young people? These are explanations that should be considered.

Let us talk about the solutions put forward by the government. It does not tend to take action in terms of prevention, to trust the judges, and to invest in social programs, but rather to resort to incarceration. It is inclined to go for mandatory minimum penalties, in its push for incarceration.

We in the Bloc Québécois are convinced that there are situations that call for incarceration. Moreover, it was the Bloc Québécois that took the initiative in the mid-1990s to propose measures to combat street gangs and criminal biker gangs. The Liberal government at the time said that the conspiracy provisions were enough to dismantle biker gangs. The Bloc Québécois, together with the police association and a number of other stakeholders, called for a new offence and new legislation. In response, the government introduced Bill C-95, which was amended by Bills C-24 and C-36.

Today, the government is addressing a real problem, compounded by the street gang phenomenon: the use of firearms in the commission of crimes. But the government is taking the wrong approach. It is focussing on certain specific offences, which are admittedly serious, disturbing and reprehensible. I am referring to attempted murder, discharging a firearm with intent, sexual assault, aggravated sexual assault, kidnapping, hostage-taking, robbery and extortion. For each of these offences, the government wants to increase three-year minimum sentences to five, five-year minimums to seven and seven-year minimums to as much as 10. The government is completely ignoring the fact that true deterrence means that a judge who is sentencing someone who has committed an offence involving a firearm, which is reprehensible, must assess the overall context in which the offence was committed. Does the individual have a criminal record? Was the offence premeditated? Did the individual act on behalf of a street gang or organized crime? In light of these factors and using judicial discretion, the judge must hand down the most appropriate sentence. In criminal law and especially in sentencing, the punishment must fit the crime. It is not a question of being soft on crime or saying that individuals should not be convicted.

Why are minimum sentences not the answer to the problem we are trying to solve?

● (1310)

First, let us start with the studies that were provided by the Department of Justice.

When former minister Allan Rock—I do not know if I am conjuring up good memories or bad in this House—had Bill C-68 passed to create the firearms registry—a registry the police want to have and which is consulted 11,000 times every day across Canada and that the Conservatives want to abolish—he created mandatory minimum sentences for a certain number of offences, particularly those involving firearms. Minimum sentences of four years were created. The logic behind minimum sentences is that they are deterrents and studies have been done to determine whether their intended purpose is being achieved. Allow me to read what an expert said at the University of Ottawa, which is a good university. Criminal lawyer Julian Roberts, from the University of Ottawa, conducted a study in 1977 for the Department of Justice of Canada, which the parliamentary secretary should have consulted. He found that, "Although mandatory sentences of imprisonment have been introduced in a number of western nations...the studies that have examined the impact of these laws reported variable effects on prison populations"—he was referring to the rate of recidivism—"and no discernible effect on crime rates".

In other words, just because some countries, some legislatures, or some justice systems have mandatory minimum sentences that restrict judicial discretion, that does not mean they have lower crime rates. All the studies show that a true deterrent to crime is the real fear criminals have of being caught red-handed and ultimately being charged. Being caught has more to do with our ability to lay charges, with having police in the field, with the ability of crown prosecutors to review the evidence, and so forth.

Furthermore, several witnesses told us about the perverse effects of mandatory minimum sentences. I would like to quote some of the witnesses. André Normandeau, a criminologist at the Université de Montréal—which is also a good university—said:

> Minimum sentencing encourages defence lawyers to negotiate plea bargains for their clients in exchange for charges that do not require minimum sentencing. Minimum sentencing can also force a judge to acquit an individual rather than be obliged to sentence that individual to a penalty the judge considers excessive under the circumstances, for cases in which an appropriate penalty would be a conditional sentence, community service or a few weeks in jail.

Obviously, minimum sentencing can have extremely perverse consequences. We are not saying that people who commit offences with firearms should be let go. What we are saying is that there are maximum sentences and that judges have the discretion to impose appropriate sentences somewhere between the maximum sentences and acquittal, sentences that take into consideration the circumstances surrounding the offence. That is why the Bloc Québécois, which has an extremely tough attitude toward criminals when severity is required, does not want to have anything to do with the artificial, ineffective logic underlying mandatory minimum sentencing. That is why we do not support either the bill or the amendments.

We have proposed a whole range of solutions to the government, solutions that include maintaining the gun registry, reviewing the parole issue, reviewing the double time issue, and doubling the budget for the national crime prevention strategy. We think that all of these options are far more appropriate than automatic sentencing, which does not stand up to scrutiny and which makes Bill C-10 a very bad bill.

● (1315)

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, I wish to congratulate the member for Hochelaga on his speech. I know that he was present when the evidence was presented to the committee. He knows that there are no other studies or statistics.

On the other side, we have the Conservative members of the committee. There is the member for Wild Rose who was very honest and clearly stated—he is probably the most honest member in this House—that he does not need any studies or statistics to support this bill.

Then we have once again the parliamentary secretary who said in this House that there are studies and statistics in support of Bill C-10.

Do studies or statistics exist, were they submitted at our hearings and do they basically support the bill?

● (1320)

Mr. Réal Ménard: Mr. Speaker, that is an excellent question. I congratulate my colleague who also worked on Bills C-9 and C-10, because there are links to be made between the two.

It is true that the government has not been able to provide convincing and conclusive data. I believe that is what my colleague is getting at with his question. It is the role of parliamentarians to make decisions based on convincing and conclusive data. Naturally, we must be wary when we are told that statistics, witnesses and rigour are not necessary. However, that does not mean that our desire to back up our claims with scientific studies cannot be reconciled with raw instinct and pure common sense.

It is true that our fellow citizens are worried about offences committed with firearms. It is true that at this time there are street gangs in the major urban centres of Montreal, Toronto and Vancouver. But there are ways of effectively dealing with street gangs, firearms, and the flow of firearms. We can never say it enough times. It is quite a contradiction for the government to want to abolish the gun registry that police forces wish to have, on the one hand, and to have mandatory minimum sentences, on the other hand. That is very contradictory, lacks logic, and shows a lack of respect for those who support this gun registry, which, naturally, must be managed effectively.

[*English*]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I sat through the justice and human rights committee hearings both in this Parliament and in the previous Parliament and, in the previous Parliament, the Liberals consistently supported mandatory minimums in numerous areas and passed laws to introduce them. Even though they heard the same evidence, they went ahead and introduced mandatory minimums. In fact, during their 13 years in government they introduced 40 to 45 mandatory minimums into the Criminal Code.

I would just like the member's comments on the position the Liberals are taking now, which is that we cannot have any mandatory minimums or at least that we should have no mandatory minimums of this scale. It is similar with the Bloc members where, in the last Parliament, they voted in favour of mandatory minimums.

I am wondering under what circumstances the member would see it as appropriate for us to have mandatory minimums.

[*Translation*]

Mr. Réal Ménard: Mr. Speaker, I seem to recall that, a few years ago, our neo-Bolshevik colleagues failed to grace this House with their presence to vote when the hon. member for Richelieu introduced a bill to protect workers. Of course, I am referring to the anti-scab measures. I doubt it would occur to my neo-Bolshevik colleague to say that, because of their cowardly refusal to be present in this House to support workers at one time, this invalidates the principle that anti-scab provisions are needed. The issue here is that we voted in favour of mandatory minimum sentences in the matter—

[*English*]

Mr. Pat Martin: Mr. Speaker, I rise on a point of order. In recent weeks, various types of unparliamentary language have been called out of order. One example is that when I used the word "fascist" it was ruled to be out of order and unparliamentary. My colleague is now calling us "Bolsheviks". Both words are types of governments that we frown upon in this Parliament. We do not approve of calling each other names.

If one legitimate form of government that has fallen out favour, i.e. "fascism", is unparliamentary, would it not also be unparliamentary to call someone another form of government that has fallen out of favour, and that is "Bolshevism"?

[*Translation*]

Mr. Réal Ménard: Mr. Speaker, I rise on a point of order.

I urge my hon. colleague to be very vigilant and very careful. It seems to me that, by comparing the word "fascist" to the word "socialist" or the term "neo-Bolshevik", he is taking liberties with history that are not his to take. I also hope he understands that I did not mean to make the slightest allusion to any authoritarian ideology, nor did I intend to insult him.

Thus, he should be very careful and more vigilant.

● (1325)

[*English*]

The Deputy Speaker: I thank the hon. member for Winnipeg Centre and the member for Hochelaga for their interventions. The Chair will take the matter under advisement as to whether calling someone a neo-Bolshevik is unparliamentary. If there is a need on the part of the Chair to get back to the House, then the House will be gotten back to.

The hon. member's time has almost expired.

[*Translation*]

Mr. Réal Ménard: Mr. Speaker, basically, the hon. member for Windsor—Tecumseh always comes back to this.

It is true that my hon. colleague from Charlesbourg lent his support to a vote. It is true that we voted on the principle of mandatory minimum sentences in cases of child pornography.

Every rule can have its exceptions, of course, but generally speaking, and certainly in the matter at hand, we do not believe that the use of a mandatory minimum sentence will serve our purposes here.

[*English*]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, with regard to the use of mandatory minimums, the history in Canada has been, for a long period of time, to look with great concern on the use of that technique in dealing with sentencing individuals who have been convicted of crimes.

It has been generally frowned upon, both by historical legislatures at this level and by our courts. I think back to a period of time, which was a long time ago, going through law school and having the mandatory minimum of seven years for importing drugs into Canada. Shortly after the charter came into effect in 1982, that was struck down by our courts.

In a riding like mine, which has a large number of people moving back and forth between Canada and the United States on a daily basis, one can imagine the number of individuals who were convicted and sentenced to jail for seven years for the simple possession of a small quantity of marijuana.

When the charter came into effect, the courts took the opportunity to strike that down. That is a good example of a mandatory minimum that was grossly inappropriate to the crime and the consequences of the crime.

When we look at mandatory minimums we must ask ourselves when it is appropriate to use them. I will use an example of when it was appropriate in a campaign that worked extremely well, which was with regard to impaired driving as a result of the consumption of alcohol.

What happened, historically, was that large groups of people, MADD in particular, but also our police forces, our judiciary and the legislature, recognized that we had a major problem with impaired driving due to alcohol consumption and that we needed to do something about it, which we did.

We introduced massive education programs to determine the seriousness of the problem and to deter people from using alcohol. We introduced legislation for mandatory minimums, fines, suspension of licences and, in certain cases, jail time. These things had a significant and effective impact. It has tabled off in the last few years but it significantly dropped the rate of impaired driving in this country.

When we hear the Liberals and the Bloc stand and say that it never worked, we need to think of the impaired driving program and that campaign which was effective in driving the rate of that crime down significantly.

What we are faced with today is the use of firearms by a small group of people, which is one of the reasons we were prepared to push the Conservative government strongly to back down from the extreme positions it has taken with some of the provisions of Bill C-10 and brought forth these amendments that are contained in the motions that are currently before us.

Where the principles lie when we use mandatory minimums is to focus on the specific crime and determine whether the use of mandatory minimums will have some impact. We know that it only has an impact if there is an overall campaign, and there is that campaign in this country. We are saying to criminals who are prepared to use guns to commit a crime, serious violent crimes in particular, that we as a legislature will penalize them for the crime. Our police officers are saying that on the street and our judges are saying that in the courtrooms. What we are doing here is being part of that overall campaign to drive the use of guns in violent crimes, in particular, completely out of the country.

We are focused on the specific crimes, which is what the bill does. It looks specifically at serious violent crimes and uses mandatory minimums to say that we condemn the use of guns in those circumstances. We are telling criminals that if they insist on pursuing that type of activity they will face a serious penalty if, at the end of the day, they are convicted of that crime. It fits within the scheme of when we would use it.

● (1330)

I am particularly critical of the Liberals and a little critical of the Bloc in this regard. The use we can make of this has been watered down because the Liberals used it so often when they were in power. In excess of 60 crimes now have mandatory minimums. This will add a number more. Quite frankly, a number of those 60 crimes do not need mandatory minimums, but that was done under the Liberal administration.

When I deal with the Conservatives on these issues, I tell them not to make the same mistakes. If they are going to use mandatory minimums they should use them sparingly, appropriately and in a focused fashion. If they were to do otherwise, they might as well not bother because mandatory minimums would not have any impact whatsoever. A mandatory minimum worked in the impaired driving situation, but had we done that on a whole series of other crimes of that nature, its effectiveness would have been extremely limited and reduced.

I told the Conservative Party, on behalf of the NDP, that as we promised in the last election, and as opposed to what the Liberals did, we kept our promise, that is what we did here, but we were not prepared to go to the extreme to which the Conservatives were prepared to go. That is why we have these amendments. It is quite clear in my mind and from all the opinions that we have heard, if we had included the mandatory minimum of 10 years on the third offence, it would have been struck down under our charter. Our courts have sent us clear messages that they are not prepared to allow mandatory minimums to go that far even on these serious crimes.

I proposed that amendment to the government. It accepted that. It was an acceptance of the reality of our jurisprudence at this period in time.

That is not to say at some point we may not move to a mandatory minimum of greater than the seven years which we have now, but at this point in time, with our jurisprudence in our courts in terms of proportionality of sentencing and under the charter, that is as far as we can go. I believe it is as far as our courts would allow us to go. Quite frankly, I agree with our courts in that regard.

If we pass these amendments, what clearly will go out is the message that we are serious when it comes to the use of guns in serious violent crimes. To some degree, the bill targets the street gangs and organized crime more extensively because most of the guns are smuggled into this country through more traditional organized crime groups and are sold to street gangs. We are telling those groups that we are not tolerating that any more. If they do not stop using guns in crimes, they will go to jail for an extended period of time. There is no discretion. They will go to jail for an extended period of time. That message has to be communicated.

I will finalize my comments with direction to the government. As with the mandatory minimum used in impaired driving, we have to have a very clear and focused educational program directed to those two groups that this is what is going to happen. We have to carry that out.

● (1335)

Mr. Myron Thompson (Wild Rose, CPC): Mr. Speaker, I would like to thank the member for his little talk this morning. I do appreciate that during the campaign what I heard from the NDP members is pretty well what I am hearing in the House of Commons. They did stick with what they said they would do during the election and that is commendable.

The Liberals have turned a complete about face. I heard the same thing on the campaign trail that they heard about what they were going to do with mandatory minimums, particularly on the use of guns. What a change has come about since that time.

I cannot recall what riding in New Brunswick the member of the Liberal Party is from, but he said that I do not really care about numbers and all of that. I do not put a focus on the numbers. I have said many times that when somebody is killed through the use of a gun, or when some child is raped and murdered, that one victim is too many and we must take measures to ensure things like that do not happen again. I heard his talk about focus on certain aspects, but I did not hear a focus on the victims.

In my hometown a bank was held up and there was a devastating effect on the lives of the victims, the tellers, workers and patrons. That was just from that incident when the bank was held up by someone with a gun. There were shootings in a mall on Boxing Day. There were numerous victims. A young girl was killed in warfare between gangs. This has an impact on people who are caught in those situations. I can only imagine how the survivors at Virginia Tech feel—

The Deputy Speaker: I am sorry to interrupt the hon. member for Wild Rose, but he has taken a big piece of the time already.

The hon. member for Windsor—Tecumseh.

Mr. Joe Comartin: Mr. Speaker, the member for Moncton—Riverview—Dieppe raised the issue of numbers. The reality is that the use of handguns and rapid fire guns has increased. As opposed to what most of the Conservatives think, gun crimes overall have not.

Back to the point that I made, there are numbers that justify our focusing on this, and in particular focusing on those groups. Our responsibility as legislators here is to protect our society. That is our absolute number one responsibility. Any crime is one that we have to work and see if there are ways we can stop it or prevent it from ever happening. We should not play with the numbers too seriously. We have to look at programs and campaigns that will reduce the amount of crime in this country, down to zero hopefully some day.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, in today's *Globe and Mail* the Prime Minister is quoted selectively. I would ask the member for Windsor—Tecumseh if he agrees with the Prime Minister's selective use of statistics and whether he was aware as he was attentively listening to Professor Doob and others indicate that overall gun related crime but overall homicide is not increasing?

I would ask him to recall to this House that the chief of police in metropolitan Toronto with the adequate use of resources used existing laws to crack down on a very serious situation. Maybe more to the second point, what does he feel the government is doing to back its rhetoric of laws with resources, 2,500 police officers for instance?

Mr. Joe Comartin: Mr. Speaker, I read the article this morning and unfortunately the reporter made the same mistake that the Prime Minister does all the time of using statistics selectively. I go back to what I just said in response to the member for Wild Rose. The rate of crimes involving the use of guns by organized crime groups, by street gangs, in particular in our inner cities in fact has gone up. That is what we need to be focusing on. That is what this bill does with the amendments that I pushed the government to accept.

With regard to the second point in the question, my friend is very correct. The Conservative Party has so focused itself on penalities and getting people after they have committed crimes, that the Conservatives are not spending enough money, time, or analysis on what is really needed to prevent the crime from occurring in the first place. There are lots of programs that should be in place. I have been critical of the government that the promises the Conservatives made in the election and in last year's budget in terms of some very minor preventive dollars that were available, they did not even spend until near the end of the year because they did not know how to spend them. I do not think they are doing much better this year. They need to spend a lot more in that area.

Of course we have heard from representatives of the police association and how offended they are by the fact that there was this promise of 2,500 police officers on the street. Not one has been put there. There is not one agreement with the provinces to do it and here we are 15 to 16 months into this administration. That was promised both in the election and in the last budget. We still have not seen it. In fact, they are trying to stick the provinces with part of the cost for that and in a number of cases the provinces cannot afford it.

● (1340)

Mr. Rick Dykstra (St. Catharines, CPC): Mr. Speaker, I will make a few brief remarks and I will separate them into three areas. First, I will propose amendments to Bill C-10 that will reflect the government's willingness to accommodate specific concerns, while at the same time keep our election commitment to Canadians and make our streets safer by cracking down on gun crime. Second, I would like to restate the underlying purpose of what Bill C-10 was all about. Finally, for the purpose of informing Canadians, I would like to briefly discuss the events at committee where the majority of the clauses of this bill were deleted.

Let me start by saying that the government has agreed to amend the bill by targeting a core of key offences, those of great concern. Therefore, motions to restore certain clauses of the bill have been proposed. They deal with four serious non-use offences, namely, firearm trafficking; possession for the purposes of trafficking; smuggling; and the illegal possession of restricted or prohibited firearms with ammunition. They also deal with nine offences that involve the actual use of a firearm.

In addition, I would like to take a moment to discuss the amendments moved earlier by the Parliamentary Secretary to the Minister of Justice. Motions were moved to amend clause 1, clause 2 and clauses 17 through 24 of the bill. Except for the amendment to clause 1, all of these amendments seek to remove the third tier minimum penalties.

For clauses 17 to 24, which deal with eight serious offences in which a firearm is used in the commission of an offence, the government is prepared to remove the 10 year minimum penalty that has been proposed, leaving a five year minimum penalty on a first offence, and seven years on a second offence or a subsequent offence.

For clause 2, which deals with section 85 of the Criminal Code, the separate offence of having used a firearm or an imitation firearm in the commission of other indictable offences, the government seeks to remove the five year minimum penalty that is proposed, leaving a one year minimum penalty on a first offence and a three year minimum penalty on a second or subsequent offence.

The amendment to clause 1 relates to other clauses in the bill, namely clauses 2, 7, 10, 11 and 13. It is a consequential amendment that should the clauses I just referred to pass, then clause 1 should be amended as proposed by the motion.

With these additional amendments, I would submit that Bill C-10 would be both appropriately tailored and measured, and therefore should be adopted by this House. I would urge all members to support the bill which will give police and prosecutors what they have said they need to tackle this serious problem.

Moving on to the second issue to which I wanted to speak, Bill C-10 addresses a very important public safety concern, the threat of gun crimes. This bill aims to ensure that the Criminal Code sets out firm penalties for serious or repeat firearm offences.

It is important to note that Bill C-10 targets gangs and it targets the criminal enterprises that threaten our neighbourhoods and our communities through intimidation and violence.

The factors that trigger the toughest sentences in Bill C-10 are limited to those who are linked to criminal organizations, or the use of restricted or prohibited firearms which are the signature tools of gangs and organized crime. This bill seeks to establish escalating mandatory minimum sentences of five years for the first offence and seven years for the second offence and offences thereafter.

I would like to read the list of offences into the record so that this House can truly understand the intent of this legislation: attempted murder, discharging a firearm with intent, sexual assault with a weapon, aggravated sexual assault, kidnapping, hostage taking, robbery and extortion. These are very serious crimes. During the last election our party committed to raise the mandatory minimum sentences for violent gun crimes and so did the Liberal Party and the NDP.

● (1345)

The Liberals promised to toughen sentences for firearm offences. Let me read a few lines from an election platform. This platform said that they would reintroduce legislation to crack down on violent crimes and gang violence and double the mandatory minimum sentences for serious gun related crimes. I probably do not have to tell the House that the platform was a Liberal platform.

I am pleased the hon. member for Windsor—Tecumseh and his party are in part honouring their election commitment and have worked cooperatively with the government to amend Bill C-10 in a manner that is not what we originally wanted, but it is effective and it does reflect in a positive way our campaign commitments.

The protection of our citizens from preventable harm is a responsibility of the government and it supercedes all politics.

Bill C-10 is being reported back to the House from the Standing Committee on Justice and Human Rights although it looks nothing like the original bill, which was approved by the majority of the House prior to being sent to committee for consideration. It is very important that I take a moment to discuss what happened to Bill C-10 in committee.

As I mentioned a moment ago, Bill C-10 seeks to increase the minimum penalty for gun crimes. However, the bill, as amended by committee, is left with no increase or new minimum penalties whatsoever.

At committee the Bloc members ideologically stated from the outset that they were opposed to the concept of mandatory minimum sentences. If we act ideologically, it makes it very difficult when action requires pragmatism, not ideology.

The position of the Liberal members on the other hand was much harder to comprehend. Even though they promised in the last election to double mandatory minimum penalties for serious gun crimes, it did not happen at committee. The Liberal members stated their opposition to mandatory minimum sentences, decrying the lack of statistical evidence to prove their effectiveness in reducing crime.

They then proceeded to introduce amendments that sought to increase the mandatory minimum sentences on a number of non-use or possession offences, while opposing their campaign promise to increase the mandatory minimum sentences on the violent crimes, which I listed previously. This action clearly illustrates that the opposition and its priority on criminal justice matters support only initiatives from which one can gain political mileage. Once again Liberal politics trumped public interest.

The committee heard from numerous witnesses who had divergent opinions. Many questioned the effectiveness of minimum penalties. The government believes it is a matter of perspective. Bill C-10 does not seek to address the overall criminal justice system. Nor does it seek to address the societal factors that contribute to crime. Bill C-10 is a pragmatic response to the specific problem of gun crimes perpetrated by gangs and organized crime. It is fair, it is focused and it is firm in its resolve to make our streets safer.

This type of focus was woefully lacking from the Leader of the Opposition's press conference where he announced his sudden conversion to law and order by stating his steadfast opposition to stiffer sentences for violent criminals. It is unfortunate that the Leader of the Opposition did not heed the advice from an attorney general in the country whose commentary on federal Liberal justice policies were recently quoted in the *Globe and Mail*. I just happen to have a few excerpts with me. He said:

> —the Liberals have very little substance to offer by way of alternative, and certainly nothing new or effective....The typical federal Liberal approach to crime, in a word, is a boomer approach that is stuck in the summer of love....focus on prevention alone does nothing for those families in crime-ridden high rises where illegal guns police the hallways...

He went on to say:

> We need to take a close look at strong statutory measures, including reverse-onus clauses and mandatory minimums.

Michael Bryant, the Liberal attorney general in the province of Ontario said that.

The government has acknowledged that tougher laws, such as those proposed in Bill C-10, are only part of the solution to this complex problem, but it is consistent with the Criminal Code and sentencing principles as a whole, and is not merely focused on the goal of general deterrence.

In light of this, the government demonstrated its willingness to examine how Bill C-10 could be amended in a manner that would be accepted by the majority of parliamentarians but, more important, to a majority of Canadians.

● (1350)

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, the hon. member made some good points. One of them was that many of the witnesses questioned the effectiveness of mandatory minimums. Why does he not take his other point, that a party should not be dogmatic on ideology and hold to its position after hearing scientific evidence to the contrary, which is exactly what his party has done in this bill.

Because the member is new to committee, I want to update the House on what actually happened in committee. The points he mentioned were good, but over and above that the Liberal Party proposed, when all the mandatory minimums had been eliminated by the committee, that more mandatory minimums be put in very similar to our previous bill and the Conservatives rejected those.

If they are really serious in wanting mandatory minimums, they could have had some, but they voted them down. They would not accept the mandatory minimums in committee. That is what happened. It is perplexing if the party is really interested in mandatory minimums.

Why does the member not follow his own advice, forget ideology and listen to the witnesses who he so correctly quoted in his speech?

Mr. Rick Dykstra: Mr. Speaker, from the outset, if we make a commitment in a platform and we go across the country committing to Canadians that we will do something, that is not ideology. That is being honest and fair and doing what is right.

At committee, witnesses delivered messages from one side and from the other side. I acknowledge that, yes, I am new to the justice committee, but I am not new to what has happened in the country with respect to the lack of justice.

The important part to keep in mind is that we heard from both sides, but what we all agree on, certainly the NDP and the Conservative government agree on, is we need to take a strong stand on issues of gun violence.

You may say that you want to do it, but you have not taken any step—

The Deputy Speaker: Order, please. The hon. member is lapsing into the second person, referring to the hon. member as "you". I let him get away with it once and he did it again.

The hon. member for Yukon.

Hon. Larry Bagnell: Mr. Speaker, to go back to the case of the evidence. Maybe the member, if he thinks there is evidence supporting mandatory minimums, could provide it to the House. The Parliamentary Secretary to the Minister of Justice was asked that this morning by the member for Hochelaga and he could not provide any evidence or point to any information from the Department of Justice that supported mandatory minimums.

Mr. Rick Dykstra: Mr. Speaker, we cannot take an approach to justice that is a revolving door. If we do that, then we will treat our justice system like the polls, which go forward and backward in the country.

What somebody believes or thinks one day and what somebody does not think another day, proven by statistics, if that is how we will be running government, then we are in a whole bigger problem than what the member likes to think or wants to suggest. We need to solve problems and we do that through legislation.

The legislation is good and it is sound. It is supported by a majority of members in the House, and most important, it is supported by Canadians.

I understand the hon. member's passion and commitment. However, at the same time, we cannot say on the one hand that we are for something, an election commitment, and then after try to use statistics on this issue to argue why we are against it.

If the member thinks about this a bit, he will understand that the right thing to do is stand up in the House and support Bill C-10.

● (1355)

The Deputy Speaker: Before we resume debate, the Chair is ready to rule on the admissibility of the amendments by the official opposition to Bill C-10.

The Chair has carefully examined the amendments proposed by the hon. member for Notre-Dame-de-Grâce—Lachine to report stage Motions Nos. 5 to 16 of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms). The Chair has also reviewed the arguments presented by the hon. members for Notre-Dame-de-Grâce—Lachine and for Windsor—Tecumseh.

The Chair would articulate the principle of the bill as imposing mandatory increasing minimum penalties for repeat offences. The amendments are at odds with this, as they basically propose minimum sentences, thus contradicting the principle of the bill, which is to deal with repeat offences. Therefore, I regret to inform the member that all these amendments are inadmissible, as they are contrary to the principle of the bill.

In addition, the Chair notes that a series of amendments to Motions Nos. 9 to 16 are also inadmissible for a second reason, as they do not relate to the amendments proposed by the hon. member for Fundy Royal. In other words, they could only be proposed as subamendments to the amendments of the member for Fundy Royal and not as amendments to the motions.

I thank all hon. members for their contributions.

Resuming debate, to the hon. member for Scarborough—Rouge River.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I realize I will be cut off here by other proceedings, but I might as well begin some debate.

I have tried to follow the debate as best I can and I am disappointed that there has been some fairly wilful attempt to misconstrue, or perhaps even mislead, in relation to previous electoral commitments.

It is a fact that in the last Parliament a bill was introduced by the government that would have doubled the mandatory minimums for firearms crimes from the then existing one year minimum to two years. In fact, the election commitment and debate, as I recall it, referred to that explicitly, the doubling of those mandatory one year minimums to a two year mandatory minimum.

Some members have tried to suggest that this election commitment involved much more than that. The election commitment did not, and any attempt to suggest that is misleading of what the facts were.

Members are entitled to their own views. They may wish to misconstrue, and I suppose they are entitled to do that. However, as a long-time Liberal sitting in the House, a member who was active in this envelope prior to the election, I want to state that the commitment to double the mandatory minimums was related to precisely that, to doubling the one year minimum to a two year minimum, and not anything more than that.

The Deputy Speaker: The hon. member has eight minutes remaining in his time, which he can pursue when we resume debate on this later in the day.

We will now proceed to statements by members.

STATEMENTS BY MEMBERS

● (1400)

[*English*]

LAKE SIMCOE

Mr. Bruce Stanton (Simcoe North, CPC): Mr. Speaker, citizens and environmental advocacy groups are hailing our government's commitment to provide $12 million over the next two years to clean up Lake Simcoe in central Ontario. This fragile ecosystem and watershed has been in a perilous state for over the last decade. It requires decisive and immediate attention and our government is acting to get the job done where the previous government did not.

The Lake Simcoe Region Conservation Authority said, “We congratulate the hon. members of YorkYork—Simcoe and Simcoe North and the Conservative members of Parliament for their vision and leadership, and for bringing federal attention to an ecosystem so in need of financial support”. One of the many e-mails I received from the Ladies of the Lake reads, “We're very grateful for your attention and support of helping Lake Simcoe and its watershed remain a vital and precious resource”.

When it comes to the environment, we are past the time for talking. We are taking action. We are cleaning up Lake Simcoe.

UKRAINIAN CANADIANS

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): Mr. Speaker, Ukrainian Canadian settlers transformed the bush of the North-West Territories into the golden wheat fields of Manitoba, Saskatchewan and Alberta. They are one of Canada's founding peoples, yet during World War I over 5,000 were interned in concentration camps, 80,000 declared enemy aliens and over 100,000 disenfranchised by the Conservative government of Prime Minister Borden.

On August 24, 2005 the Liberal government signed a historic agreement for $12.5 million with the Ukrainian Canadian community for the acknowledgement, commemoration and education of this dark episode in our common history.The ACE program was to be administered by the Shevchenko Foundation. The Conservative government not only cancelled this agreement, incredibly it claims it did not exist.

The Conservative government likes to reannounce Liberal programs under new names. Will the government finally reannounce this program while 98-year-old Mary Haskett, the sole survivor of the internment, is still with us?

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[*Translation*]

2007 EUROPE THEATRE PRIZE

Mr. Maka Kotto (Saint-Lambert, BQ): Mr. Speaker, like Harold Pinter, Michel Piccoli, Giorgio Strehler and other renowned creative talents before him, the man whose name is synonymous with Quebec theatre, Robert Lepage, has received the 2007 Europe Theatre Prize. This prestigious prize, awarded yesterday in Greece, recognizes work in theatre.

This artist was born in Quebec City and has become world renowned through his films and shows, of which there are far too many to mention. With his incredible talent he has worked and toured here and throughout the world: Europe, Great Britain, United States and Japan. In 1993, he founded a multidisciplinary production company called Ex Machina. He is the recipient of a number of awards here and abroad.

The Bloc Québécois is thrilled with his most recent awards and can say about Robert Lepage what France said about Molière, “Nothing is wanting to his glory; but he is wanting to ours”.

* * *

[*English*]

DARFUR

Mr. Paul Dewar (Ottawa Centre, NDP): Mr. Speaker, yesterday marked the Global Day for Darfur. Here in Canada and all across the world, citizens joined together to show solidarity with the civilians of Darfur and to call on the international community to take the urgent action needed to halt the worst humanitarian crisis in the world today.

The recent agreement between the United Nations, the African Union and the Government of Sudan for the deployment of international troops has presented a window of hope for Darfur that, as Canadian parliamentarians, we must not ignore. We must seize this opportunity to protect the millions of war affected civilians in Darfur and show the leadership that everyday Canadians expect of their government.

Canada can demonstrate our commitment to the people of Darfur and take action now by contributing to the UN mission and by exploring economic sanctions and policies such as divestment.

This week, humanitarian organizations such as Save Darfur Canada—

The Deputy Speaker: The hon. member for Ancaster—Dundas—Flamborough—Westdale.

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ASTHMA

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Mr. Speaker, tomorrow, May 1, is World Asthma Day. In Canada this day reminds us of three million Canadians who suffer with asthma.

One in five children make up that number, causing an estimated 10 million missed school days every year. That is a significant impact on our nation's ability to educate tomorrow's leaders.

As we know, those who suffer from asthma have their condition exacerbated from rising levels of air pollution and smog. It is this government that is taking action not only to reduce greenhouse gases but also to cut levels of air pollution in half by 2015.

As part of World Asthma Day, the doors will be open at the Lung Association office in my home community of Hamilton tomorrow. Sandy Lee, the volunteer coordinator, will be there to welcome all, raise awareness and get the word out on how Canadians can make a positive difference in the lives of asthma sufferers. In fact, Lung Association offices all across Canada will be doing the same.

I call upon all Canadians who want to help make the lives of the three million Canadians and 600,000 children who suffer from asthma a bit easier to stop by their local Lung Association office tomorrow to learn more and to make a generous contribution to asthma research.

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● (1405)

SOFTWOOD LUMBER

Hon. Navdeep Bains (Mississauga—Brampton South, Lib.): Mr. Speaker, on April 19 the United States and Canada met for formal consultations on the softwood lumber agreement to try to resolve their differences. Seven months into the agreement, the U.S. is questioning whether certain Canadian federal and provincial assistance programs violate the agreement. It has been reported that little was accomplished at the meeting and that it remains likely that the U.S. will request arbitration.

The Conservative government rammed the softwood lumber agreement down the throats of the industry and through the House of Commons. It did so by selling out the softwood lumber industry. It negotiated away our dispute settlement mechanisms. It threw away past NAFTA and WTO rulings that were in Canada's favour. It even left $1 billion in illegally collected tariffs on the U.S. table to use against us in consultations, litigation and arbitrations.

The minister stated on June 12, 2006, "What the agreement does is constrain the U.S. protectionists' ability to attack our industry". A billion dollars was lost and now we are headed for potential arbitration. When will—

The Speaker: The hon. member for Edmonton-Leduc.

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DARFUR

Mr. James Rajotte (Edmonton—Leduc, CPC): Mr. Speaker, Canada continues to be very concerned about the human rights, humanitarian and security situation in Darfur.

Canada reiterates its urgent appeal to all parties to the conflict to immediately cease attacks against the civilian populations and to ensure safe and unhindered access by humanitarian agencies to affected populations.

We continue to play a leading role in efforts to end the suffering of the people of Darfur.

Through CIDA, Canada provides critical humanitarian assistance to affected populations in Darfur through various partners. We are also a principal supporter of the African Union's peacekeeping mission.

Canada is part of a concerted international diplomatic effort led by the UN and the AU to end the suffering of the people of Darfur.

We recently participated in a meeting in Tripoli where a consensus was reached to coordinate all regional initiatives under an AU-UN lead.

Canada will continue to seek to ensure that the AU-UN hybrid force is implemented in Sudan as quickly as possible to address the humanitarian and security situation in Darfur.

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[*Translation*]

WORKPLACE HEALTH AND SAFETY

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, Saturday, April 28, was a national day of mourning for workers who are injured or die at work, or who are affected by an occupational illness—one day only to remind us that we must increase our efforts regarding workplace safety.

Despite actions taken so far, too many accidents and deaths still occur every year. In 2005, some 223 deaths and over 121,000 workplace accidents were reported to the workers' compensation board in Quebec alone.

Prevention is still the best tool to eliminate these statistics—statistics that should remind us of the human drama and family tragedies they reflect. Much work remains to be done to improve the conditions and design of workplaces in order for workers to be less exposed to danger.

Let us take this opportunity to think of better ways to achieve this and to take action.

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[*English*]

PUBLIC SAFETY

Mr. Rob Moore (Fundy Royal, CPC): Mr. Speaker, Canada's Conservative government is committed to making our communities a safer place to live. We are delivering on this promise by bringing forward bills that strengthen our laws and crack down on crime.

We have presented Bill C-10 to impose tough minimum penalties for offences involving firearms, Bill C-22 to raise the age of protection and ensure the safety of young Canadians, Bill C-9 to restrict conditional sentences and guarantee that serious offenders are not eligible for house arrest, and Bill C-27 to crack down on the most dangerous offenders in Canada.

However, we have not had the support of the official opposition party that does not seem to think that public safety is an important issue. The Liberals have even gutted some of our bills at the committee stage and prevented Canadians from benefiting from their protection.

When will the official opposition finally make the safety of Canadians a priority and stop blocking this government's justice legislation?

* * *

SYDNEY HARBOUR

Hon. Mark Eyking (Sydney—Victoria, Lib.): Mr. Speaker, I would like to recognize today the many friends of Sydney harbour.

My constituents of Sydney—Victoria have worked endlessly on cleaning up the harbour and making it a major tourist attraction, from installing a state of the art sewage treatment plant to the makeover of Wentworth Park and the waterfront boardwalks, and the biggest challenge of all, the Sydney tar ponds cleanup.

The Sydney Port Authority has also invested millions of dollars in the Joan Harris Cruise Pavilion, the Steve Kavanaugh Stage, and the giant fiddle, the largest in the world, which greets approximately 70,000 cruise ship visitors to the beautiful island of Cape Breton every year.

Despite all these positive results, Sydney harbour has an eyesore that has potential danger. At the end of the harbour is a rusted out derelict vessel named the *Cape Ann III*.

I would encourage the Minister of Transport to become a friend of Sydney harbour and order the removal of this vessel immediately.

● (1410)

[*Translation*]

BILL C-27

Mr. Luc Harvey (Louis-Hébert, CPC): Mr. Speaker, on April 23, Clermont Bégin, a 40-year-old sex offender sentenced to 11 years in prison, was released after serving his full sentence. The public has expressed concern and confusion about Clermont Bégin's return to the community.

The new government has introduced Bill C-27 to ensure that dangerous offenders with a high risk to reoffend receive harsher penalties and more supervision following their release.

Why do the Liberals and the Bloc not support this bill, which would protect Canadians from such dangerous offenders?

When will the Liberals and the Bloc stand up for victims instead of criminals?

* * *

[*English*]

PUBLIC SAFETY

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, this weekend Winnipeg mourned the death of Erin Pawlowski, a 35-year-old man viciously beaten on his way home from work who later died from his injuries, a man known as a north end angel.

In coming face to face with his family, I shared the community's outrage at his senseless death and renewed our pledge to do whatever we can to prevent others having to face similar tragedies.

That is why my NDP colleagues and I have been actively working in Parliament supporting and improving measures to strengthen our crime fighting ability on such matters as conditional sentences, mandatory minimums, DNA identification, street racing, money laundering, impaired driving, and reverse onus for bail in weapons offences.

That is why the NDP has been fighting for a balanced approach and demanding action on prevention, policing and punishment, recognizing that in fact Conservative cuts to prevention programs are absolutely counterproductive to building safe and secure neighbourhoods.

That is why we in the NDP will hold the Conservatives to account for their promise to add 2,500 new front line police officers across this country without offloading this responsibility onto the provinces.

The NDP will continue to fight in Parliament and in our ridings for solutions to make ordinary Canadians feel safe in their homes and in their communities.

* * *

[*Translation*]

DARFUR

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Mr. Speaker, yesterday was the fourth anniversary of the beginning of the conflict in Darfur.

In the past four years 200,000 people have been killed and at least two million more have been displaced. Currently, approximately four million people are receiving humanitarian aid.

The situation is so bad that the United Nations has called it the world's greatest humanitarian emergency. Weak, uncoordinated efforts by the international community over the past four years have done nothing to alleviate the suffering. That is why, today, members and senators from all parties join me in urging the government to take different measures and mobilize the international community to resolve this ongoing humanitarian crisis.

I would also like to remind my hon. colleagues that, as Edmund Burke said, "It is necessary only for the good man to do nothing for evil to triumph".

* * *

TAXATION

Ms. Monique Guay (Rivière-du-Nord, BQ): Mr. Speaker, recently in this House, my efforts and those of the Bloc Québécois to have the fiscal imbalance recognized have been called into question. I would like to start by emphasizing that without our efforts, the existence of the fiscal imbalance would never have been recognized.

Defending the interests and sovereignty of Quebec is and will remain our primary objective. Ever since the release of the Séguin report, which confirmed what the Bloc Québécois brought to light through hard work, discipline and research, that there is a fiscal imbalance, we have, as members from Quebec, questioned the successive governments and forced the current government to recognize the existence of the fiscal imbalance.

In conclusion, if we were not right about the fiscal imbalance, why would this government claim to be so proud that it had partly corrected it? I hope that our efforts and those of my colleagues, who want first and foremost to defend the interests of Quebec, will get the respect they deserve in this House.

* * *

[*English*]

PRIME MINISTER'S HOROSCOPE

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, I rise to offer advice to the minority Conservative government. We can do that by checking the Prime Minister's horoscope.

Today is the Prime Minister's birthday and caféastrology.com tells us, "restlessness, rebellion, and impatience figure prominently". It is a clear reference to the Conservative Atlantic caucus.

It says his "energy tends to be erratic and temperamental" and he can "act on sudden impulses without considering consequences". That is an allusion, no doubt, to the government's confusing storyline regarding Afghan detainees.

The horoscope says, "confrontations engaged in this year could clear the air and help you move forward". Are the stars speaking of the clean air act? Is there hope for a real environmental plan to emerge from the Conservative chaos on this file?

The future seems uncertain, except for one last prediction. It reads, "Arguments and confrontations are likely. Anger can erupt seemingly from nowhere". Can question period be far off?

Finally, sincerely to the Prime Minister, happy birthday.

* * *

● (1415)

LIBERAL PARTY CANDIDATE

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, the Liberal Party continues to attract extremists and conspiracy theorists.

Farhan Mujahid Chak is the new Liberal candidate in Edmonton —Mill Woods—Beaumont. Last week the *National Post* published his outlandish views. Among other things, Mr. Chak has blamed terrorist attacks in France on the French government rather than on the actual terrorists. He has publicly accused Israel of rape, murder and torture. There is more. He has even called India's democracy a "fraud".

Liberals have known about these outrageous opinions for years, yet did absolutely nothing about them. Why? Is it because Mr. Chak organized for the Liberal leader during his leadership campaign? Even after learning that Chak had been charged with firearms offences, the Liberals did nothing.

Elizabeth May fired a Green candidate when she learned of his disgusting views. Mr. Chak's opinions are equally as disgusting. Why then will the Liberal leader not do the right thing and give Farhan Chak his walking papers?

ORAL QUESTIONS

[*English*]

AFGHANISTAN

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, last week we had story after story after story regarding Afghan detainees.

This weekend we had the latest story, with the government House leader saying that he has "yet to see one specific allegation of torture".

Allegations, Mr. Speaker, they are everywhere, and nobody except the government House leader denies the existence of these allegations.

Will the Prime Minister finally give us a straight story? Is he going to ensure that the rights of the detainees transferred to Afghan authorities are respected?

Right Hon. Stephen Harper (Prime Minister, CPC): Once again, Mr. Speaker, the government has arrangements both with the government of Afghanistan and with the Afghanistan Independent Human Rights Commission.

The knowledge we have to this point indicates that those agreements are operating as they should, and that there have been some general allegations, as the Leader of the Opposition knows. The government of Afghanistan has committed to investigate those, and of course the Government of Canada will assist in any way that we can.

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, at least the government is not denying that there are allegations. That is one point.

[*Translation*]

The secretary general of NATO said he supports the idea of an investigation into the allegations of torture.

Will the Prime Minister insist that Canada and NATO take part in such an investigation, not just the Afghan government?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, once again, there is no evidence to support these allegations. As I have said many times, the government takes these allegations very seriously. At the same time, we have arrangements with the government of Afghanistan and the Afghanistan Independent Human Rights Commission. So far, these arrangements have been operating as they should. The government of Afghanistan has promised to launch an investigation and the Canadian government will help out wherever possible.

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, I hope it will do more than just help out. I hope it will participate fully and convince NATO to take part, as well.

[*English*]

Last week, the Ministers of National Defence, Foreign Affairs and Public Safety spoke in the House. They gave a different story each time, only to be contradicted by their officials, by foreign agencies, by the media, by each other, and even by the Prime Minister. It is clear that the government has lost control of the situation.

It is obvious that everybody has lost confidence in the Minister of National Defence, who is responsible for this mess in the first place. Does the Prime Minister still have confidence in his Minister of National Defence?

● (1420)

Right Hon. Stephen Harper (Prime Minister, CPC): Once again, Mr. Speaker, I think I have been clear with regard to these questions. The government of Afghanistan will look into those matters and will have our full cooperation.

When we talk about changing stories, I would like to know whether the Leader of the Opposition still holds by his position that the way to solve this is to bring Taliban prisoners to Canada.

Once again, we are in Afghanistan to keep the Taliban out of Canada.

Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Mr. Speaker, the government this past week has shown a flagrant disregard for the truth on the detainee issue.

On the question of who is responsible for monitoring detainees: confusion. On the question of whether Canada is funding the human rights commission: disinformation. On whether the commission did have access to the prisons: false claims. On whether a report from our embassy in Afghanistan existed: a cover-up. On whether Correctional Service Canada has actually been monitoring detainees: pure make-believe.

When will the Prime Minister end this mismanagement and dishonesty and get some control over this mission?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I think I have already answered that question.

I do not know what the position of the Liberal Party is here. The Liberals have changed their position several times. They said the agreements that we had in 2005 were adequate. Obviously they have not been adequate, because this government has improved those agreements.

We will continue to move forward. The bottom line is that unlike the members opposite we do not automatically assume that any allegations made by the Taliban against Canadian Forces are the unvarnished truth.

[*Translation*]

Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Mr. Speaker, given his reply to the previous question, it is obvious that the Prime Minister agrees with the official opposition that the Minister of National Defence is no longer capable of carrying out his duties. NATO is going to undertake a new offensive, insurgents are attacking our soldiers and the Prime Minister is looking for the right opportunity to get rid of his minister.

Why is the Prime Minister not putting our soldiers ahead of his own interests? Will he immediately fire his incompetent minister?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I do not agree with the official opposition that the solution is to bring Taliban prisoners to Canada. We are in Afghanistan to prevent the Taliban from having a presence in Canada.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, a few days ago, we learned that the Liberal government knew as early as 2002 that torture was common in Afghan prisons. The prime minister at the time decided nevertheless to enter into an agreement to deliver all prisoners captured by Canadian soldiers to the Afghan authorities. If the Liberals had known since 2002 that the Afghan authorities were torturing prisoners, then the Prime Minister must have been informed when he was elected 15 months ago.

How could he let his Minister of National Defence mislead the House by saying that he was not aware that prisoners were being mistreated?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, as I just said, we have arrangements with the government of Afghanistan and the Afghanistan Independent Human Rights Commission. Vague allegations have been made in Afghanistan for a long time. We need specific proof. The commissioner of the Afghanistan Independent Human Rights Commission says that he has heard only rumours and that he does not report rumours to the Canadian authorities.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, there are serious allegations and therefore risks. We are told that there is no proof. Of course not; there is no investigation. The Afghans are going to be allowed to conduct their own investigation into allegations that they use torture. Reports are written by senior officials. As far as I know, there are no Taliban among the senior officials. Neither the previous government nor this one reads the reports. In my opinion, they prefer not to read them so that they can say they know nothing.

Will all these ludicrous stories stop? Should the government not decide to stop turning prisoners over to the Afghan authorities?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the leader of the Bloc is talking about general evaluations prepared by officials with the Department of Foreign Affairs. This is not the same thing as specific cases. There are no specific cases. The Afghanistan Independent Human Rights Commission has informed us that there have not been any specific cases since our new arrangement was put in place. At the same time, the government of Afghanistan has committed to conducting an investigation, and the Government of Canada will assist with that investigation.

● (1425)

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Mr. Speaker, last Monday, the Prime Minister began the week by saying that he was aware of what he calls allegations of torture, but he referred to the February agreement, which did not allow access to detainees. On Wednesday, the Minister of National Defence announced a new agreement with access rights. On Thursday, the Prime Minister prevented him from speaking and said that no such agreement existed. He and his ministers contradicted themselves all week. There is no agreement to ensure compliance with the Geneva convention with respect to the treatment of Afghan detainees.

Will the Prime Minister put an end to this disinformation campaign and assume his responsibilities for ensuring compliance with the Geneva convention?

[*English*]

Hon. Helena Guergis (Secretary of State (Foreign Affairs and International Trade) (Sport), CPC): Mr. Speaker, our members of the military on the ground take their job very seriously. They will continue to do the good work they are doing and that includes conforming with international law. We believe that things are working very well on the ground.

[*Translation*]

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Mr. Speaker, we must be very careful. The things being said in this House are serious and frustrating. Once again, there are many contradictions and the government is trying to hide the truth. We feel this very deeply. Canada is a signatory to the Geneva convention, yet it is not respecting its obligations under that convention, and as a result, its soldiers are in danger. That is the truth, not a rumour.

Will the Prime Minister negotiate an agreement that protects detainees? Will he put a stop to transfers until such an agreement is negotiated, thereby respecting the Geneva convention?

[*English*]

Hon. Helena Guergis (Secretary of State (Foreign Affairs and International Trade) (Sport), CPC): Mr. Speaker, it is interesting. I note that the hon. member has herself decided to take the word of Taliban detainees as the gospel truth.

Our members of the military on the ground are doing an exceptional job. They take their work very seriously. They are conforming with international law.

[*Translation*]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, media reports say that the Government of Canada has known for quite some time that detainees transferred to the Afghan authorities face torture. These are not new reports. The Liberal government was informed of this when the members for Toronto Centre and Markham—Unionville were in charge of the situation.

Why do the minister and the Prime Minister not launch an investigation to find out what is really going on? More importantly, why does the Prime Minister not demand that his minister put an end to prisoner transfers or else resign?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, our information indicates that so far our arrangements with the government of Afghanistan and the Afghanistan Independent Human Rights Commission have been operating as they should.

The government of Afghanistan has made a public commitment to conduct an investigation, and the Government of Canada is prepared to help it in any way possible.

[*English*]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, incredibly, it seems as though the Prime Minister remains in full denial on the situation of detainees in Kandahar. I will ask him about some other detainees.

Since 2003, Canada has been sending warships to the Arabian Sea to participate in the American-led Operation Enduring Freedom. We learn now, due to documents that we have obtained, that the government signed, on October 12, an agreement regarding the transfer of prisoners taken during these operations. We tried to find out what the terms of the agreement are but the Department of National Defence has blackened out all the terms.

Where are the detainees going, Guantanamo?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I am not sure I have anything to add to this subject at the moment, but I would hardly want today to pass without a rare chance for me to quote Buzz Hargrove on the good work that the Minister of the Environment is doing.

Buzz Hargrove said:

> I believe [the minister] tried incredibly hard to find balance between the economy, the concern working people have for their jobs and the environmental concerns that concern every Canadian. I think he took a major step forward today that will deal with some of the environmental concerns that will not throw tens of thousands of Canadians out of work.

● (1430)

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, in another damaging revelation, we learned today that the government was warned last year about the treatment of detainees handed over to Afghan prisons.

Human Rights Watch wrote to NATO, copying our foreign affairs minister, on November 28, 2006, saying:

> We have received credible reports about mistreatment of detainees...in some cases the treatment amounted to torture.

Why did the Conservatives hide this memo for almost five months?

Hon. Helena Guergis (Secretary of State (Foreign Affairs and International Trade) (Sport), CPC): Mr. Speaker, the real question is why the previous Liberal government, since 2002, chose to ignore reports on Afghanistan. I remind the hon. member that he was a cabinet minister. There were five Afghanistan reports, four of them received by the previous Liberal government, and the Liberals chose to do nothing until the month before Canadians fired them.

We implemented the policy they put in place. We have enhanced the policy. We will continue to do so.

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, the government was warned and did absolutely nothing. The government has an obligation to thoroughly investigate all allegations of torture and it did not.

Human Rights Watch told the foreign affairs minister to work with NATO to develop a common policy for better monitoring to "investigate allegations of prisoner abuse" and "to publicize the names of detainees".

Why did the Conservatives cover up what Human Rights Watch was telling them for five months?

Hon. Helena Guergis (Secretary of State (Foreign Affairs and International Trade) (Sport), CPC): Mr. Speaker, let us be clear. The NATO commander has said that he sees no evidence to back up any of the allegations. There have been general allegations for years, of which the previous Liberal government is aware, and it has taken the Conservative government to not only implement the policy but work to enhance it.

We have a relationship and an agreement with the Afghanistan government and with the Human Rights Commission and we will continue to work very closely with them.

[*Translation*]

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, we are stunned by revelations that the Conservatives knew five months ago about torture in Afghanistan.

The Minister of Public Safety boasted that there was no need to worry about the 40 detainees in the custody of the NDS, the Afghan secret police. Last November, Human Rights Watch said that the NDS was an irresponsible, abusive institution whose detention centres did not meet international standards. Why did the Minister of Public Safety boast on Friday about turning Canadian prisoners over to the NDS?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, I have indicated that our Correctional Service officers have received an open invitation to visit the site my colleague mentioned. The officers can go and work with the alleged terrorists, and they can also make recommendations.

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, this is pathetic. The government knows that over half the NDS personnel are former KHAD fighters from the Soviet era, notorious killers and torturers who were trained by the KGB.

Human Rights Watch has called on the government to work with NATO to develop a common policy and get involved in all stages of the detention process.

Why has this Conservative government covered this up and ignored the recommendations of Human Rights Watch?

[*English*]

Hon. Helena Guergis (Secretary of State (Foreign Affairs and International Trade) (Sport), CPC): Mr. Speaker, again we have general allegations. We have yet to receive any specific allegations.

We have arrangements with the government of Afghanistan and with the Afghanistan Independent Human Rights Commission. We believe that these arrangements are working well.

If the government of Afghanistan requests our assistance, we will be pleased to give it to them.

* * *

[*Translation*]

THE ENVIRONMENT

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, the Minister of the Environment's plan is being criticized by everyone here, by the UN climate change representative, Yvo de Boer, and by the former U.S. vice-president, Al Gore, who described the plan as a complete and total fraud designed to mislead the Canadian people.

Does the minister realize that he is fooling no one and that with this plan Canada is far from moving forward, but is going backward; that it will never achieve the Kyoto protocol targets; and that, worse yet, greenhouse gas emissions will continue to increase?

● (1435)

Hon. Maxime Bernier (Minister of Industry, CPC): Mr. Speaker, nothing could be further from the truth. Under the leadership of the Minister of the Environment, greenhouse gas emissions are going to decrease for the first time in the history of this country.

I am proud of the Minister of the Environment and I am proud of what we are doing. Despite being in the opposition for 13 years, the Bloc Québécois did not manage to get the Liberals to come up with a credible plan of action for combating greenhouse gases.

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, Al Gore said he was surprised to see that the Minister of the Environment's plan was based on intensity targets, which, by reducing pollution only by unit of production, allow overall greenhouse gases to increase with constant increased production, especially in the oil sands.

Will the minister finally understand that without absolute targets, he is siding with the large emitters, especially with the big oil companies, and pollution, to the detriment of the environment and the manufacturing industry in Quebec?

Hon. Maxime Bernier (Minister of Industry, CPC): Mr. Speaker, our approach is balanced, sensible and realistic. Greenhouse gases will decrease across the country by 20% by 2020 in a tangible way. Furthermore, we will make sure that the economic prosperity and growth of this country can continue.

An eminent Quebecker said about the Bloc Québécois, "It is fun to come up with sound bites when you do not have the responsibility that comes with the exercise of power. You can say whatever you want".

Who said that? It was André Boisclair, the big brother of the Bloc Québécois.

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SPORT CANADA

Mr. Luc Malo (Verchères—Les Patriotes, BQ): Mr. Speaker, once again, Hockey Canada has shown its lack of judgment by selecting Shane Doan as team captain. This player has allegedly made discriminatory, racist and xenophobic comments about francophones.

Does the government, which heavily subsidizes Hockey Canada, believe that this is in keeping with the objectives that Sport Canada should be pursuing?

[*English*]

Hon. Helena Guergis (Secretary of State (Foreign Affairs and International Trade) (Sport), CPC): Mr. Speaker, the senior men's hockey team selection is the responsibility of Hockey Canada. It is not a decision made by the Government of Canada.

[*Translation*]

Mr. Luc Malo (Verchères—Les Patriotes, BQ): Mr. Speaker, what the Secretary of State for Foreign Affairs and International Trade does not seem to understand is that Quebeckers cannot relate to a hockey team with Shane Doan as its captain.

How can the government, which does not hesitate to cut the funding of community groups, justify financing an organization such as Hockey Canada, which selects a captain who allegedly made disparaging comments about francophones?

[*English*]

Hon. Helena Guergis (Secretary of State (Foreign Affairs and International Trade) (Sport), CPC): Mr. Speaker, I would remind the hon. member that this was not a government decision. I want him to know that, through our Sport Canada funding, we have an education program called Speak Out. It provides all participants, coaches, players, officials and parents with valuable information about harassment and abuse.

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AFGHANISTAN

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, last week, the Minister of Public Safety told the House that officials from Correctional Service Canada had access all along to monitor detainees in Afghan jails. However, his ministerial spokeswoman contradicted him, as did our Correctional Service officer, Ms. Garwood-Filbert, who is one of the two officials in Afghanistan. Even the Afghan ambassador denied what the minister was saying.

Why can the government not just tell the truth for a change?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, I will overlook the innuendo here because my colleague who just raised the question did not have the opportunity to discuss with the ambassador from Afghanistan, as I did, what is happening with our Correctional Service officers in Afghanistan.

The Afghanistan ambassador in Canada and I are totally on the same page as far as the good work our Correctional Service officers are doing over there.

● (1440)

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, that was not my question but let us look at what other people are saying about the detainee situation. The member for Mississauga—Streetsville, the Prime Minister's Middle East adviser, said, "Torture a fact of life in war-torn Afghanistan". A Correctional Service officer in Afghanistan said, "There hasn't been any significant work done with the prisons".

When will the Minister of National Defence take responsibility for this farce and resign? When will the Prime Minister take responsibility and fire him?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, our Correctional Service officers, only having been there since February, have already reported some progress. They have the ability to go into these facilities to help train Afghani officers in the prisons. They have been able to look at recommendations on how these prison facilities, which are basically third world facilities, can be improved. They have had the opportunity to talk to suspected terrorists who have talked to them about their treatment there. It has not happened overnight but progress is being made. I am glad they are in those facilities helping out.

[*Translation*]

Hon. Denis Coderre (Bourassa, Lib.): Mr. Speaker, echoes of the general's incompetence, contradictions and impulsiveness in this scandal concerning the treatment of prisoners in Afghan prisons have made it all the way to Europe.

While the Prime Minister and his Conservative government busied themselves with their daily cover-ups, the secretary general of NATO seemed to take the prisoners' situation very seriously at the Brussels forum. The hon. Fawzia Koofi, a member of the Afghanistan parliament who was also present, agreed with me when I spoke to her about the allegations of torture in Afghan prisons.

It is very troublesome that our international reputation is being tarnished.

When will the incompetent general be dismissed?

[*English*]

Hon. Helena Guergis (Secretary of State (Foreign Affairs and International Trade) (Sport), CPC): Mr. Speaker, I do not know how many times we need to stand in the House to explain to the previous Liberal government that its inaction with respect to developing a policy on the transfer of detainees is unacceptable.

What also is extremely unacceptable is the fact that far too often the opposition is so ready to take the word of Taliban detainees over our brave Canadian men and women. Canadians are finding themselves offended at this.

Hon. Denis Coderre (Bourassa, Lib.): Mr. Speaker, what is unacceptable was the smile on her face when she answered that question.

After a Human Rights Watch letter, the U.S. state department issued a report a year ago that states that a credible observer reports "that local authorities in Herat, Helmand...and other locations... routinely torture and abuse detainees". He goes on to say that we are talking about "pulling out fingernails and toenails, burning with hot oil...sexual humiliation...".

When was the foreign affairs minister aware of that report? Since the government has proven itself incapable, when can we expect a NATO agreement that respects human rights and the Geneva convention?

Hon. Helena Guergis (Secretary of State (Foreign Affairs and International Trade) (Sport), CPC): Mr. Speaker, the accusations from the opposition are irresponsible. We have arrangements with the government of Afghanistan. We have arrangements with the Afghanistan Independent Human Rights Commission. We believe the arrangements are working.

The Afghanistan government will be investigating these allegations and we will be working with it in this investigation.

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DEMOCRATIC REFORM

Mr. Gord Brown (Leeds—Grenville, CPC): Mr. Speaker, a bill is languishing in a Senate committee. The bill is so reasonable, so practical and so realistic that it is hard to believe anyone would want to or try to oppose it. Yet that is exactly what is happening with the bill to limit the terms of senators.

The bill is simple. It seeks to limit the terms of unelected, unaccountable senators from the current maximum of 45 years to a more reasonable eight years.

Could the Minister for Democratic Reform inform the House of the status of this important bill?

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, it is a sleepy nation that is watching the Senate study the bill to limit the terms of senators. How much detailed study is needed for a 66 word, 2 paragraph bill? So far, it has been over five days for senators to study each single word in the bill.

Today marks not just the Prime Minister's birthday, it marks 11 months since the bill was introduced for the Senate to bring in term limits.

For 11 months the Liberal leader's unelected, unaccountable senators have done everything they could to block and delay Senate term limits. It is a modest but important measure for accountability in the Senate.

The Liberal senators should listen to Canadians, stop their obstruction and delay, and pass the bill the immediately.

THE ENVIRONMENT

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, when it comes to fighting climate change, everybody knows that the Liberals did not get it done and the new Conservative plan will not get it done. It will put us 5% above our 1990 levels while Europe will be 20% below.

The common thread, and the reason they both did not work, is intensity based targets. It was a fraud under the Liberal government and it is a fraud under the Conservative government. These plans will not turn the corner. They will cut all the corners.

Will the government not bring back the real deal, reintroduce the clean air and climate change act so we can have a fair and democratic vote in the House?

● (1445)

Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, the only fraud in the House was when the Liberals promised 13 years ago that they would do something about the environment and they did absolutely nothing. The fact is it was not nothing; they did worse than nothing. Emissions rose 35% above target. They owe the House an apology.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, after countless months of total inaction on trying to fix their abysmal record on climate change, we thought we would see something new from the government. All Canadians are left with is a certain sense of déjà vu.

With the first Conservative environment minister, we saw a failed climate change plan. Round two, a new minister and another failed climate change plan.

Is the government not tired of being the laughingstock of the international community? How many prominent international leaders lambasting the government will it take before it does the right thing?

Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, the only people who are laughing are people in the Liberal Party, the NDP and the Bloc who are opposing a plan that will reduce greenhouse gas emissions by 20% by 2020. We will also reduce pollution levels by 50% over the next eight years. That is getting it done.

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, under last week's green scam, large polluters will not have to start cutting emissions intensity until 2010, while start-ups will get a free pass for the next five years.

All this plan does is it allows for an increase in absolute greenhouse gas emissions. It is no wonder Suzuki calls it an embarrassment and Gore calls it a fraud. Now the head of the UN climate change office says that we can meet our Kyoto commitment, but that this plan falls well short.

Instead of lashing out at critics, why does the environment minister not demonstrate how this defeatist plan will actually reduce greenhouse gases in absolute terms?

Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, I love the irony of a Liberal asking questions on the environment.

This is what David Suzuki said, "I certainly agree with the Conservatives that the Liberals just did not do the hard things that needed to be done to meet the target".

There is another quote and it is one of my favourites. This is from a former Liberal minister. She said, "On the record, our record on delivering on any kind of greenhouse gas emission reduction on Kyoto was abysmal". She also went on to say that it was the member for Wascana who was viciously opposed to Kyoto. No wonder they did not get it done.

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, I am not sure if the nonsense in that answer was intensity based or absolute.

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. member for Ottawa South has the floor. We have to be able to hear the question.

[*Translation*]

Mr. David McGuinty: Mr. Speaker, after saying that Canada needed a new clean air act, the Conservatives presented a plan that will allow emissions to continue to increase for the next 10 years. To do so, they decided to use the Canadian Environmental Protection Act, completely contradicting their claims that Bill C-30 was needed.

Will the minister finally put an end to his campaign of misinformation and nonsense, and will he bring Bill C-30 back before the House for a vote?

Hon. Maxime Bernier (Minister of Industry, CPC): Mr. Speaker, we are keeping Canadians informed about the situation. Under the previous Liberal government—and these are the facts—under the direction of the Leader of the Opposition, greenhouse gases increased by 35%. That is the reality. Canadians were deceived. What was the previous Liberal government doing? They held international conferences, and seminars and talks, but greenhouse gases were never reduced here in Canada. That is what we are doing, by 20% by the year—

The Speaker: The hon. member for York Centre.

[*English*]

Hon. Ken Dryden (York Centre, Lib.): Mr. Speaker, we have a Prime Minister who year after year opposed anything to do with the environment, who referred to Kyoto as "essentially a socialist scheme to suck money out of wealth-producing nations".

We have an environment minister who had no known interests in the environment. The Prime Minister's change: no road to Damascus conversion; no realization he got the environment wrong. It was a realization he got the politics of the environment wrong, that people actually cared.

Now he says, "I must politically care". That is what he has given us, some words and lots of selling and spinning, so not up to it.

When will the Prime Minister have a real conversion and care about something other than politics?

● (1450)

Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, the only scheme was for the Liberal Party to suck money out of Canadians and not get the job done.

Sheila Copps is the person I was quoting. She went on to say on the environment, "the Liberals are not on solid ground". I wholeheartedly agree.

If our plan to reduce greenhouse gas emissions by 20% by 2020 would have been implemented 10 years ago, in 1997, we would have reached our Kyoto targets. However, because of mismanagement, and it was abysmal, Liberals did not get it done. We will get it done.

Hon. Ken Dryden (York Centre, Lib.): Mr. Speaker, Al Gore has said that the Conservatives' platform is "a complete and total fraud". David Suzuki described it as "all smoke and mirrors".

The not new, the cynically old Conservative government is doing it again: just stuff, stuff to sell, stuff to spin. Like its entire budget, on the economy, aboriginals, child care, smoke and mirrors could apply to it all. In 5 years or 10 years, there will be no impact; so not up to a Government of Canada, not up to Canada.

When will we see a real plan for the environment? When will Mr. Smoke or Mr. Mirrors return Bill C-30 to the House?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the member famously asked his party, "Why didn't we get the job done on the environment?" The reason Liberals did not get the job done was they went around the country making pie in the sky promises and not actually doing anything.

One has to balance environmental progress while preserving jobs. That is what the Minister of the Environment has done. He has taken the tough decisions that they did not have the guts to take on that side of the House.

* * *

[*Translation*]

CANADIAN HERITAGE

Mr. Maka Kotto (Saint-Lambert, BQ): Mr. Speaker, the Minister of Canadian Heritage and Status of Women, no doubt taking a page from the Liberals' book, consulted only the Conservative members, supposedly to make a list of fairs and festivals in their ridings, but when this was discovered, she changed tactics and decided to consult with opposition members as well.

What explanation can the minister offer, other than that she was preparing to take a page from the Liberals' book and create her own sponsorship program made to measure for Conservative members?

[*English*]

Hon. Bev Oda (Minister of Canadian Heritage and Status of Women, CPC): Mr. Speaker, as I said last week, the program does not exist. We indicated an intent in our budget. The criteria have not been established.

We welcome all the input. I welcome the input from the Bloc, as well as all the parties. We want to ensure this program will meet the real needs of communities, increase participation and strengthen those communities.

[*Translation*]

Mr. Maka Kotto (Saint-Lambert, BQ): Mr. Speaker, we still do not know the criteria for the Conservative sponsorship program, which the minister is getting ready to launch.

How can the minister hold consultations that would be even remotely useful if the program's criteria are not known?

Is this not proof that the minister's approach is dangerously close to that of the Liberals, meaning it uses public money primarily for the benefit of Conservative members?

[*English*]

Hon. Bev Oda (Minister of Canadian Heritage and Status of Women, CPC): Mr. Speaker, I disagree with my colleague. This is the most open way of consulting to enable us to hear from every member about the festivals and the appropriate criteria that will meet the needs of their communities as well. This is important to us and to all Canadian communities. We want to encourage participation and strengthen our communities through arts and heritage.

* * *

THE ENVIRONMENT

Hon. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, Al Gore and David Suzuki, not to mention every other credible environmentalist in the country, have unmasked the government's global warming plan for the fraud that it is. However, the environment minister still claims that it is a real plan to fight climate change even though it would allow greenhouse gas emissions in Canada to increase for another decade.

This Parliament has written a strong, aggressive plan that would get Canadians real results. When will the government stop thumbing its nose at the will of Parliament and bring back Bill C-30 before the House?

● (1455)

Hon. Gary Lunn (Minister of Natural Resources, CPC): Mr. Speaker, the only inconvenient truth is the absolute, deplorable record of the Liberal Party of Canada's record on the environment.

The Liberals did not get the job done. It would have been okay if they did merely nothing, but they actually allowed greenhouse gases to rise to 35%. It has to be embarrassing to stand in the House and ask questions on the environment with a record like that.

This government is the first government in Canadian history to start regulating both greenhouse gases and air pollution. We will get the job done, unlike the old Liberals.

* * *

JUSTICE

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, during the 2006 federal election, the government, the NDP and the Liberal Party all promised to get tough on gun crimes. In fact, the Liberal platform promised to double mandatory minimum sentences for serious gun related crimes. However, the Liberals broke that promise by gutting nearly every clause of Bill C-10 at committee.

Despite this flip-flop from the Liberals, could the Minister of Justice explain what our government is doing to fulfill this campaign promise to Canadians?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I thank the hon. member for her support of the government's crime fighting initiative.

In the last election, candidates from all parties promised to get tough on crimes, particularly crimes committed with guns. That is why the government introduced Bill C-10, which would have a five year minimum sentence for people who committed serious crimes with guns. Unfortunately, the Liberals and the Bloc got together to gut that bill at committee.

However, I am pleased to say that with the support of the member for Windsor—Tecumseh, we are going to restore the intent of that bill.

Unlike the Liberals and the Bloc, we will fulfill our commitment to Canadians to fight crime.

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ROYAL CANADIAN MOUNTED POLICE

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, at last week's public accounts hearing into the RCMP pension scandal, I asked the acting commissioner how any investigator deprived of the power to subpoena witnesses could give a fulsome report if they had not been able to meet with both sides of any issue. The commissioner said, "it would be difficult to assure yourself you had the whole case, if people didn't cooperate".

We already know somebody is lying. How can the minister claim that an informal backroom investigation, without subpoena powers, could possibly get to the truth?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, one after another, we keep seeing the uncovering of Liberal ineptitude when it comes to serious situations. Just several days ago we heard the previous minister of public safety say that when officers came to her suggesting inappropriate things had taken place, she did not even ask the commissioner about that.

We take action on these things. We are cleaning up the messes that the Liberals ignored, and we are going to continue to do that. We are going to get answers on this file.

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, we cannot get to the truth if we cannot get to the facts. This is about the minister and his refusal to call a public inquiry that is absolutely necessary.

Every day that is wasted by this backroom investigation, the RCMP's reputation drips away, Canadians' faith in their national police service drips away and we are still no closer to the truth.

Why does the minister have so little respect for the RCMP that he will not stand in his place and call for the needed public inquiry and save our RCMP?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, maybe the member who raised the question thinks we can wait two or three or more years for a public inquiry.

We would like to get answers within a couple of months. We think that is possible. We have also said that if it is not possible, then let us open it up and let us do this.

As far as standing up for the RCMP is concerned, time and again I send out press releases about the many successful operations the RCMP is completing on a daily, if not weekly, basis, such as busting drug operations and busting Mafia operations. Opposition members never raise those issues. We talk about the good things the RCMP is doing also.

* * *

[*Translation*]

SPORT

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Speaker, on April 20, I asked the Secretary of State for Sport if she had demanded an explanation from Hockey Canada, a government subsidized organization, about the decision to include Shane Doan on the Canada team. There is evidence that this hockey player made racist remarks about the Montreal Canadiens on December 13, 2005. Last Friday, Hockey Canada named Shane Doan captain of the team.

I will ask the question again: did the Secretary of State for Sport question Hockey Canada and did she consult her francophone colleagues?

● (1500)

[*English*]

Hon. Helena Guergis (Secretary of State (Foreign Affairs and International Trade) (Sport), CPC): Mr. Speaker, as I have advised another colleague in the House, this is a decision that is made by Hockey Canada, not by the Government of Canada.

With respect to Mr. Doan, given that the judicial process is under way regarding the issue, it would be inappropriate for me to make any further comments.

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ABORIGINAL AFFAIRS

Mr. Brian Storseth (Westlock—St. Paul, CPC): Mr. Speaker, children make up one of the most vulnerable sectors of our society. The welfare and well-being of all children is important to this government.

Alberta's child and family services recently introduced an innovative approach to child welfare that resulted in a decrease of 22% in the number of children in care.

Can the Minister of Indian Affairs and Northern Development tell the House what the government is doing specifically for aboriginal children?

Hon. Jim Prentice (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker,on Friday I announced a partnership between this government, the government of Alberta and all of the first nations in Alberta to implement the Alberta early response model with all first nations across the province.

This is a historic step. It is a structural change. It focuses on the well-being of children while they are in the home. The model is one that identifies a family's needs early on, before it is necessary to remove the child from the family home.

Every single first nation in Alberta has bought into this model. This innovative approach is one that will be implemented across Canada as other provinces and other first nations are ready, willing and able.

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TAXATION

Hon. John McCallum (Markham—Unionville, Lib.): Mr. Speaker, the finance minister's Advantage Canada becomes disadvantage Canada because of its disastrous deductibility policy. His more tax revenue from income trusts becomes less revenue from income trusts, because they are all being taken over by entities that pay no tax. His tax fairness is tax unfairness unless one is a fat cat private equity company.

Why does everything the minister touches turn into such an unmitigated disaster?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, I am sure the member opposite does not understand that sometimes one has to act in the best long term interests of the country.

I know that the member for Markham—Unionville is not in favour of tax havens or he would get up and say he is in favour of tax havens. Tax havens are something Liberal members know a lot about. They are very familiar with tax havens.

Even the *Toronto Star*, an organ with which the member is familiar, says “it makes no sense to allow companies to claim tax breaks against income on which they pay no tax”. It says that the Liberal leader is “turning his back on sound tax policy”.

* * *

● (1505)

PRESENCE IN GALLERY

The Speaker: I would like to draw to the attention of hon. members the presence in the gallery of His Excellency Augustin Carstens, Secretary of Finance and Public Credit for the United Mexican States.

Some hon. members: Hear, hear!

ROUTINE PROCEEDINGS

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to 44 petitions.

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COMMITTEES OF THE HOUSE

PUBLIC SAFETY AND NATIONAL SECURITY

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Mr. Speaker, I will be presenting two reports. First, I have the honour to present, in both official languages, the eighth report of the Standing Committee on Public Safety and National Security. In accordance with its order of reference of Wednesday, November 22, 2006, the committee has considered Bill C-279, An Act to amend the DNA Identification Act (establishment of indexes), and agreed on Tuesday, April 24, 2007, to report it with amendments.

Second, I also have the honour to present the committee's ninth report, concerning the subject matter of Bill C-279. Pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to the report.

I would like to read for members two brief excerpts from the ninth report. The first states:

> The Committee in principle fully supports the intention underlying Bill C-279, An Act to amend the DNA Identification Act (establishment of indexes), and believes that the necessary steps must be taken, either by amending the DNA Identification Act or by providing for the establishment of a DNA human remains index and a DNA missing persons index, to help law enforcement agencies to search for and identify persons reported missing.

Although we have deleted the clauses in the bill, we fully support the bill.

We conclude by recommending:

> —that the Government consider the advisability of bringing in the legislation necessary to establish missing persons indexes after the completion of federal-provincial-territorial discussions on its implementation.

FISHERIES AND OCEANS

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): Mr. Speaker, I have the honour to present, in both official languages, the fourth report of the Standing Committee on Fisheries and Oceans, entitled, "Ensuring a Sustainable and Humane Seal Harvest". I would note that the report is a unanimous one, supported by all the parties on the fisheries committee.

Pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to the report.

TRANSPORT, INFRASTRUCTURE AND COMMUNITIES

Mr. Merv Tweed (Brandon—Souris, CPC): Mr. Speaker, I have the honour to present, in both official languages, the fourth report of the Standing Committee on Transport, Infrastructure and Communities.

In according with the motion adopted on Wednesday, April 25, 2007, the committee recommends that the government impose a speed limit of 40 miles per hour for trains in the city of Montmagny, Quebec, until the final report of the Transportation Safety Board following the accident that occurred on January 7, 2007, is issued.

● (1510)

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

Mr. Dean Allison (Niagara West—Glanbrook, CPC): Mr. Speaker, pursuant to section 7 of the Centennial Flame Research Award Act, I have the honour to present, in both official languages, the 16th report of the Standing Committee on Human Resources, Social Development and the Status of Persons with Disabilities, which is the 2006 annual report on the administration of the act.

Attached to the report are copies, in both official languages, of the research report submitted by Ms. Audrey King, the 2005 recipient of the Centennial Flame Award, entitled, "But they never looked at me", and a financial report for 2006, as requested by the act.

* * *

INCOME TAX ACT

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): moved for leave to introduce Bill C-434, An Act to amend the Income tax Act (in-home care of relatives).

He said: Mr. Speaker, the basic summary states that this enactment would:

> —amend the Income Tax Act to allow a taxpayer with a live-in relative who is 65 years of age or older, or who has a mental or physical infirmity, to receive a personal tax credit equivalent to the subsidy normally provided by the Government of Canada to a long-term care facility with respect to such a relative.

The purpose of this bill is to allow people who have infirmities later in life to stay in their own homes longer and it states that people who care for these individuals should receive a tax break equivalent to the break that would be received if they were put in a nursing home or other institution. We ask for speedy passage of the bill.

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

* * *

EXCISE TAX ACT

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP) moved for leave to introduce Bill C-435, An Act to amend the Excise Tax Act (no GST on the sale of home heating fuels).

He said: Mr. Speaker, again this is a reintroduction of a bill that I have had for now seven years. I firmly believe that there should be no taxes paid by people who heat their homes or their dwellings with any kind of natural gas, oil, electricity, or whatever they need.

Heating one's home is an essential aspect of the Canadian way of life and I do not believe the government should be profiting from people heating their homes.

Now, with the price of fuels, natural gas and electricity, it is time to give taxpayers of this country a real break, just like the NDP did in Nova Scotia. It pushed to have the tax removed provincially. Now we ask that it be done federally as well across the country.

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

* * *

EXCISE TAX ACT

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP) moved for leave to introduce Bill C-436, An Act to amend the Excise Tax Act (no GST on funeral arrangements).

He said: Mr. Speaker, when the government talks about a $21 billion surplus over two years, it forgets to tell us that that money came from people who have to go through the aspect of burying a loved one or having somebody cremated. I cannot figure out why the Conservatives, in the eighties, put this tax on crematorium and funeral services. It is unacceptable.

This bill would remove all federal taxes from funeral and crematorium services.

It is tough enough when a loved one passes away. It is tough enough to have to pay taxes on top of that, which gets to the old adage that there are two things in life we cannot avoid: death and taxes. I do not think we should tax death. It is as simple as that.

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

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COMMITTEES OF THE HOUSE

CANADIAN HERITAGE

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

> That, in relation to its study on the role of the public broadcaster in the 21st century, six members of the Standing Committee on Canadian Heritage be authorized to travel to St. John's, Newfoundland and Labrador, and Montréal, Quebec, from May 23 to 25, 2007, and that the necessary staff do accompany the committee.

(Motion agreed to)

* * *

● (1515)

STATUS OF WOMEN

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, I rise today to move concurrence in the 16th report of the Standing Committee on Status of Women which reads:

> That, pursuant to Standing Order 108(2), the Standing Committee on the Status of Women recommend to the government that it restore the Court Challenges Program, and that adoption of this motion be reported to the House.

What is the history behind this? As the chair of the Standing Committee on the Status of Women, I have been listening to many women's groups and they have been absolutely dismayed at the wilful way in which the Conservative government treats women and minorities.

If we look at the history behind these cuts, in budget 2005-06, with $13.2 billion in surplus, the Conservative government saw fit to, as we say, stick it to women. Why?

The $1 billion funding cuts the Conservatives brought about were cuts for social programs for the most vulnerable. These funding cuts directly targeted women, aboriginals, those in need of affordable housing, and other groups for which the Conservatives have traditionally shown very little concern.

While the Conservatives continually claim to be standing up for Canada, the truth is they are only interested in standing up for those who already agree with their narrow policies: their core constituency of voters. Witness after witness has come before the Standing Committee on the Status of Women and advised us that they feel the Conservatives are governing on behalf of a very narrow base and if people do not fit their profile, then they are out of luck.

How can the majority of women, 52% of the voters of Canada, feel this way? What has led them to feel this way?

If we look at the cuts that came about in the 2005-06 budget there were $5 million to Status of Women Canada and $10 million eliminating the support to the Canadian voluntarism initiative. How could anyone cut $10 million from a voluntarism initiative when volunteers contribute approximately $6 billion to the economy and without them we would not be able to function?

The Conservatives eliminated $6 million from the court challenges program. If one looks at the court challenges program to figure out why that program is important and what it does, it provides a vehicle for marginalized individuals who want assistance. With the 25th anniversary of the Canadian Charter of Rights and Freedoms, we should not forget that the charter belongs to the people.

Within our system there are many archaic laws that do not comply with the charter and continue to deny citizens their justice. It is a travesty that the government refuses to eliminate such legislation. Hence, the court challenges program is a vehicle that can assist Canadians in this very urgent and important matter.

Supreme Court Justice Beverley McLachlin stated that many men and women find themselves unable, mainly for financial reasons, to access the Canadian justice system. The court challenges program provides Canadians with this access.

The fact is that $6 million is not a lot of money when we look at the whole scheme of things in a budget of $200 billion. Therefore, we look at what the purpose is for the Conservatives wanting to eliminate it.

● (1520)

Leading Canadian non-government organizations are calling on the Prime Minister to restore funding to this program immediately because the court challenges program, which was created in 1978, provides funds to support test cases of national significance to clarify the constitutional rights of official language minorities and the right of everyone in Canada to live free from discrimination based on sex, race, disability, age, sexual orientation and other similar grounds.

It has provided the only access to the use of constitutional rights for most Canadians. What do the Conservatives have against official language minorities? What do they have against equality? What do they have against gender? What do they have against women?

Bonnie Morton of the Charter Committee on Poverty Issues said:

> The cancellation of the court challenges program is an attack on the charter itself and the human rights of everyone in Canada. When a country such as Canada enacts constitutional rights, it takes for granted that residents, when they believe the government is violating their rights, can and will challenge any offending law or policy. If residents cannot ensure respect of their rights because of financial barriers, Canada's constitutional democracy is hollow. We turn the charter into a paper guarantee, with no real meaning.

That is a very important statement because if people do not have the financial means to support themselves, then they cannot be in a position to challenge any of those laws that violate their democracy. Hence, if we claim to be a democratic country, it is important that we restore the court challenges program.

Yvonne Peters of the Council of Canadians with Disabilities said:

> Without the court challenges program, Canada's constitutional rights are really only for the wealthy. This offends basic fairness. And it does not comply with the rule of law, which is a fundamental principle of our Constitution.

Avvy Go of the Metro Toronto Chinese and South Asian Legal Clinic said:

> Commitment to the protection of the Charter rights of disadvantaged individuals and groups is one of Canada's core values. [The Prime Minister] recognized this during the last election campaign, and he said then that if elected a Conservative government would "articulate Canada's core values on the world stage", including "the rule of law", "human rights" and "compassion for the less fortunate". The cancellation of the court challenges program belies this promise.

Jean-Guy Rioux of the Fédération des communautés francophones et acadienne du Canada said:

> Cancelling the program shows profound disrespect for the French-speaking Canadians who live outside of Quebec, the English-speaking Canadians who live in Quebec, and for all Canadian residents who may need the protection of equality rights. The CCP has notably given means to French-speaking minorities to ensure that their rights to education in their language are respected.

The beneficiaries of the courts challenges program are many, and we on this side of the House cannot understand why the government has chosen such a very narrow focus and has stuck to its neo-con ideology of not supporting the very marginalized who need support.

The beneficiaries of the CCP are individuals and groups who believe that laws and policies discriminate against them or deny them their language rights. They cannot go forward without lawyers to represent them, since constitutional challenges are legally complex.

● (1525)

Second, when a country like Canada enacts constitutional rights, it takes for granted that residents, when they believe the government is violating their rights, can and will challenge the offending law or policy.

If Canadians cannot use these rights because of financial barriers, then Canada's constitutional democracy is hollow. Governments must care that the rights they embrace are not meaningless and that the court challenges program has provided a simple and modest way of ensuring they are not. I am sure the government could afford the $6 million that it would take. With a $13.2 billion surplus, why would it choose to cancel a program that helps the official language minorities, people who are financially not well off and people who need to address these laws and exercise their rights.

We should emphasize that what the court challenges program provides is far from universal access to exercises of constitutional equality and language rights. It provides only limited funds for selected test cases.

We know the Conservative government, as a critic of the CPP, dislikes some of the cases that the court challenges program has supported: cases related to same sex marriage; cases related to the voting rights for federal prisoners; and cases related to the criminal law provision regarding hitting children.

The fact that some individuals or groups do not agree with some of the test cases funded by the program is not a reason to cancel it. No one among us is likely to agree with every test case that appears.

The point of a constitutional human rights regime is to ensure that diverse claims, perspectives and life experiences are respected and taken into account in the design of laws and policies. The equality guarantee and the language rights in the Constitution were designed to help minorities, whose views and needs may not be reflected by governments, to be heard on issues that affect them closely. Cancelling the court challenges program mutes their voices further and makes Canada a meaner, less tolerant society.

Many organizations have called on the government to restore funding because they believe that the court challenges program is an effective and accountable institution. The court challenges program of Canada has established a track record. It has been an effective and accountable institution which promotes access to justice.

The CCP, as it is called, has existed in a number of different institutions and has made remarkable contributions to the development of constitutional law and to the rights of Canadians over the last 28 years but there is more work that remains to be done.

Since 1994, when the court challenges program was established as an independent,not for profit corporation, it has done a lot of good work. To date, it has been funded solely through a contribution agreement between the Government of Canada and CCP. The CPP is fully accountable to the Government of Canada. It provides quarterly reports on its activities to the government and publishes an annual report with statistics on the number and types of cases that it has funded.

I would like to ask the government which of these cases that it did not like? When there is so much transparency and accountability in this program, why did it cancel it?

The CCP is also subject to some legal restrictions on reporting on funding in cases that are before the courts. This information is protected by solicitor-client privilege and cannot be released by CCP, in the same way that legal aid organizations cannot divulge information about their clients. The CCP's responsibility to protect this information was affirmed by a federal court ruling in 2000.

The court challenges program, which is subject to a full independent evaluation of its activities every five years, has been there for 28 years and has been evaluated three times. On each occasion, independent evaluators found that it was meeting the objectives set by the government as a cost effective and very accountable institution and they made unqualified recommendations that the court challenges program should continue to carry out its mandate.

Our justice system sometimes fails radically when individuals and groups whose constitutional rights are violated and are denied access to justice and the court challenges program plays a very important role in ensuring it.

● (1530)

We on this side of the House are seeking concurrence on this very important matter. We would like the government to reinstate the funding to the court challenges program.

Hon. Michael Chong (Wellington—Halton Hills, CPC): Mr. Speaker, I was listening to the member for Don Valley East talk about the establishment by the previous Liberal government of the court challenges program in 1994. However, what she has failed to mention to the House is that in the subsequent years the government of then Prime Minister Jean Chrétien so drastically cut the transfers to the provinces that, as a result, the Ontario legal aid plan in 1996-97 had to drastically cuts its financial support for legal aid certificates in Ontario.

In Ontario in 1996-97, only 75,000 certificates were issued, down from over 225,000 in the early 1990s. In other words, this was a reduction of more than 150,000 certificates per year. In other words, more than 150,000 cases, more 150,000 Canadian citizens in Ontario in each of those years 1996 and beyond, were denied justice because they did not have access to the legal aid program. That was as a direct result of the cuts to the transfers that the previous Liberal finance minister put in place in the mid-1990s.

Could the member for Don Valley East tell me how justice was served in the mid-1990s with such drastic cuts to the provincial transfers that resulted in the gutting of provincial legal aid plans?

Ms. Yasmin Ratansi: Mr. Speaker, justice under the Mulroney government was not served because it created abject poverty. It led the country down a track to where we were called a third world basket case and, hence, the Liberal government left the current Conservative government with a $13.5 surplus.

In a surplus environment, for the Conservatives to cut programs for the most vulnerable is a shameful thing. I cannot believe the member has the audacity to stand and challenge this. It would only take $6 million for the court challenges program, a program that helps the official languages minority, the vulnerable and the marginalized, I cannot understand his logic.

● (1535)

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, the member mentioned les bénévoles, the volunteers, and it was inconceivable to me that a government with all of the money that the member just outlined, the huge surplus, could actually even consider cutting so many programs for the most vulnerable in our society, and particularly volunteers, especially when the finance minister knows, and maybe one of the few members of his caucus who is aware, that the volunteers provide a huge economic boost to Canada by providing so much free service and getting so many things done that would cost government so much more.

I wonder if the member agrees with me when she was so astonished and disagreed with the fact that the new government has cut money to support volunteers who do so much in Canada and who are so much a part of the type of nation that we believe in.

Ms. Yasmin Ratansi: Mr. Speaker, I concur with the hon. member because the volunteerism Canada program was another very effective program. However, the minister did not even meet with them to tell them that she was cutting their funding.

I have had volunteer groups from parks and recreation, from all community organizations over the past few years and I have been doing my voluntary awards. This time I had to cancel the awards because the government cancelled the program. Volunteers contribute $6 billion to the economy and without them we would need to get $6 billion from somewhere.

I cannot understand where the government is going with its neo-Conservative agenda. How can it go after things that do not make sense? These are the social justice issues that help communities grow.

As the hon. member said, I was shocked and dismayed but then I do not know whether the Conservatives believe in the charter or not.

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, as people know, the government is very big on accountability. The Federal Accountability Act took a long time to get through committee simply because members opposite objected to having a fair, transparent and accountable government.

I would like to ask the member for Don Valley East this. It is common knowledge that the Canadian court challenges program was not required to reveal which groups it chose to fund or how much money these groups received. This is not acceptable in today's political environment.

The government wants to support people who are in need and who need a justice system that reflects their human rights. Does the member think it is correct that the former court challenges program should not have to reveal which groups it chooses to fund or how much money the groups get? There is something terribly wrong with that.

Ms. Yasmin Ratansi: Mr. Speaker, the first statement the member made had me in shock. In the past 13 or 15 months, the new government has been the most unaccountable, contemptuous government we have had. It is arrogant. Hon. Michael Fortier, unaccountable senators and wait time guarantees are examples.

How about the fiasco that went on with income trusts? How about the Minister of National Defence? Every day in question period we hear this flip-flop. We do not know who is talking and where. The government has the most incompetent ministers.

I believe the government's cuts to the court challenges program were incompetent cut as well. If one looks at the court challenges program, solicitors and third parties have been talking about it and supporting it. The information between the client and the solicitor is privileged information, it is protected and cannot be released.

The program supports the constitutional rights of the official language minorities and vulnerable groups of people that cannot afford it. It is a good program and it should be reinstated.

● (1540)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, historically, the Government of Canada has informed the United Nations treaty bodies that it funds the court challenges program in order to meet its obligation to ensure equal access to the courts and to provide effective remedies under international human rights treaties. These United Nations treaty bodies have recognized that the court challenges program is a vital means of implementing treaty rights and have praised Canada for that.

Considering what is going on today with regard to the Afghan detainees, would the member care to comment on the importance of the court challenges program?

Ms. Yasmin Ratansi: Mr. Speaker, without the court challenges program, how would somebody who has been detained wrongfully or tortured be given access without having to put out a lot of money?

It is important for us to note that the court challenges program is a program that protects the human rights of a person who does not have the wealth to protect himself or herself. As Canadians are celebrating the 25th anniversary of the Charter of Rights and Freedoms, we should be mindful of this.

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, I am honoured to stand and address this issue. It is a great honour to rise as a Canadian citizen and as a member of Parliament. It is a privilege to speak in the House, a House that has long been a symbol of fairness and equality.

It is in this House that the laws which protect each of us have been crafted and the bills which defend each of us have been passed. It is in this chamber that the Charter of Rights and Freedoms emerged and it is in this chamber where they will stay, protected and guarded by the representatives of the people of Canada.

Canadian society has been shaped by the collective values of its citizens who with thought and conscience proudly participate in the democratic process by choosing representatives to be their voice, to stand up for the rights and freedoms of all individual citizens and to ensure a society that accords dignity and respect regardless of gender or race.

It is our system of Parliament which has served as the foundation for our way of life, and will continue to shape and mould the way we live as we evolve together as a community and as a nation.

Canada's system of Parliament stands as a model for countries around the world striving to achieve equality and justice for all its citizens. We are considered a leader in the promotion and preservation of human rights and freedoms. It is imperative that we ultimately protect this process from those who wish to reject our democratic system, preferring to advance their cause through legal research and court costs paid by Canadian taxpayers.

The government believes in creating legislation that is constitutional and that reflects the values of all Canadians. We believe in creating laws that in themselves promote diversity and equality. The government believes in the democratic process and believes Canadians should be rewarded for practising that right and to experience their hopes and beliefs become reality through laws that are created and passed by those they elected in the House. We believe public policy should be driven by the will of the people. We believe that will is best expressed through publicly elected officials that sit in debate in the halls of Parliament and who commit themselves to standing up for all Canadians.

The Canadian court challenges program is inherently flawed in that it promotes and encourages special interest groups to advance causes that do not reflect the view of the majority of Canadians. It allows special interest groups to use hard-earned Canadian tax dollars to promote a public policy agenda that is not always in line with the majority of Canadian voters. This manipulation of the system is neither transparent nor is it accountable.

The Canadian court challenges program is not required to reveal which groups it chooses to fund or how much money these groups get. In today's political environment this just is not acceptable.

Government funded protest is an irresponsible use of taxpayer dollars. Government should have the foresight to enact laws that are responsible and fair and that protect and support the interest of minority and disadvantaged groups. Public money should be used in practical ways to directly support the population through social programs that meet the needs of the citizens.

The government is committed to ensuring that laws are fair, and we are committed to the review and update of these laws which no longer reflect the values of Canadians. It is working directly with disadvantaged groups to improve conditions so they may participate fully in society. The government is committed in ensuring that minority groups are guaranteed access to social, economic and cultural rights.

The government through serious action has proven its advocacy towards its most vulnerable citizens. The ministers of the government work together to identify problems and they work in concert to devise solutions for the benefit of minority groups and disadvantaged citizens.

In 10 short months the government has done more to protect the rights of vulnerable citizens than the previous government did in its full term in office. The government acknowledged the injustice that was committed against aboriginal children through the residential school program. In May of this year, the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, along with the Minister of Canadian Heritage and Status of Women, approved a final Indian residential schools settlement agreement and the immediate launch of an advance payment program, with the hope of fostering reconciliation and healing among all Canadians.

● (1545)

The government acknowledged the injustice that was done to Chinese Canadians in the early 1900s. The Chinese head tax was a blatant form of discrimination and earlier this year Canada's new government officially apologized.

The hon. Bev Oda, Minister of Canadian Heritage and Status of Women, along with her parliamentary secretary, were instrumental in working with the Chinese community in order to begin the healing process. The Prime Minister issued an official apology for the head tax imposed on Chinese Canadians, and the government announced that it would make ex gratia symbolic payments of $20,000 to living head taxpayers and to persons in a conjugal relationship with a now deceased head taxpayer.

The government acknowledged the unjust treatment to the victims who contacted hepatitis C from the blood system before January 1986 and after July 1, 1990, I believe. In July of this year the government recognized that all victims who contracted hepatitis C through contaminated blood suffered equally and were liable for compensation. This was so important. I had a constituent in my riding who was waiting for this compensation.

The hon. Tony Clement, Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario—

Hon. Karen Redman: Mr. Speaker, I rise on a point of order and I do this with some regret. I understand my hon. colleague is very sincere in her commercial for the Conservative government, but it strikes me that she may want to refer to her colleagues by their role as minister of their portfolio rather than their names, as that is not proper protocol in the House.

The Acting Speaker (Mr. Royal Galipeau): I thank the chief opposition with much appreciation. This is a point that I make often and I would hope that all members would heed.

Mrs. Joy Smith: Mr. Speaker, I was focused on the content of this very serious issue rather than names. I apologize to the House for that.

The hon. Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario, along with his parliamentary secretary and the hon. member for Cambridge, the member for Kitchener—Conestoga, and the member for Halton spearheaded the movement to finally address this injustice, an injustice that the former government refused to recognize. As I said previously, I had a constituent in my riding who was waiting for this very important announcement. The government set aside nearly $1 billion in a special settlement fund, the sole purpose of which was to provide compensation to the pre-1996 and post-1990 hep C victims.

The government acknowledges the plight of aboriginal women who are struggling with a marital breakdown and are faced with overwhelming barriers to securing a future for themselves and for their children. Just a few weeks ago the government took the initiative and began working to secure fair and equitable on reserve real matrimonial property rights. The Minister of Indian Affairs and Northern Development began consultations across the country in the hope of establishing on reserve matrimonial real property solutions for first nation communities.

Members of the government are proud to act as advocates for the vulnerable citizens of this country. Members of the government are proud to stand up for the rights of minorities and the disadvantaged.

The government believes that public policy should be made by parliamentarians. Debates on equality and rights should focus on the individual and not the self-serving special interest groups. The government is committed to ensuring that legislation passed is legislation that is good for all Canadians.

I speak on behalf of all my colleagues when I say that Canada's new government is committed to repairing the neglect of former governments through policy and legislation and to move the country forward with values of equality and justice for all, for which we all stand.

Quite honestly, it is very important that all parliamentarians in the House, instead of going on a political agenda, ensure that all legislation is fair and equitable and that all legislation, like the Federal Accountability Act, is implemented. There were some real inherent flaws in the court challenges program. It did not address the inequality of the poor. Nor did it address our most vulnerable citizens.

I have listed a few of the many programs in which our government has taken a leadership role. We are getting the country on its right footing to ensure that our most vulnerable citizens are addressed.

● (1550)

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, I must shake my head when I listen to the speech from the member on the government side because she is essentially saying that if there were a dispute with the Charter of Rights and Freedoms, that the decision should be made by Parliament.

That is a dangerous statement to make when we look at the history of this country and its abuse of minority rights. We have had many abuses, and the member referred to a number of them, such as the Asian Exclusion Act, the Chinese head tax, the internment of Ukrainians, the policy of none-is-too-many for the Jews and a racial discrimination policy for immigration.

The point is that the Constitution of Canada is very clear. It says that the Constitution of Canada is the supreme law of Canada and any law that is inconsistent with the provision of the Constitution is, to the extent of the inconsistency is of no force or effect. That is section 52 of the Constitution of Canada.

The courts are the interpreters of the Constitution, not the Parliament of Canada. The member is essentially saying that she is against the court challenges program because she does not want the courts to decide on minority rights.

I find that very dangerous because her speech was written by officials of the government, her governing party, exposing their neo-con ideology. They are saying that they essentially want to ride roughshod over the Charter of Rights and Freedoms and the Constitution of Canada. We cannot go to court to challenge something that is unconstitutional if we do not have the money. The court challenges program levelled the playing field so that a person would actually have the resources to fight for their rights which affect so many Canadians.

What the member has been saying is that we should ignore the Constitution.

● (1555)

Mrs. Joy Smith: Mr. Speaker, what I have been saying is that members opposite had 13 years to get the job done but they did not get it done.

What I have been saying is that people elect parliamentarians to take their voices to Ottawa to make the laws.

I am also saying that our most vulnerable citizens have been neglected over 13 years and our crime laws have been absolutely gutted. The rights of our vulnerable people have been gutted.

The government is taking action. It is ensuring we have matrimonial laws in place for aboriginal women. We are taking care of other aspects and we are ensuring that our most vulnerable citizens are taken care of.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I must say that I am shocked and disappointed that the member suggested that her party should not fund disadvantaged groups. Who else will protect disadvantaged groups to challenge the courts for their rights? What else is government for?

The powerful and wealthy need to be in a state that is governed by law but they do not need our assistance as much as disadvantaged groups. Who else will help those groups without any funding?

She also suggested that we should not be funding self-serving minority interest groups against the majority of Canadians. One of the groups that use the charter challenge is aboriginal people. Is she suggesting that aboriginal people are a self-serving interest group? On this side of the House we consider aboriginal people as part of governments and we treat them as governments, not as interest groups that should not have the right to defend their rights in court.

Does she consider women as one of these self-serving minorities, women who use the court challenges program? A self-serving minority against the majority. The last stats I had, women were actually a majority in Canada and therefore should not be referred to as a self-serving minority interest group.

One of the biggest complaints I heard about these various cuts is that they were done without consultation. People from museums, literacy groups, women's groups, aboriginal people, all the volunteers woke up the next morning and had these cuts thrust upon them without consultation. The summer student program was cut too. To work out a plan to make cuts with these groups, a reasonable plan, is what governments always do. Rational, clear-thinking, organized governments at least consult with the groups so they can prepare for such dramatic cuts.

I wonder if the member agrees that there was no consultation with the groups that were cut.

Mrs. Joy Smith: Mr. Speaker, the hyperbole from members opposite is almost interesting. The Liberals had 13 years to address all these situations but did not and, in just a few short months, this government addressed many issues, such as on reserve real matrimony property rights, the Chinese head tax and the off-reserve school situation.

The Liberals should stop saying how shocked they are and how surprised they are at the cuts to Status of Women because there were no cuts to Status of Women. The government changed Status of Women so that women across Canada could have programs in their communities instead of paying lobbyists. Everybody can lobby and they can do it on their own dollar but what this government wanted to do was to put money directly into programs for women.

I have heard from women's organizations all across Canada that have said how happy they are about this because, finally, their little program in their little community can be funded. I think this is extremely important.

I think parliamentarians come to this House to guide the laws, and that is what we depend on and that is what democracy is all about.

● (1600)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I believe the debate has come to the real crux of it, which is whether ideology will trump basic human rights and the best interests of all Canadians. It would appear that the member somehow, when she gets stuck and gets caught with the facts, such as the fact that the court challenges program was cut, reverts back to saying that in 13 years we did nothing".

The Conservatives' line now is that the government is doing the job and getting the job done. The job the government is getting done is to dismantle the rights and freedoms of Canadians. The Prime Minister showed it himself by saying, even in this place, that he wanted to be absolutely sure that judges who were appointed were more closely aligned with his political views.

Mrs. Joy Smith: Mr. Speaker, the government strongly believes in a woman's right to be supported in their communities all across Canada, and that is what we have done.

The government believes that people should be able to walk the streets safely and walk around their neighbourhoods and that victims of crimes should be recognized and supported. That is what the government has done.

The government believes that aboriginal women should have their property rights. The government has done that.

[*Translation*]

Mr. Maka Kotto (Saint-Lambert, BQ): Mr. Speaker, I rise in the House today to reiterate comments I have already made in the past during a similar debate about a report tabled by the Standing Committee on Canadian Heritage on the same topic.

I also rise to say that the Bloc Québécois supports the adoption of the 16th report of the Standing Committee on Status of Women, which recommends that the government reinstate the court challenges program. Why do we support it? Because we feel that this government has room to manoeuvre, given that it has the luxury of a surplus of billions of dollars, and that it should have cut operating expenditures rather than programs affecting the most disadvantaged citizens.

We all know that the Conservatives have made what are generally called ideological cuts, and it is not impugning their motives to say so. They target the disadvantaged and minority groups. In England, Mrs. Thatcher taught us a great deal and left a rather interesting legacy in this regard.

The Conservatives target programs that provide checks and balances to the government, programs that facilitate the expression and practice of democracy in a country that calls itself free, sophisticated and developed. It refuses to consider possible savings at the Department of National Defence, for example. I wonder why. I do not know. The question must be asked.

Why is it that there were no cuts to the Department of National Defence when it is one of the departments with the largest budgets, about $14.7 billion in 2005-06?

During the election campaign in January 2006, we saw the Conservative Party slowly progressing like masked turtles. I did not come up with this image; it was provided by someone else. But I thought it was appropriate because we could not see the true face of the government. We did not yet know it as we do today.

The masks have been set aside. We have a tendency of pointing that out. It happens every day when we debate and defend positions and values in this House.

With all these cuts, the Conservative government—as I have already said here—is stirring up a lot of discontent in Quebec. If the members of the Conservative caucus are incapable of seeing this, I can only say that they are out of touch with reality in Quebec. The values of the Conservative Party are not the values of Quebeckers.

Quebec is about solidarity in all areas of life. That is the very essence of the soul of the Quebec nation: solidarity, mutual aid and compassion. I defy anyone here in this House to convince me that the measures taken by this government, whether using its machete, sabre or chain saw to slash programs such as the court challenges program, are in any way in line with the values I just mentioned.

● (1605)

The Conservative government, as I have already said, is directly attacking the disadvantaged and minority groups. I will give other examples, in addition to the elimination of the court challenges program, which, incidentally, gave a voice to linguistic and gender minorities, which would include women and homosexuals.

Furthermore, we know that the court challenges program funded groups that challenged the positions taken by current members of this Conservative government. Was cutting this program—the question must be asked—an unhealthy sign that all groups opposed to this government's ideology are in danger of being gradually silenced?

Perhaps our potential insensitivity to this ideology would soon cause these groups to disappear or become weaker. Fortunately, we are here. To respond to some of the foolishness across the floor, I would say the Bloc Québécois is here to denounce this dangerous ideology.

I spoke earlier about other programs that are at risk or are going to disappear, including the Canada volunteerism initiative, and the program that advocates for women and women's rights, a fight that is far from over. Those involved in the women's movement in Quebec, who have been fighting for years and for generations, know what I am talking about.

We may be far removed from the values that this government stands for, but it is not taking a strong stand. It is unable to say without circumvention and hypocrisy that women and minority groups have to make do with what they have. Women, minority groups and those who are unable to read—the illiterate—have to make do with what they have.

If the Conservatives would use clear speech, if they would be transparent and have the courage to be upfront and take a strong stand, I think the entire population of Canada—not just in Quebec, because in Quebec we have made up our minds, there is a clear consensus—would wake up and chase the Conservatives out of government.

Now I would like to address those who are watching us on television today. Wake up. There is still time. You have seen what they are capable of as a minority government; imagine what they would have done if they had formed a majority government.

● (1610)

[*English*]

Ms. Tina Keeper (Churchill, Lib.): Mr. Speaker, I would like to ask my hon. colleague for his response to the statement by the Conservative members that the court challenges program represents special interest groups in Canada.

[*Translation*]

Mr. Maka Kotto: Mr. Speaker, I want to thank my colleague for her question. I do not want to repeat what they said, because I find their comments uncalled for. I want to refrain from using words that could harm or be unparliamentary.

We have here an expression that reveals an ideology. To be unable to deal with the diversity of values that are the foundation of Canada and Quebec, to be limited only to the expression, the validation and promotion of one's own values, which, in my opinion, can be referred to as sectarian, then there is a problem. This has no relation to our diversity as human beings in this society and as people with unequal means and abilities. It is up to us as parliamentarians, as my colleague just said, never to stop denouncing this deviance reflects an ideological minority in Canada and Quebec.

Mr. Guy André (Berthier—Maskinongé, BQ): Mr. Speaker, I would like to congratulate my colleague from Saint-Lambert for his excellent speech. I would like him to explain why a government which is currently spending billions of dollars to purchase military equipment has made cuts to programs such as the court challenges program.

I visited maritime Canada with the Standing Committee on Official Languages. People said that if they had not had access to this program, they would not have had the right to schools or many other services. Literacy services were available in these communities because of this program. Status of Women Canada programs have experienced cuts, as have the literacy programs, which were extremely important social programs for people with literacy problems. As well, the government is still refusing to improve the employment insurance program. We could also talk about the POWA program to help older workers.

How can the member explain the government's lack of concern for social problems and for the most vulnerable members of our society?

● (1615)

Mr. Maka Kotto: Mr. Speaker, I would like to thank my colleague for his question. Let me put this in a broader context in order to shed some light on this government's ideological goals, which are those of a minority in Quebec and Canada.

Through its mouthpiece, the Conservative Party, this government will go down in recent political history as a proponent of the law of the jungle and of might makes right against the weak, the vulnerable and the isolated. When I say isolated, I mean, for example, francophones outside Quebec, who had access to this program that will probably disappear for good if the government does not act reasonably and wisely.

The law of the jungle is contrary to Quebec's values and to human values. It is clear that the people who support these methods, both here and elsewhere, care only about themselves. As my colleague said, these people do not pay attention to the weak and the vulnerable because they are unable to see the big picture; they cannot see past the ends of their noses.

It is our duty to remind all of our colleagues in the House of Commons, as well as all Canadians and Quebeckers, that this kind of ideology flourishes only on the edge of the abyss, on the edge of chaos, and that is what we have to avoid.

[*English*]

Mr. Sukh Dhaliwal (Newton—North Delta, Lib.): Mr. Speaker, in fact when I look at my Canada, it is based on one centrepiece, the Charter of Rights and Freedoms. My riding of Newton—North Delta is very diverse when it comes to economics and socio-cultural structure.

Does the member agree that by taking away the court challenges program, the government is undermining the Charter of Rights and Freedoms and hence, is also undermining basic Canadian values that we all see as our new Canada?

[*Translation*]

Mr. Maka Kotto: Mr. Speaker, I would like to discuss my reservations about the Canadian Charter, but that is another debate entirely. It makes no sense to deprive minorities outside of Quebec, aboriginals, women's groups, the most vulnerable, the poorest, the economically excluded, and society's downtrodden. What else can I say? It makes no sense.

I hope nobody minds if I laugh as Canada's red and white lights shine around the world, telling everyone that it is the greatest country on earth.

● (1620)

[*English*]

The Acting Speaker (Mr. Royal Galipeau): It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for West Nova, Federal-Provincial Relations; the hon. member for Windsor West, Foreign Aid.

Mrs. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, I am splitting my time with the member for Acadie—Bathurst.

The truth is that changes to the mandate of Status of Women Canada and the termination of the court challenges program are a travesty.

The court challenges program of Canada provided access to justice in languages and equality rights. It provided a constitutional test. To be meaningful, rights have to be exercised. Without the court challenges program in place to provide this assistance, the interpretation and application of constitutional rights will only be available to those with deep pockets.

In a constitutional democracy like Canada, constitutional rights litigation is an essential part of democratic dialogue and the exercise of citizenship. Constitutional test cases examine the meaning of rights and their limits. As a society we suffer when constitutional wrongs go unchecked.

However, the government has no interest in these ideals nor in the needs of women, needs such as child care, economic security, affordable housing, fair immigration policy, the rights of aboriginal women and pensioners. There was nothing in the recent budget that specifically referred to the government's funding plans to address women's inequality and to address their needs.

The Conservative child care plan does not address the child care needs of working women. Twelve hundred dollars a year does not even come close to covering the cost of child care. Families in my riding of London—Fanshawe have made it very clear that what they need are child care spaces, not a taxable $100 a month.

The Conservative budget did not provide funds to create more child care spaces until 2007-08. Just last week we saw the results of such a travesty in the city of Toronto. A child, a baby just over a year of age, was injured because of inadequate child care. Now we see that the number of child care spaces are in decline. We need to invest in our children now. To invest in our children is to invest in our future.

The government shows very little support for women and their children and has made it very clear that they are simply not a priority. The priorities lie elsewhere. The minister responsible for the status of women claimed in the House that the government would stand up for the equality of women. She said:

> I can assure the member and all women in Canada that this government will stand up for the equality of women and their full participation.

By the government's actions, actions like ending the funds for court challenges, ending funding for literacy programs, for Status of Women Canada, for museums, for summer youth programs, the government has shown that it is not interested in these very interesting words. Neither the Minister of Justice nor the Minister of Canadian Heritage and Status of Women has stood up. It is clear that women are not a priority

In order to comply with its international obligations and truly advocate for women in Canada, the government needs to fund research, legislation and programs in order to address the 26 recommendations made by the United Nations committee, the Convention on the Elimination of all Forms of Discrimination against Women. It needs to fund the court challenges program. Funding for Status of Women Canada according to the estimates has stayed relatively stagnant, except for about $1 million in transfer payments to the Sisters in Spirit initiative through the native women's network to raise awareness of the alarmingly high rates of violence against aboriginal women in Canada.

Status of Women Canada needs more funding to address women's issues, especially those outlined in the CEDAW recommendations, not just for projects but to address the systemic causes of inequality. According to the estimates, the promote public policy program is being cut by approximately $5 million, while there has been an increase of about $6 million for the build knowledge and organizational capacity on gender equality. The large cut to promote public policy program will prevent the development and implementation of federal initiatives that narrow the gap between women and men and expand opportunities for women. This cut in funding also means that there is only $2 million to address the CEDAW recommendations.

● (1625)

The amount of $21 million is dedicated to develop the knowledge and capacity of a number of stakeholders so that they are better informed and able to address gender based issues of significance to Canadian society in a coordinated manner. Of this money, $10 million is dedicated to grants.

While women's organizations need funding, the large adjustment between the two programs indicates that the government would rather have a hands-off policy when it comes to promoting women's equality instead of funding federal programs with direction and cohesion. Again the government shows that women are not a priority. Clearly it does not believe that government should promote women's equality. Instead, responsibility is passed over to the non-profit community, or in some cases, the for profit community.

The Government of Canada continues to ignore that Canadian women need Status of Women Canada to achieve equality. Addressing the symptoms of systemic discrimination against women, as the government's actions do, will not eliminate the inequalities that women face.

If the Conservatives truly cared, they would make sure that the $100 million for Status of Women Canada was available to meet our international obligations. They would reverse the closure of 12 of 16 Status of Women Canada offices across the country and reverse the cancellation of the independent policy research fund. They would also reverse the restrictive funding mandate of Status of Women Canada and reverse the cancellation of the court challenges program. They would truly address violence against women, provide core funding for women's groups and increase funding to the women's program at Status of Women Canada by at least 25% for investment in women's groups and equality-seeking organizations.

If the Conservatives truly cared, there would be better parental benefits. There would be proactive pay equity legislation and a commitment to safe, affordable, regulated child care.

Women across this great nation deserve that. They deserve the basic human rights that this country says it intends to guarantee: safety and protection. No one should be denied these rights. We need the court challenges program.

We need to have a government that respects and supports the women of this country. We do not have one yet; we are still waiting. We demand a government that respects women and will restore the programs that bring them equality, the equality they deserve.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, in a number of instances this debate has brought forward serious concerns about where the government is going. The cancellation of the $6 million for the court challenges program seems symptomatic. The court challenges program is, I think in the view of all thinking Canadians, one of the more appropriate programs that we have, because it helps to provide access by all Canadians to their rights under the Canadians Charter of Rights and Freedoms. That cancellation seems to be reflective of a broader problem in terms of the thinking of the government.

I am concerned about the appointment of judges and why there are so many appointments. The Prime Minister's suggestion is he would like to have judges who are more closely aligned with his own thinking on the world. That may bring into question his commitment to the independence of the judiciary.

There are the appointments to the refugee boards to dispose of those cases. These people have rights, yet the number of refugee cases has skyrocketed.

Even on something as simple as the chair of the CBC, our cherished institution that we want to protect, is there some reason that after six months we still have not started the process to replace that person? Is there a hidden agenda?

Those are my concerns. Does the member think that the action to cancel the court challenges program is yet another symptom of a hidden agenda?

● (1630)

Mrs. Irene Mathyssen: Mr. Speaker, the member talked about the direction the government is taking. My first response is it seems to be going in circles, but that is not really accurate. The government is going backward, and it is going backward in terms of women's rights.

What we see with the cancellation of the court challenges program and the end of funding for research and policy development for Status of Women Canada is quite symptomatic of what can only be described as an entrenching of Republican style values.

The member talked about the appointment of judges and administrators who were closely aligned with the Prime Minister's own thinking. I would like to remind the Prime Minister that he is one citizen of this country. There are 33 million more, and they too have a right to develop and participate in this country as full citizens, not by a narrow set of rules that is determined by one individual.

It is time for the Prime Minister to take his role seriously as a leader, as a leader who makes it possible for people to develop and to contribute, a leader who brings out the very best in this country, not one who would take it backward to a time we shudder to think of, because it was a time when women were undermined, when immigrants were undermined, and when minority groups and first nations were undermined. We cannot possibly return to those times. We need to go forward.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, the member from the Bloc suggested that he was quite afraid of the direction in which the government was going, as the member just described and would be really afraid if the Conservatives ever received a majority government. I wonder if the member is concerned about what might happen if the Conservatives had a majority government.

Mrs. Irene Mathyssen: Mr. Speaker, that is the quality of nightmares. Canadians are much too cautious and much too intelligent to ever give the Conservative government that kind of power. There has been a great deal of discussion, but they have seen what happened in the United States with the entrenchment of a right-wing agenda and the kind of despair that we see there. We certainly do not want a repeat of that here.

I would predict that Canadians would be very sage in terms of their electoral choices next time.

[*Translation*]

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, I am pleased to speak today about court challenges, the status of women and the problem we face because of what the government has done. The government has gotten us into a situation that will affect our country's future. Allow me to explain.

Canada had the court challenges program. It was eliminated by Brian Mulroney's Conservatives, who governed from 1984 to 1993, and was later reinstated. What did the court challenges program allow people to do?

Earlier, one of our Conservative colleagues talked about legal aid. I think he completely missed the mark, because legal aid and the court challenges program are two completely different things.

A previous government and Parliament gave us the Canadian Charter of Rights and Freedoms. In cases where the charter was violated, the court challenges program gave people the opportunity to go to court and seek a court ruling.

[*English*]

When we look at the court challenges program, it was used a million different ways. For example, in New Brunswick in 2003-04 when the electoral boundaries were changed, part of my riding of Acadie—Bathurst was put in Miramichi. It is because of the court challenges program that the boundary was reinstated.

The regions of Allardville, Big River, Tetagouche, North Tetagouche, and South Tetagouche around Bathurst that were part of the riding of Acadie—Bathurst were reinstated because of the court challenges program. That is how my riding was saved.

We say that francophones are a minority in Canada. Even in Bathurst the anglophones were saying that in the region of Acadie-Bathurst the anglophones were a minority. By putting more anglophones in Miramichi it gave the Conservatives a better chance for a minority.

Constituents were arguing that Big River, South Tetagouche, North Tetagouche and Little River, all the small areas around Bathurst, had to stay in Acadie—Bathurst. It is through the court challenges program that we got back the riding. If it were not for the court challenges program, we would never have gotten it back. I am thankful to the program for it.

● (1635)

[*Translation*]

Francophones still have their own schools in Prince Edward Island, Newfoundland and Nova Scotia thanks to the court challenges program. The program was used not only in the maritime and Atlantic provinces, but in Ontario as well. Here in Ottawa, the Montfort Hospital still exists today because of the court challenges program.

People in Toronto and Sudbury also benefited from the court challenges program. Francophones at Collège Boréal were able to go to court for the right be served in their own language in their province. There were similar cases in British Columbia, Alberta, Saskatchewan and Manitoba. The court challenges program was used across Canada.

This Conservative government has even told this House that one of the reasons it abolished the program was that the program benefited friends of the Liberals by giving them the chance to make money on court cases.

I do not know if there has been an investigation into whether friends of the Liberals indeed benefited. Nonetheless, in our region, people fought hard for the court challenges. Michel Doucet, a lawyer and professor at the Université de Moncton, did pro bono work defending the rights of francophones.

Today, we see we have to fight again in New Brunswick, a bilingual province, to have bilingual service from the RCMP. We had to take our case to the Supreme Court of Canada because the previous Liberal government decided to appeal. Today the federal Conservative government is pursuing the appeal at the Supreme Court. My hat goes off to Michel Doucet, a lawyer who is not earning any money fighting for the rights of francophones. He should be commended.

Furthermore, I do not accept the claim that the court challenges program was used to make lawyers richer since most of them are not getting paid. Only the legal fees are covered. The money was used to cover the legal fees.

On September 23, 2006, at the summit of la Francophonie in Romania, it was sad. More than 50 French-speaking nations were at the summit. Instead of talking about la Francophonie, the Prime Minister of Canada talked about the war between Israel and Lebanon. While we were in the midst of participating in the summit of la Francophonie in Romania, the federal Conservative government announced that it was taking away the tools that allow us to challenge legislation and government procedures, the tools that allow us to go to court to get justice.

Senator Gerald Comeau, who was at the summit of la Francophonie, said he did not accept these cuts. Senator Andrée Champagne did not accept these cuts by her own government. I can assure you that this had little impact on the Conservative Party, which is not progressive, but an amalgamation of the Canadian Alliance Party and the Reform Party. That is where it comes from. It has not changed. It does not want to do anything for the communities or the status of women. There was a time in this House when a woman could not even become a member of Parliament.

● (1640)

[*English*]

At one time, women could not even be members of Parliament in this House. They had to work hard. The Status of Women has done a lot for the women of our country and this government is taking away all its tools and cutting its funds.

What is the government scared of? Is it scared that for once women could have equality with men? Is that what it is scared of? Does it not want them to be treated as equal persons in our country, that they have money to challenge that when it is not done?

The government should be ashamed of itself for what it has done. It cut literacy programs when we have people in our country who do not know how to read and right, and we had groups working hard in that respect.

The government went further than that. The Conservative Party even cut the association for volunteers. The volunteers who work so hard and who put in so many hours for our country have an association that the government has cut. It has taken the money away and that is a shame.

I could hear the Liberals saying "Bring it down". What? When we look at the cuts, it is totally unacceptable. I believe that people will remember what the government took away from the people, what it took away from the minorities in our country. When we have a Charter of Rights and Freedoms with no tools to go to court and challenge a bad decision, we might as well not have one. The little people who want to challenge the government will never have the money to go to the Supreme Court of Canada. That was done through the court challenge program. That is what the Conservative government took away from them.

Hon. Michael Chong (Wellington—Halton Hills, CPC): Mr. Speaker, I think we have to put this all into perspective. Our party, our government, has been a proud supporter of rights through the decades, both federally and provincially.

It was a provincial Conservative government in Ontario that established the paid legal aid program in Ontario; one of the first in Canada. It was a federal Conservative government that first established the Bill of Rights. So, we have had a proud history in this area. While we have eliminated the court challenges program, I think it has to be put into perspective.

The biggest threat to legal rights in the last 15 or so years in this country were the drastic cuts the previous Liberal government made to provincial transfers. As a result, hundreds of thousands of Canadian citizens living in provinces like Ontario were denied access to justice. The Ontario legal aid plan, in the early 1990s, provided about 225,000 certificates a year. By the mid-1990s, that had been chopped to 75,000 a year. That is a reduction of two-thirds. For each certificate that was chopped, that was a Canadian citizen living in Ontario who was denied access to justice because of the denial of legal aid.

So, I think we have to put this all in perspective. What we have done here is eliminate a program and have used the resources for better means. We have to put this in a bigger perspective of what happened in previous years and other governments. As I said before, our party have a long and very proud tradition, both nationally and in the province of Ontario, defending legal rights.

● (1645)

Mr. Yvon Godin: Mr. Speaker, that is where my colleague got it wrong.

Let us take a look at legal aid. For example, at no time will the people of New Brunswick be able to get legal aid, even if the money goes to the province, to challenge the Government of Canada or Elections Canada or the Electoral Boundaries Commission for the changes that have been made to electoral boundaries.

Legal aid will never pay to go to court against the government for the RCMP not being bilingual in New Brunswick. Legal aid is not there for that. There cannot be legal aid for that.

The court challenges program was used when Canadians challenged the Charter of Rights and Freedoms. Legal aid did not pay for that.

There is nothing at all on the books saying how they will get paid. That is what the government has taken away. It took away the rights of those organizations.

For example, the Canadian Food Inspection Agency had offices in Shippagan. Those people were transferred to Dieppe. They went to court using the court challenges program and won back their right to be in Shippagan. Legal aid would never pay for that. It has nothing to do with legal aid.

This is about respecting the minorities of our country. Legal aid does not pay for that. It would never pay for that. It is not on the books. When the government took away the court challenges program, the Conservatives said in the House, "Why should we pay people to take us and the government to court?"

However, I think it is fundamental in a democracy that we be able to do that. I raised this question with the government. If a simple citizen goes to court and wins his case, will the government not use taxpayers' money to appeal it? Will the government say that the citizen wins?

Why would the government use taxpayers' money to go to the Supreme Court of Canada when Canadians do not have a program to help the little person to go to the Supreme Court of Canada and win for the collectivity, as was done for the minorities of our country? That is what we had through the court challenges program.

That is how the Montfort Hospital in Ottawa won back its hospital. It was done through the court challenges program. Legal aid did not help the Montfort Hospital in Ottawa. The hospital did not qualify for legal aid. Even if it would have had all kinds of money, it would not have come through legal aid.

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, I am very pleased to enter into this debate, but before I start, I think it is important that we put this into context. The member for Wellington—Halton Hills made some comments that I think deserve a response. He talked about the proud tradition of Conservative governments.

There has been a proud tradition of Progressive Conservative governments, governments that still exist on the provincial front, but not in the House of Commons. As Danny Williams, the premier of Newfoundland and Labrador, said, he sees himself as "a progressive Conservative" and the Prime Minister of this country as a "regressive Conservative".

It is important to talk about that. The present government is not the party of the bill of rights of John Diefenbaker. The present government is a neo-conservative government, ideologically driven, based in the religious right, and it has done everything in its power to divide Canadians, to attack minorities, and to attack disadvantaged groups.

I am going to give the House an example so that we can understand that the court challenges program was much more than some debate that does not have an impact on ordinary Canadians. As the House knows, right now we are involved in a debate in the citizenship and immigration committee, and we have been for quite a number of years, and that debate deals with the whole issue of citizenship rights.

Very recently it became public that upward of 400,000 Canadians who thought they were Canadians are losing their citizenship rights and their citizenship for various reasons. I am going to focus my comments on one particular group, that of war brides and their offspring, because there are tens of thousands of people who fall into this category.

I am going to cite the case of Mr. Joseph Taylor because this particular case is very relevant to the discussion that we are having here today. It shows the very human nature of what we are talking about when we are talking about the fight for rights.

As we all know, we have had a lot of debates in this House on how we honour our veterans, the men and women who served to keep this country safe in the past and who did a great service for us in the world wars and other conflicts abroad. I am going to take the case of Mr. Joseph Taylor because he happens to be the son of a Canadian veteran. His father, Joe Taylor Sr., fought for this country during the second world war.

Joe Taylor Sr. went to England, where he was stationed, and, like thousands of Canadians who were in similar situations, many of them single, became involved with a woman from Britain. He met his English Rose and they fell in love. They found out that she was pregnant. Mr. Taylor told his commanding officer that he wanted to get married so the child would be considered legitimate versus being born out of wedlock. The commanding officer informed Mr. Taylor Sr. that Canada was not in the business of producing widows and orphans and essentially said they could not get married.

Mr. Joe Taylor Sr. went off to France to fight. Fortunately for his wife and child he survived the war in France. He went back to England, at which point he married his wife. He was very happy to be reunited with his new wife and son.

● (1650)

Canada had a program related to war brides and their children. The program was that those war brides and their children were allowed to come to Canada and as soon as they landed in Canada they all would become Canadian citizens.

Mr. Joe Taylor Sr. and his family set up house in British Columbia. Unfortunately, the marriage did not work out, so subsequently his wife and son went back to England. Mr. Joe Taylor, upon turning 18 years of age, decided that he would try to find his father, a veteran of the second world war. Mr. Taylor Jr. was told back then that he was no longer a citizen and would not get Canadian assistance in finding his father.

Back in the 1990s, Mr. Taylor once again decided he would come to Canada to try to find his father. Unfortunately for Mr. Joe Taylor Jr., he found out that his father had died. He is buried in a cemetery in Port Alberni.

Mr. Joe Taylor Jr. also found out that he had seven half-siblings living in British Columbia, with whom he reunited. He decided that he would retire in Canada, seeing that he has more family in Canada than he has in England. He bought himself a condominium in Victoria and comes back on vacations. He now is semi-retired in Britain and comes to Canada for his vacations. He spends time in Victoria.

Mr. Joe Taylor once again tried to get his Canadian citizenship. Once again the Department of Citizenship and Immigration refused him his citizenship. Mr. Taylor went to Federal Court over that decision.

The government, in denying Mr. Joe Taylor his citizenship, his rightful inheritance from his father, who fought for this country in the second world war, opposed his citizenship on two grounds. One was because Mr. Joseph Taylor was born out of wedlock. Second, the government opposed his citizenship on the grounds that in the 1947 act there is an obscure piece in the legislation which states that if people leave the country for any prolonged period of time they have to apply to keep their citizenship. Mr. Joe Taylor was not aware of that so he could not do so.

He took his case to the Federal Court. The Federal Court justice, Judge Luc Martineau, released his decision on September 1, 2006. In his decision, Mr. Justice Luc Martineau found that to discriminate against a person because he or she was born in or out of wedlock violated the equality section of the Charter of Rights and Freedoms, which says that we cannot discriminate against people because they are born in or out of wedlock.

On the question of not reapplying to keep that citizenship, Justice Luc Martineau ruled that this infringed section 7 of the charter, which talks about basic legal rights. Two sections are very important for this discussion. Section 7 of the charter states:

> Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof, except in accordance with the principles of fundamental justice.

Section 15 of the charter deals with the equality section and states:

> Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disabilities.

● (1655)

It is very clear that nobody, no government would want to have legislation that violated that section of the charter, but what do we have? This decision came down September 1. I asked the then minister of citizenship and immigration a question as to why the government would want to appeal that decision.

The government opposite appealed the decision after it got rid of the court challenges program. It is incomprehensible to me that anybody, that any party and certainly the Government of Canada, would so dishonour the sacrifices made by our veterans as to fight against the rightful citizenship of their offspring.

In the case of Mr. Joe Taylor, he is not a rich man. He has a comfortable life, but he is not rich. For him to take on the government and pursue his case before the court to fight for his rights, and rights that affect thousands of other offspring of veterans whose rightful citizenship is being denied, it costs money and in the case of having gone to Federal Court, that cost Mr. Joe Taylor $30,000 and even though the judge ordered costs against the government, Mr. Joe Taylor recovered only $10,000.

The government made the decision, after it got rid of the court challenges program, to appeal Mr. Taylor's victory in the Federal Court. When it applied to the Federal Court of Appeal, it also informed the Federal Court that if it lost in the Federal Court, it would take the case to the Supreme Court.

How meanspirited can the neocons get when the government says to Mr. Joe Taylor, and people like him, that if he wants to fight for his fundamental rights, which a justice of the Federal Court has ruled to be unconstitutional for infringing the legal section and the equality section of the Charter of Rights, an individual, the son of a Canadian veteran, and there are thousands like him, that he might be right, but if he wants to fight for his rights, he will need lots of money, while the government will use the taxpayer money to fight him to the end.

For Mr. Joe Taylor to get his hearing before the Supreme Court, if it goes there, it would cost upwards of a half million to a million dollars. What the government has done is so very shameful.

Let me read a letter that Mr. Joe Taylor received from the court challenges program on October 31, 2006. It deserves to go in the record.

> Case Funding Application E-1885.
>
> We are writing in response to your application received in our office on October 16, 2006, in which you applied for Case Funding from the Court Challenges Program with respect to opposing the Minister of Citizenship and Immigration's appeal from the Order of Mr. Justice Martineau.
>
> We regret to advise you that the Court Challenges Program of Canada is no longer in a position to consider your application for funding. The Federal Government of Canada announced on Monday, September 25, 2006 that it would cut funding available under the existing Court Challenges Program effective immediately. Consequently, there are no longer any funds available for new applications under this Program.
>
> We understand and appreciate how this decision will negatively affect your ability to bring your equality rights case forward, and we wish you all the best in your efforts to advance your equality rights.
>
> If you have any questions, please do not hesitate to contact me...

It is signed by the legal policy analyst.

● (1700)

It is an incredible disgrace for members of the Conservative Party to stand and say they support their military, the men and women in uniform, and then treat their offspring as shabbily as they have by cutting the court challenges program, appealing the decision and saying that they will appeal it to the Supreme Court. It is a disgrace and something for which they should hide their heads in shame. As more Canadians learn about this, the more outraged they will become.

I mentioned earlier that hundreds of thousands of people fall into this category of citizenship rights. For the government to eliminate a $6 million line item in a $200 billion budget is a total disgrace. However, this regressive Conservative Party, as the Premier of Newfoundland called it, has a long history on this. Therefore, this is nothing new and we should not be surprised.

In 1995 we had the hate crime legislation and Reformers, the predecessors to the Conservatives, were totally in opposition to it. They did not believe that gays should be protected, along with other groups, against hate crimes. That party is the government now. Those members fought against anything to do with gay rights, just as they fought against same sex marriage, and used it shamelessly for perceived political advantage.

That party had a family issues critic say that he believed it was a mistake to have legalized it, referring to homosexuality. That party has consistently made harmful statements about minority groups.

When we talk about the ideological perspective of that party, as I mentioned earlier, it is tied into religious rights and it has shamelessly used religious rights. Nothing better reflects it than its support from the Real Women of Canada. That group hated the court challenges program. It does not believe in same sex marriage, rights for homosexuals or that anybody who has a right should be able to challenge government.

That party calls minority groups special interest groups, but it embraces the gun lobby, the worst special interest in the country. It embraces the oil barons. That party does not call them special interest groups.

You were in the chair, Mr. Speaker, and you have seen the evolution of the Reform ideology. The Conservatives have been hiding it, but every once in a while it comes to the fore. There is no better example than when we bring up the court challenges program.

The Liberal Party is the party of the Charter of Rights and Freedoms, something the Conservatives hate. What are the Conservative roots that they refer to back in 1985 to 1993? What did we have? Eighteen members of Parliament and cabinet were charged and convicted of breach of trust. We saw none of that under the previous government.

I want to make it very clear, and everybody except the Conservatives in the House agrees, that they do not have a right to compare themselves to other Conservative parties in the country. As Premier Williams said, "I am a Progressive Conservative; they are regressive Conservatives". And once again, by removing funding from the court challenges program, they have proven it.

● (1705)

Hon. Michael Chong (Wellington—Halton Hills, CPC): Mr. Speaker, I listened to the member for Kitchener—Waterloo and his rhetoric about how the Liberal Party was such a strong defender of rights. I might point out two things that will fly in the face of that assertion.

If we look at the Liberal Party in Toronto, a city that is over 50% visible minorities today, and we look at the number of seats in the city of Toronto, roughly about 21 or 22 seats, the Liberals hold all but three seats, Trinity—Spadina, Parkdale—High Park and Toronto—Danforth, yet among their members from the Toronto caucus, I count one member of a visible minority. The party likes to talk large about its record on minorities, but its record speaks otherwise.

The other thing I point out is that in the previous Liberal government, if we looked at the members of the cabinet who sat on the frontbench of that party, I did not count any visible minorities.

It is a bit rich listening to the rhetoric of the member for Kitchener—Waterloo. I propose that there is a huge gap between the member's rhetoric and reality.

● (1710)

Hon. Andrew Telegdi: Mr. Speaker, the member is totally wrong. I can point to our multicultural minister, Jean Augustine. Jean Augustine is from Toronto. I could point to Mr. Ray Chan. I could point to Herb Dhaliwal. I could point to the member for Vancouver Centre. I could point to all sorts of members in the GTA who are members of visible minority groups.

However, what is clear is the member, in his desperation, is trying to defend getting rid of the court challenges program. In terms of the budget, it is like stealing from the Salvation Army box. That is what the Conservatives have done. They have taken away people's ability to fight for their rights. For that party to even pretend it is related to the Progressive—

The Deputy Speaker: Order, please. I wish the hon. member would sit down when I stand up. That is the way the rules work around here. We have more than one question that needs to be asked.

The hon. member for Winnipeg North.

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, I will address with the member the whole issue of how people living with disabilities would be able to access their rightful place in terms of laws that might discriminate against them without the court challenge program.

I want to somehow get away from this heated rhetoric in the House right now because there is so much at stake with the loss of the court challenges program that it might get lost. We have an opportunity to get through to the government today about the importance of court challenges when it comes to a whole variety of people who are treated, in many ways, as second class citizens.

We have heard about women's equality. We have heard about visible minorities, but I do not think we have spent very much time talking about people with disabilities.

The member may know that not too long ago Mary Rollason-MacAulay, a young woman with a very serious disability, came with her father, Kevin Rollason, from Winnipeg, to talk to the government. Without the benefit of the court challenges program, they would never have been able to demonstrate that in fact the employment insurance program was discriminating against people with disabilities. Their efforts through the court challenges program broke down barriers and opened up all kinds of opportunities for people living with disabilities.

Could the member from Kitchener to talk about what is available to people to challenge our laws that might discriminate today on the basis of ability or disability? What opportunities exist without the court challenges program to accomplish exactly the same thing, and is this not reason enough to persuade the government to put back such an important program?

Hon. Andrew Telegdi: Mr. Speaker, when we look at the disabled it is important that we do not look upon them as a special interest group, which is what the government is doing by eliminating the court challenges program.

The rhetoric gets heated when the government attacks the fundamental premise of justice in this country by eliminating people's rights. It is the minority groups that need the programs because they tend to not have the money to undertake these challenges.

On the whole issue of disability, it is clear that we have a duty to accommodate people so they can be judged on their abilities not on their disabilities. To the extent that they can live as much of a normal life as possible, it is incredibly important that they have those rights.

Without the court challenges program, I think people rely on the human rights programs that might exist in the provinces but that does not substitute for something as important as the court challenges program which, ultimately, gets results before the Supreme Court.

I have a great deal of trouble with the government's position on this whole notion of interpreting rights and making those decisions because those things are covered in section 52 of the Constitution. As I listened to the Conservative members talk about Parliament and the government should decide on rights, that is totally wrong because governments make mistake. We have all sorts of examples in history where governments have made mistakes.

It is important to recognize that the interpretation of the Constitution, according to the Constitution, rests with the courts. For the average individual to access justice, it should depend on the merit of one's case and not on the size of one's pocketbook. People who are rich, like Conrad Black, can take care of themselves, but the people who are fighting for basic disability rights cannot care for themselves and that is why the court challenges program is so critical.

● (1715)

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, all too often when we engage in debate in this House some members refer to the broad national numbers and the departmental impacts from coast to coast. However, I think it is important that we share with the people at home following the debate just how this plays out on individual Canadians. The member's story about Joe Taylor and how the cancellation of this program had an impact on his life and the peril that it placed him in was important to bring to the debate.

What I am also taken by is how the government is not in any way able to justify the cancellation of this program.

A couple of interventions have been made by the member for Wellington—Halton Hills with no substantive reason, trying to reach back and say that this was what the Liberals did. In his last question he tried to identify representation that the front bench would have had. Prior to that, he talked about cuts that had been made in the mid-1990s and tried to equate them to these cuts and the cut to this program, which is a completely different set of circumstance. The government in the mid-1990s was certainly in a deficit situation and it was trying to right the books, but here we are faced with a government that has a surplus situation with no obvious reason to cut this program. It was not because of funding.

So, I would like my colleague—

The Deputy Speaker: Order, please. We will need to give the hon. member for Kitchener—Waterloo a few seconds to respond.

Hon. Andrew Telegdi: Mr. Speaker, to be very clear, we are involved in an ideological debate.

The government does not believe that people who are fighting for their rights, those the government considers to be special interest groups, such as the poor, the disabled, women, people fighting for citizenship rights and the list goes on, should be listened to because the government is all-knowing and it can make the decision.

The fact is that if we are going to have justice in this country, we need the protection of the Constitution and of the charter. Again, one's right to—

The Deputy Speaker: Resuming debate, the hon. member for Scarborough—Rouge River.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I will be splitting my time with the member for Churchill.

We are debating a committee report dealing with the court challenges program. I have always, as a member, supported the court challenges program from a distance, in the sense that the program was operated and administered well outside of Parliament, well away from the government and managed by people who had legal expertise and a good perspective on our Canadian laws and institutions.

It was not an expensive program. It was actually quite cost effective. It was a program that looked toward the effective functioning of our laws and our administration.

Set out in our Constitution and in our Charter of Rights are legal rights, equality rights and language rights. However, I should make a quick distinction here. Not all the rights we are talking about here are charter rights. Bundles of rights are contained in our original Constitution and the charter, which was enacted in 1982, 25 years ago, reflected some of those and enhanced others.

However, the point is that the court challenges program was meant to be out there to allow the little guy in Canada, the person who maybe did not have the full clout of having a lawyer on the other end of the phone, to join with others and challenge the current law or administration in Canada for the purpose of complying with those very noble objectives of our charter and our Constitution.

I for one did not get a chance to see the court challenges program work up close and most Canadians did not get a chance. The probable reason is that most Canadians take the general quality of our laws and administration for granted. They tend to focus from time to time on perhaps what they do not like rather than all the stuff that is out there that is working quite functionally and serving us well. In the case of the court challenges program, it was actually doing a pretty good job.

Some people might not like the decisions that the courts eventually came to on cases that were brought by the court challenges program but that is a completely different issue than whether or not the court challenges program was working effectively, and it was. It took care of a lot of people. It was a fine-tuning device that was out there that, from time to time, would challenge the big guys in government, the decision makers in government who refused to budge when they were challenged on fairness in the law. By fairness, I mean fairness connected to the equality rights, the language rights and the legal rights that are in our Constitution.

I will point to two cases that have come to me as a parliamentarian but I will not mention any personal names. I am of the view that the two particular cases will require a court challenge. I am not suggesting that they should have been part of the court challenges program but it is a fact that not every component of our government is functioning perfectly and in compliance with the law.

No matter where we look, we will find flaws. We are all human and our government administration is run and operated by humans. People dig their heels in and some people make mistakes. We probably make mistakes in and around the House here too but I cannot point to any right now.

● (1720)

In any event, there was the case of one individual who had not obtained his Canadian citizenship after having lived in Canada for several years. He heard his mother was very ill so he rushed back to his home country. His mother recovered within three or four weeks. This person had left Canada without all the documents. He left fairly quickly because he was told that his mother was on her deathbed. He then had to go to the embassy and get papers to return to Canada. Lo and behold, the embassy decided that he could not get a visa to come back because he was inadmissible. This person was a permanent resident of Canada who went back home to check on his mother and the embassy decided he was inadmissible.

Granted there was a basis for the alleged inadmissibility but our laws also contain provisions that enable him to be treated as a permanent resident abroad and he was not. I am looking at this and I know that the administration of that particular section of the immigration law is ultra vires. It is wrong. It should be challenged and that may happen.

In another case, we have a collaboration between the Canada Revenue Agency and Canada Post to circumvent a privacy law enacted by Parliament. Parliament has decided that personal mail under 30 grams in weight may not be opened for inspection. The CRA generally has the ability to inspect mail coming into Canada but it does not have the right to open and inspect mail that is under 30 grams.

What does the agency do when it has one of these little envelopes? Canada Post and the CRA will keep it. They then send a letter to the Canadian telling the person that they do not have the right to open his or her mail because it is under 30 grams but that they would like the person's consent. They then tell the person that if he or she does not give consent, they will send it back to the sender outside the country and mark the letter as undeliverable.

That is a lie. Of course it is deliverable because Canada Post and the CRA were able to send a letter asking for consent in the first place. Under the Canada Post Corporation Act that mail is in the course of post and Canada Post has a legal obligation to see that it is delivered. Just because CRA cannot open it and inspect it does not mean it cannot be delivered.

In any event, CRA could open and inspect that letter if it went to court and got a warrant. However, the procedure that CRA is using is illegal. It circumvents what Parliament has laid down for our personal privacy when it comes to mail.

One of these instances occurred under the Liberal government and the second occurred under the Conservatives. It is not the government itself that I am challenging here. It is the administration that I am challenging. I am saying that in both of these instances, the immigration department, the CRA and Canada Post are seriously off side in terms of the enforcement and the administration of the law.

I hope these incidents will be challenged. The court challenges program was a wonderful, effective and efficient institution. I regret that it is not currently being funded by the government.

● (1725)

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, one of the downfalls of cancelling the court challenges program, as was stated already, is that a lot of people, individuals and minority groups may not have the resources to take a particular situation and challenge it.

As the member knows very well, the Acadian groups of Prince Edward Island and Nova Scotia have successfully used the court challenges program to fight for schools in their language in P.E.I. and Nova Scotia. The government knows full well that those respective provinces challenged those groups in the Supreme Court.

When it is a small group of parents that wants to educate their children in the French language and going against the weight of a provincial government, how is it anticipated that these individuals or groups can challenge a government on something that they perceive is wrong? That is why the court challenges program, in this particular instance, was so important.

I would appreciate it if the hon. member would talk a bit more and elaborate on people, especially outside of Quebec, who are struggling to maintain their French language and their heritage when it comes to challenges through the court challenges program with respect to the provinces.

Mr. Derek Lee: Mr. Speaker, the member has quite properly articulated the circumstance that exists from time to time and place to place across the country where ordinary Canadians have a gut feeling that something is just not right or fair in the administration of the law. They question the administration of the law. They believe they have been short-changed in their rights in some way. They feel they are not getting fair treatment in some way.

Their problem is that they face big government in trying to get redress. They only have the ability to speak to the people who have already turned them down or do not believe that they are being fairly treated. They have very few other places where they can turn.

It is a fact, some people do not like it, that there is a class of profession called lawyers, many of whom have the skills necessary to bring that challenge forward, to articulate it in a way and describe it and bring it forward procedurally to bring about a good result. That is what the court challenges program enabled many Canadians to do.

● (1730)

Hon. Michael Chong (Wellington—Halton Hills, CPC): Mr. Speaker, we have to put this all into perspective. The court challenges program was first introduced in 1978 and it was during a period of pretty intense debate over language rights and their impact on national unity.

We had the Official Languages Act of 1969. We had Quebec's Charte de la langue française in 1977. We had a number of court cases. So all of this contributed to putting this issue on the front burner. As a result, the government set up the program. With the advent of the charter in 1982, it expanded it to include section 15 rights.

However, today things are different. The two differences today are, first, there is a large, substantial body of case law that has been established from the last three decades; and second, there are less costly ways to fund court challenges and the Department of Justice can do so on a case by case basis.

Mr. Derek Lee: Mr. Speaker, funding more efficient court challenges is all right, provided there is a program that is out there and is accessible to the little guy.

The member says our laws are in pretty good shape after all of these years. One of the reasons they are in good shape is that these types of challenges have occurred. They have helped to fine tune our laws to the extent that Canada internationally is seen as a country that has a pretty good set of equality and rights legislation.

If the member feels strongly about what he has just said, perhaps he could put on record just what is this other government program that will allow the little guy to challenge the administration based on constitutional right?

Ms. Tina Keeper (Churchill, Lib.): Mr. Speaker, it is a privilege for me to speak to this motion today.

I have been a member of the heritage committee for the last year. As parliamentarians we have had the privilege of hearing from people who support the re-implementation of the court challenges program and who are adamantly against its elimination. We also heard from people who were against the court challenges program. It was a very interesting process.

I would like to speak about the program and about some of the stuff that we heard at committee. It is absolutely critical for Canadians to know that we have heard from witnesses. We heard from people who felt that the court challenges program represented the spirit and the law of this country at its best. They told us about the incredible impact it had on their lives.

We heard from witnesses who talked about the fact that their lives changed dramatically through an injury or an incident of some type. They had different needs and all of a sudden found themselves at a disadvantage. Their rights under the charter were not being met. We also heard from officials of the court challenges program itself.

We heard from many members who have spoken today, from the Liberal Party, the NDP and the Bloc, and about the concept of justice. The concept of justice necessarily includes access to justice. This is what the court challenges program was about.

At its conception, the court challenges program was related to official language rights under the charter and Constitution, and equality rights guaranteed under the charter involving federal laws, policies and practices. It was meant to provide access to justice for Canada's historically disadvantaged and those most vulnerable to marginalization and exclusion from full participation in Canadian society.

Canada's official minority language groups were also trying to claim their full and proper place in Canada. Without this access to justice, these disempowered groups and individuals no longer have a voice in their efforts to seek equality and recognition.

I would also like to mention that Canada had an international reputation. The court challenges program was one of the instruments for which Canada was recognized by the former UN high commissioner for human rights. She commented on the wonderful work of the court challenges program and its uniqueness. That program and our commitment to human rights have given Canada a place on the world stage.

This program cost $5.6 million a year. That is not a very substantial amount of money. We heard many criticisms by the people who were against the court challenges program and they often echoed some of the Conservative sentiments. We heard today that Liberal friends were recipients of the money, that they were the lawyers.

● (1735)

In fact, we had the opportunity at committee to question people, to question individuals or organizations that utilized the court challenges program about whether they even knew the party affiliation of their lawyer. This is not a partisan issue. It really is about Canada. It is about the spirit and it is what makes Canada great.

The other accusation that we heard today was that the program was not worth the money, not worth its value. In fact, the then President of the Treasury Board, when he made the cut to the program, did in fact say that these initiatives, including the court challenges program, were not meeting the priorities of Canadians or providing value for money. That is indeed what the President of the Treasury Board said about the program, but in 2003 the court challenges program was reviewed and the review was very positive.

The evaluation period was from 1998 to 2003. The evaluators noted that the court challenges program was consistent with the objectives of the Department of Canadian Heritage and most of the individuals and groups consulted stressed that the CCP provided for the clarification of equality and language rights, and afforded greater access to the justice system.

I would also like to mention that, as was found in the evaluation of the CCP and as we have heard from Conservative members and others, it is not value for money because it does not represent, as the minister said, the priorities of Canadians.

What we heard often was that people felt this represented special interest groups. Interestingly enough, the people who often made the accusations were not from a historically disadvantaged group and there were accusations that the court challenges program simply represented special interest groups.

I must argue that we have heard on this side of the House from over 170 organizations from across Canada. Together they submitted a letter asking for a reinstatement of the court challenges program. There are 170 groups, including: Alberta Association for Community Living, Brain Injury Association Network, Canadian Council of Muslim Women, Canadian Feminist Alliance for International Action, Canadian Hard of Hearing Association, Canadian Health Coalition, Canadian Women's Health Network, and the Charter Committee on Poverty Issues. I could go on and on because there are 170 groups listed.

What I am saying essentially, as we heard at committee time and time again, is that the court challenges program was indeed a program that represented the values of Canadians.

I want to finish by saying that on this issue of special interest groups, we did hear the member for Winnipeg North mention Kevin Rollason, who presented his daughter Mary's story. One of the things he said is that his life did change with the birth of his daughter. He said, “Little did I know my decision would spark a constitutional battle against the federal government and its employment insurance laws”.

He talked about the change in his life from being a Canadian who felt that he had equality to somebody who was disadvantaged and needed to fight on behalf of his family and the court challenges program allowed him to do that.

● (1740)

Hon. Michael Chong (Wellington—Halton Hills, CPC): Mr. Speaker, I think once again we have to remember the roots of this program, why it was originally established in 1978. It was to clarify certain constitutional provisions related to equality and language rights, language rights as set out in statutes, language and equality rights as set in section 15 of the charter, and in other areas of law.

That is why the program was originally established. It came at a time when we had the advent of the 1969 Official Languages Act, we had the 1977 Quebec Charte de la langue française and the 1982 charter, and so there was a need to establish a substantial basis of case law to determine rights.

Three decades later we have that substantial base in case law and the need for the program is no longer there. Furthermore, the Department of Justice could pursue cases on a case by case basis as needed, so there are more effective ways to spend money to affect rights and to affect case law.

Ms. Tina Keeper: Mr. Speaker, I have to disagree vehemently with the member opposite.

I am a first nations individual. This is outside the court challenges program and this type of case law, but currently there is a human rights complaint before the Canadian Human Rights Commission that has been filed by the Assembly of First Nations and the First Nations Child and Family Caring Society of Canada on the issue of first nations child welfare. I disagree with the basic premise of his statement that this is not timely any more and that these rights have been established in Canada.

I also draw his attention to the fact that there is a provision in the charter which states:

> The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including
>
> a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and
>
> b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired.

I draw his attention to the Corbiere case in 1999, which was not that long ago. It was a court challenge and dealt with the portability of treaty rights.

I disagree with the premise of the member opposite that rights have been filtered through and ascertained and everything is equal for all Canadians.

● (1745)

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Mr. Speaker, my colleague sits on the heritage committee, which I sit on as well. I participated in the hearings on the court challenges program. I must say that as the hearings went on, I saw members on the government side beginning to feel more and more uncomfortable with the position that they were forced to defend. As a matter of fact, I almost felt bad for them because they were grasping for arguments that would be refuted by witnesses or other members until they really had no leg to stand on.

The reason they have no leg to stand on is that this is not a rational, well-founded policy decision. This is a decision that was made on the basis of emotion. It is a decision that was made by a Prime Minister and a president of the Treasury Board at the time, who is today the Minister of the Environment, who had been burned by this program in the past.

When the Prime Minister was the president of the National Citizens Coalition he was burned when he took the electoral financing act to the courts. He was burned by the anti-poverty league as well. The Minister of the Environment, who was a Harris Tory at one point, tried to shut down a French speaking hospital in Ottawa. That is why they made that decision. It is not based on sound policy. It is based on emotion and vendetta, and they should be ashamed.

Ms. Tina Keeper: Mr. Speaker, I agree with my colleague that it appeared there was discomfort as the hearings continued, not so much when we were dealing with the organizations, which the government has already cut, such as the law commission and women's legal organizations, but as we heard from individuals whose very lives had been affected and who had as individuals utilized the court challenges program.

I agree with the member as well that there is an ideological basis for this cut. In fact, we heard it at committee. There were references which I found particularly startling. We heard accusations of feminist and homosexual court challenges and not representing Canadians and similar rants. It made it particularly uncomfortable.

I agree, as my Liberal colleague said, there was a court challenge by the current Prime Minister in the past and that there may be a particular personal agenda.

[*Translation*]

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, I am especially pleased to participate in this debate today. As a matter of fact, we moved a motion in the Standing Committee on Status of Women that was reported here last week by the chair, and which also called for the court challenges program to be restored. We had several reasons for doing so.

This afternoon, I would like to dedicate my speech to a new Conservative candidate from the Drummondville area, Mr. Komlosy, to show him the importance of being familiar with the cuts his party has made, and also the importance of the consultations we do to understand the needs of the public. I dedicate this speech to him.

We know that the court challenges program, as our Conservative colleague said, dates back to 1978. It has made a remarkable contribution to the development of constitutional law and to the rights of Canadians and Quebeckers over the last 28 years, but more work remains to be done. This program is fully accountable to the Government of Canada. It provides quarterly reports on its activities to the government and publishes an annual report with statistics on the number and types of cases that it has funded. The annual reports are public documents and are available on the court challenges program's website. This is not some small, ad hoc program. The program was very well laid out and respected.

The court challenges program was subject to full and independent evaluations of its activities every five years. Since 1994, the program has been evaluated three times. On each occasion the evaluators found that the court challenges program was meeting the objectives set by the government in a cost-effective manner, and made unqualified recommendations that the court challenges program should continue to carry out its mandate.

This program was very important to the Fédération des femmes du Québec because it was crucial to financing precedent-setting legal action brought by groups and individuals to dispute federal policies and legislation that violated their constitutional right to equality. With the support of the court challenges program, women's organizations and other groups fighting for equality were able to access the legal system and introduce progressive interpretations of the legislation. Thanks to this program, women, gays and lesbians, people with physical disabilities and other disadvantaged groups now enjoy greater equality.

This is not the first time a Conservative government has abolished the court challenges program. The first time was in 1992. The public protested so vociferously that the government was forced to back down. During the 1993 elections, all of the federal parties said that if they were elected, they would reinstate the court challenges program for good, which is what the Liberal Party did in 1994.

When they take action without knowing the root causes of a problem, ignorance is a plausible excuse, but when they take action knowing full well the consequences of cutting a program like this one, they have to be acting in very bad faith if they would have us believe that their cuts have no impact on people's rights, on the rights of women and the disabled. They have to be acting in very bad faith.

The court challenges program subsidized the women's legal education and action fund in a case that challenged the use of sexist myths in rape trials. LEAF took the Ewanchuk case—in which the accused alleged that the way a woman dressed for a job interview could indicate her willingness to have sex with a potential employer—to the Supreme Court of Canada. Fortunately, the Supreme Court agreed with LEAF's arguments and rejected the defendant's sexist arguments.

● (1750)

The United Nations has repeatedly recognized the vital role that the court challenges program played in the respect and promotion of human rights in Canada. In January 2003, the CEDAW committee acknowledged the importance of the CCP in the struggle to end all forms of discrimination against women. Furthermore, in May 2006, the U.N. Committee for Economic, Social and Cultural Rights recommended that the court challenges program be expanded, not eliminated, to fund test case litigation against provincial laws and policies that violate constitutional equality rights.

I have here an article written by Mr. Batiste Foisy on November 2, 2006:

> Cancelled in September by the Conservative government in its efforts to "cut the fat" and "eliminate wasteful programs", the court challenges program (CCP) was, for many minority groups, the ultimate tool to ensure the respect of their constitutional rights. It was a Heritage Canada agency that provided funding to individuals and organizations challenging the constitutionality of legislation before the courts or taking action against a government for failing to meet its constitutional obligations. Most cases supported by the CCP dealt with the rights of linguistic minorities, equality of women, or the rights of minorities such as homosexuals, aboriginals or immigrants. The court challenges programs cost the Canadian government 18 cents per person per year.

It cost only 18 cents a year for each Canadian and Quebecker. Eighteen cents. They eliminated a program that worked, that was internationally recognized as a program that helped people maintain and assert their rights, for only 18 cents per person per year.

Naturally some organizations were pleased. You will not be surprised to hear that Real Women of Canada was one of the organizations that said that the program had financed only left-wing organizations which, with taxpayers' money, led to social restructuring through the courts and that eliminating the program promotes the advancement of democracy in Canada. We should remember that Real Women of Canada is a group of women opposed to same-sex marriage, abortion and divorce.

Mr. Roger Lepage has defended and won a number of cases—particularly with regard to access to French-language education in western Canada—with the help of the court challenges program. My father and his family moved to western Canada in 1920, when he was two years old. On Sundays, his mother was forced to hide and to take the children to the barn to teach them their first language so they would not forget it. That was in Dollard, Saskatchewan. She ran the risk of being arrested if discovered.

Progress has been made since then. We have obtained the right, even in the western provinces, to speak French and to be educated in French. Why? How? Thanks to the court challenges program which has served many causes. Members may recall the story of Montfort Hospital, which was almost forced to close its doors even though it was the only French-language hospital in the region. The people wanted to keep and protect it. They were very afraid of losing their hospital because then they would not have had access to services in their mother tongue. This program was very effective and served many good and noble causes.

Mr. Roger Lepage said that a minority is not in a position to exercise democratic power because it does not have demographic weight. We must remember this: a minority does not have demographic weight. Since they cannot count on parliamentarians, who speak on behalf of the majority, minorities must turn to the judiciary when their rights are violated. It is clear that the rights of a minority are not very popular with the majority. By cutting the funding available to minorities, the Conservative Party is attempting to return to a primitive democracy where the strict majority dominates.

● (1755)

He has experienced this primitive democracy. Like so many other Franco-Saskatchewaners of his generation, he knew a time when he had to hide his books on the way to school because French education was prohibited.

The Fédération des associations de juristes d'expression française intends to take legal action against the government to overturn this decision. In a letter addressed to the Prime Minister on October 4, 2006, the coalition called on the government to overturn its decision. Lawyers Nathalie DesRosiers and Wayne McKay wrote the following on behalf of the coalition:

> Canadian law is not perfect. Those who criticize the imperfections in order to live in equality with others deserve to be heard. By cancelling the court challenges program, your government has indicated that those people will not be heard and do not deserve to be.

The Canadian Feminist Alliance for International Action, known as FAFIA, believes that eliminating the program will slow down the promotion of Canadians and Quebeckers and be a setback for real equality. The co-chair of FAFIA, Shelagh Day said:

> This program has provided Canadian women with their only access to the use of their constitutional equality rights.

That word, equality, has been dropped from the Conservative Party's vocabulary. Ms. Day continues:

> Equal rights have no meaning in Canada if women, and other Canadians who face discrimination, cannot use them.

It is all well and good for the government to say that this was a good decision, that it was trimming fat, but it was actually trimming right to the bone. When the government wants to trim fat, it will cut things like military aircraft that cost billions of dollars but do not provide our soldiers with the necessary support. When the government wants to trim fat, it will cut things that will make a huge difference in people's lives.

Bonnie Morton of the Charter Committee on Poverty Issues said, "The cancellation of the court challenges program is an attack on the charter itself and the human rights of everyone in Canada". I would add, "and everyone in Quebec". The organizations affected are not little groups out in the backwoods somewhere. They are organizations across Canada and Quebec, serious organizations with a solid track record, credible organizations.

Yvonne Peters of the Council of Canadians with Disabilities also said:

> When a country like Canada enacts constitutional rights, it takes for granted that residents, when they believe the government is violating their rights, can and will challenge any offending law or policy. If residents cannot ensure respect of their rights because of financial barriers, Canada's constitutional democracy is hollow. We turn the Charter into a paper guarantee, with no real meaning.
>
> Without the Court Challenges Program, Canada's constitutional rights are real only for the wealthy. This offends basic fairness. And it does not comply with the rule of law, which is a fundamental principle of our Constitution.

Avvy Go of the Metro Toronto Chinese and South Asian Legal Clinic said:

> Stephen Harper recognized this during the last election campaign, and he said then that if elected a Conservative government would "articulate Canada's core values on the world stage", including "the rule of law", "human rights" and "compassion for the less fortunate". The cancellation of the court challenges program belies this promise.

The Bloc Québécois has always supported causes that affect minorities, women, children and seniors. This cause affects them directly. When we can no longer defend our rights, when we no longer have access to a process that enables us to assert our rights, we become even poorer. There is enough poverty here, there is enough in Canada and there is enough in Quebec.

● (1800)

Poverty exists and we must fight it with any available means. The impoverishment of human rights is an even more important issue. It makes me even angrier because it leaves individuals without any resources and without any support; then they give up. Does this government want its citizens to be so subjugated that they no longer have the desire to live, to fight, to stand up for themselves? That seems to be the case. I am sorry to have to say it but that does seem to be the case. It could be said that this government wants to ensure that individuals will no longer have the ability to defend themselves.

The Bloc Québécois will not accept this. We will go on. That is why Mr. Komlosy can rest assured that, in Drummondville, we will continue to consult the public, to meet with the people, to meet with women, groups and individuals interested in the problems caused by the Conservative government cuts. I can rhyme off all these cuts, but I will focus on the slashing of the court challenges program.

In conclusion, I will refer to the Conservatives' argument that they thought it was useless to have a program that challenges the merits of federal legislation when the government makes good laws. But everyone can make mistakes. We may well be legislators, we may well want to make correct, fair and equitable legislation, but sometimes we make mistakes. A law is one of our tools, and we must re-examine it from time to time to ensure that it still reflects reality and to ensure that we still have reason to want to use it. There are times when a law is no longer valid. It has lost its relevance because it no longer meets the needs of the people, the public. There are times when it is unjust to certain parts of the population or certain segments of the population.

By abolishing the court challenges program, the Conservative government also wanted to silence the opposition voices. The Bloc Québécois knows something about civil opposition.

At the same time, the eligibility criteria for the women's program were changed so as to exclude rights and lobby groups. Mr. Komlosy, if you are listening, this is about women's rights. Women's rights groups and women's lobby groups no longer have access to the women's program. I want this to be clear. It is on the record and it must be the truth.

Once again, by cutting this program, by making cuts to other programs, the government is trying to silence the voices of women, the disabled and minorities. This is what the Bloc Québécois will continue to condemn.

● (1805)

Hon. Robert Thibault (West Nova, Lib.): Mr. Speaker, I would like to thank the hon. member for her speech on the court challenges program, which has been so essential to linguistic minority groups.

She used Saskatchewan as an example. Her family lived in a community where there was no opportunity to receive an education or training in French, the family's mother tongue.

My grandfather was elected for the first time in 1907, in Nova Scotia. It was against the law in Nova Scotia to teach Acadians in their mother tongue. Thus, he had to appoint a inspector of francophone schools who would turn a blind eye when French-language textbooks were used. French-language textbooks did exist. One hundred years later, after the year 2000, there were still court challenges before the Supreme Court of Canada. Those cases were funded by the court challenges program, thereby giving us francophone schools and allowing us to run our schools.

The Conservatives say they support the Charter of Rights and Freedoms. They say they want to ensure that federal programs are beyond dispute. However, they seem to ignore the fact that we must also live with provincial programs and that the Charter of Rights and Freedoms applies to all those programs. I think it is fair to say that they want to destroy the charter by destroying resources.

Ms. Nicole Demers: Mr. Speaker, I would have a very hard time with that. As you know, the Quebec Charter of Human Rights and Freedoms is, once again, far superior to Canada's. What can I say? We do things right in Quebec.

The other provinces have serious problems. I think my colleague mentioned one of them. That is why the court challenges program must be reinstated. Thousands of people, thousands of women and thousands of organizations are waiting for us to do this because in some situations, this is a matter of life and death, a matter of survival.

I know of organizations that have had to close their doors because they could no longer keep them open. That is terrible. By silencing society's neediest, we are silencing a huge number of people who have much to gain by exploring their potential in the public arena and by telling us what we, as legislators, should do.

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): Mr. Speaker, I listened to everything my colleague had to say, and I would like to ask her one very specific question.

Under section 43 of the Official Languages Act, the Province of Quebec is excluded from the application of that Act. How, then, can you justify the right to court challenges for Quebec's anglophone minority, given that we are completely excluded from the application of the Official Languages Act? How can this program help minorities in Quebec when they are excluded from the Official Languages Act under the notwithstanding clause and section 43?

There is one other thing I would like to know. Your party voted against Bill S-3—against the promotion of French in the other provinces. Perhaps the court challenges program can help with social matters, but what can it do to help us linguistically? What good is it?

● (1810)

Ms. Nicole Demers: Mr. Speaker, I would like to thank my colleague. The answer to his question is self-evident.

Hon. Michael Chong (Wellington—Halton Hills, CPC): Mr. Speaker, I listened to the member for Laval defend the federal charter, which I found somewhat ironic because in 1982, the Parti Québécois government used section 33 of the federal charter.

[*English*]

It is a bit ironic to hear a member of the Bloc defending the federal Charter of Rights and Freedoms. It was a Parti Québécois government in 1982 that actually invoked the notwithstanding clause over all of the statutes for the province of Quebec, thereby exempting all the statute legislation there from the charter. It is a bit ironic to listen to the member's comments in defence of the charter.

[*Translation*]

Ms. Nicole Demers: Mr. Speaker, first of all, that is not what I said. I did not defend the Canadian Charter of Rights and Freedoms. I said that if the court challenges program is eliminated, the charter would not even be worth the paper it is printed on. That does not mean I was defending the Canadian Charter of Rights and Freedoms.

I would encourage my Conservative colleagues to listen carefully when we are speaking. Perhaps they would find it useful.

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, since I see that another three minutes remain in the debate, I will proceed quickly.

I am pleased to speak here today, because the issue of the court challenges program is of enormous concern to minority language rights in Canada. As the member for the riding that is home to the Montfort Hospital, it is understandable how upset and disappointed the people of my riding were—as were most Canadians—when they learned that this new government was going to cancel the court challenges program. Afterwards, we were told not to worry, because the government would not introduce any unconstitutional legislation.

Since that time, however, we know that two provinces have challenged the constitutionality of proposed legislation. We were also told that this would apply only to new legislation. That is not the case, since the entire legal structure built since 1867 is subject to the Canadian Charter of Rights and Freedoms. Thus, Canadians have the right to verify if existing legislation applies and if the Canadian Charter of Rights and Freedoms does indeed ensure that these laws are set aside. In certain cases, this also means all provincial laws.

By telling us not to worry, the government is denying the existence of the whole legislative system of this country and the provinces. We have a problem with that. Earlier, a Conservative member from the Quebec City area asked what the loss of the program meant to francophone minorities and minority communities. My answer is that thanks to the charter of rights and freedoms and the court challenges program, Prince Edward Island was able to get French-language schools and Ottawa was able to keep a hospital in part. That is how the program helped minority communities.

The court challenges program proved its effectiveness time and time again, and linguistic minorities across the country were able to assert and win their rights under the charter of rights and freedoms.

It is supremely ironic that the government has just announced that it will pay $22 million to fund the operating costs of the Museum of Human Rights, when it has done away with the court challenges program, which cost $2.7 million annually.

I do not begrudge what the government will spend on the Museum of Human Rights, but the signs indicate that the court challenges program was cancelled for ideological rather than financial reasons. I know that the government will have to live with this decision and that the next time Canada goes to the polls, the government will pay for denying the least fortunate in our society access to a world-renowned program that recognized their rights.

● (1815)

The Deputy Speaker: Order, please. It is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the motion now before the House.

[*English*]

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.

The hon. government whip.

Hon. Jay Hill: Mr. Speaker, I would ask that the vote be deferred until the end of government orders tomorrow.

The Deputy Speaker: The vote is deferred until the end of government orders tomorrow pursuant to the request of the government whip.

The House will now resume with the remaining business under routine proceedings. We were under the rubric of motions.

* * *

PETITIONS

CITIZENSHIP AND IMMIGRATION

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, I am pleased to present today a petition from about 50 of my constituents who are concerned about the Raza-Kausar family, who right now are seeking refuge and sanctuary in the Crescent Fort Rouge United Church in Winnipeg. the petitioners would like to see the family's citizenship issue resolved.

VISITOR VISAS

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, I am pleased to table another petition signed by numerous individuals from Winnipeg, Manitoba, particularly from my constituency, who are concerned about the visa restrictions for people coming from Poland to Canada.

They have asked for this country to seriously address this issue and consider the value of lifting these visa restrictions so that people may come here more freely, recognizing in fact that there are good relations between our two countries, that there is a strong record of respect between our two nations, and that in fact there is no longer a need for the visitor visa program in order to come to this country.

OFFICIAL DEVELOPMENT ASSISTANCE

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, it is a pleasure to rise today to present this petition on behalf of constituents of the Windsor and Essex county area. This petition calls upon the Minister of Finance and draws to his attention the fact that there are hundreds of thousands of individuals and organizations that support the make poverty history campaign, requiring more and better aid, debt cancellation, trade justice, and poverty reduction in Canada and abroad. They are asking the federal budget to be in line with that statement and to improve Canada's relationship with development and poverty across international boundaries as well as at home.

* * *

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, Question No. 110 will be answered today.

[*Text*]

Question No. 110—**Mr. Ken Boshcoff**:

> With respect to the cut in funding announced in September 2006 for the Youth Employment Strategy (YES): (*a*) what was the 2005-2006 fiscal budget for YES; (*b*) what dollar amount was spent on each program and project offered by YES in 2005-2006; (*c*) what is the total dollar amount of funding cut to YES; (*d*) what is the new budget for each YES program and project; and (*e*) by providing a description of each program and project affected by the cuts, what will be the specific result of this cut in funding in terms of lost employment opportunities available through each program?

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, Canada's new government is committed to youth and improving opportunities for youth and all Canadians. Under the new government, employment for all Canadians is at a 30 year high. Our government is also supporting youth employment through Advantage Canada and our investments of $1,000 per year for apprentices in the first two years of a red seal trade, the apprenticeship job creation tax credit for employers, and the tool tax deduction for tradespeople. Budget 2007 also provides an additional $105 million over five years to help aboriginal youth and others receive skills training and secure sustainable jobs, $500 million per year to help address a gap in labour market programming for those who do not qualify for training through employment insurance, as well as a new working income tax benefit to help an estimated 1.2 million low income Canadians.

In 2005-06, HRSDC had a total budget of $230.9 million for the three components of the youth employment strategy, YES; $106.7 million was spent in skills link, $6.2 million in career focus and $92.9 million in the summer work experience program. There is a very high volume of projects, over 30,000, under YES. A report detailing the amount spent on each project is therefore not attached.

Canada summer jobs, CSJ, is a new initiative of the summer work experience program. CSJ provides wage subsidies to help Canadian employers of not for profit, public sector, and smaller private sector organizations with 50 or fewer employees create career related summer jobs for students between the ages of 15 and 30 at the start of employment. One hundred per cent of the funding for not for profit has been preserved out of recognition of the valuable experience that these organizations provide.

The initiative is specifically designed to help students who are having trouble finding summer jobs because of where they live and/or other barriers. CSJ is focused on three key priorities: creating jobs that would not otherwise be created; helping students who need it the most; and providing high quality work experiences to students. CSJ will help employers create high quality, career related summer jobs for students. It takes into consideration Canada's current strong labour market conditions.

In 2007-08, the Government of Canada will invest $85.9 million in this new initiative.

The budgets for skills link, funding activities for youth at risk, and for career focus are not affected by this announcement.

[*English*]

Mr. Tom Lukiwski: Furthermore, Mr. Speaker, I ask that all remaining questions be allowed to stand.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

CRIMINAL CODE

The House resumed consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act, as reported (with amendment) from the committee, and of Motions Nos. 1 to 20.

The Deputy Speaker: I believe when the House was last debating this matter the hon. member for Scarborough—Rouge River had eight minutes left in his ten minutes.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, you are correct. I will try to use my eight minutes well.

When we were interrupted by question period and other valuable proceedings, I was referring to what I regard as misleading comments about the position of the official opposition Liberals here, but I will move on because the record has that.

The second part of it was that Liberals have accepted the need for mandatory minimum penalties in the Criminal Code and, as has already been pointed out by members on both sides of the House, the code is replete with examples. We have mandatory minimum sentencing for some drinking and driving offences. The mandatory minimum sentence for first degree murder is life in prison, a life sentence. These are all existing minimum mandatory sentences in the code.

However, the one thing that the opposition Liberals did not agree to as a party was the development or the creation of an escalating series of mandatory minimums, an escalating meat chart, so that a first offence would be three years, then it would be five years, then seven, then ten, whatever the various proposals were coming forward. This is not something that I agreed with. I still do not. There are some members here who apparently do. I have accepted the mandatory minimum sentence, but not the escalating series of mandatory minimums. That is an important distinction in some quarters.

I would point out that all of the sentencing alluded to in the mandatory minimum proposals is currently available to judges now. Judges are perfectly capable of sentencing a person convicted of the crimes involved in this bill to the types of sentences described in the mandatory minimums; it is just that they are not obliged to give the mandatory minimum. They can still give five years, seven years, ten years or whatever the sentencing range allows.

This bill would remove that judicial discretion and impose on judges the need to give a sentence of whatever was prescribed in this escalating series of penalties. It is important to keep this in mind: that we would actually be removing some of the discretionary aspects in sentencing.

I do not want the word "discretionary" to be taken too loosely here. Our judges fully take their responsibility seriously. They realize that the sentencing they impose is done in the context of community standards. I do not think there is any place in the country where that is not the case.

I would have to say that the bill is being driven in part by a degree of political pretence. There is a pretence out there that Canadian society is beset with crime, that crime is escalating, and that violent crime is taking over our communities.

It is true that television and the Internet are giving us access to a lot of this information. We are seeing a lot more of it, but data on crime shows the opposite. It shows that crime is reducing. I do not have to repeat too much of that. The data is out there. Since 1991, for reasons that sociologists have not ever been able to fully explain, our violent crime rates and our overall crime rates are decreasing and continue to do so.

Thus, there is a pretence that we have a crime problem. While we actually do have crime problems, we just do not have the escalating crime problem that some politicians are urging upon us.

● (1820)

The second thing that is being urged upon us is that a more severe sentence would actually deter but that has not been proven. What normally deters criminals is the prospect of getting caught. If they did not think they would get caught, they might be more likely to do the crime. I suppose there might be the odd exception to that little equation but I think sociologists are pretty clear on that as well.

I want to refer to the experience in Toronto over the last couple of years. One of the factual backgrounds that gave rise to the sense of considering increased sentencing was the uptick in the number of shootings and homicides in Toronto in 2005-06. As a result, Toronto's policing became a lot better.

As a result of those policing efforts, and I will need to allow room for the sociological impacts, crimes of this nature have dropped just as much as they spiked. I will deal with some of the data. From January through to the end of April 2005, 73 shootings; 75 shootings in 2006; and in 2007, 51 shootings, a drop of 33%., which is huge no matter how we look at it or what side of the House one sits on.

The point here is not that there was no crime. The point is that crime is not increasing. The attention that the increased shootings received in 2005-06 allows us to now look back on it as a spike. The data is showing that we are ending up with violent crime rates that are even less than before the spike. That would be consistent with the overall demographic trends of the last 15 years that are clearly out there. If anyone is in doubt, they should go to Juristat or Statistics Canada and look at the data. The most recent publication is there for all to see. Although it shows crime, it shows a reduction in crime. I still accept that crime is always a problem with a community and that one crime is too many.

It is easy to say that by passing a law in here that we will affect the incidence of crime. That may be politicians thinking they are a much too valuable part of the system. Just because we pass a law in here does not mean that it will produce a reduced crime impact. A lot more is involved in this than politicians passing laws.

The public needs to be educated, the police need to do their job, which they do admirably well across the country, and prosecutors need to do their job. A whole constellation of factors enter into crime rates, such as enforcement, sentencing, corrections, prosecutions and police enforcement.

However, I would say that just putting people in jail or threatening to is not the big answer. It costs $75,000 to $80,000 to keep somebody in a prison. Three good students could be put through medical school for that kind of money. These mandatory minimums will actually put people there, irrevocably, no choice. We will just keep throwing another $75,000 or $80,000 at this problem when the real problem is probably out on the street and needs to be addressed in ways other than just warehousing inmates.

Our American friends have learned this. Many states have taken steps to reverse the warehousing of inmates. They have some very serious problems there. We have always had a chance to do it right. We will have to see what the outcome of the vote is but—

● (1825)

Mr. Tom Lukiwski: Mr. Speaker, I am sorry to interrupt my colleague but I rise on a point of order.

In light of the fact that the official opposition today brought concurrence down and interrupted debate on Bill C-10, one of the government's justice bills that we are trying to get passed as quickly as possible this week, I wonder, if you sought it, if you would find unanimous consent for the House to continue to sit for an additional three hours for the consideration of Bill C-10.

The Deputy Speaker: Is it agreed?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: I do not detect unanimous consent for the parliamentary secretary's suggestion. In any event, it is 6:30 p.m.

* * *

● (1830)

BUSINESS OF SUPPLY

OPPOSITION MOTION—AFGHANISTAN

The House resumed from April 26 consideration of the motion.

The Deputy Speaker: Pursuant to order made on Thursday, April 26, the House will now proceed to the taking of the deferred recorded division on the motion of the hon. member for Toronto—Danforth relating to the business of supply.

Call in the members.

● (1900)

[*Translation*]

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

(Division No. 166)

YEAS

Members

Angus
Bell (Vancouver Island North)
Black
Charlton
Christopherson
Crowder
Davies
Godin
Layton
Martin (Sault Ste. Marie)
Mathyssen
Nash
Savoie
Stoffer
Atamanenko
Bevington
Blaikie
Chow
Comartin
Cullen (Skeena—Bulkley Valley)
Dewar
Julian
Martin (Winnipeg Centre)
Masse
McDonough
Priddy
Siksay
Wasylycia-Leis– — 28

NAYS

Members

Abbott
Albrecht
Allison
Anders
André
Asselin
Bagnell
Barbot
Beaumier
Bell (North Vancouver)
Bennett
Bernier
Bigras
Blais
Ablonczy
Alghabra
Ambrose
Anderson
Arthur
Bachand
Bains
Batters
Bélanger
Bellavance
Benoit
Bezan
Blackburn
Blaney
Bouchard
Bourgeois
Brison
Brown (Leeds—Grenville)
Bruinooge
Byrne
Cannis
Cardin
Carrier
Chong
Coderre
Crête
Cuzner
Day
Demers
Devolin
Dosanjh
Dryden
Dykstra
Emerson
Eyking
Fast
Fitzpatrick
Fletcher
Gagnon
Gallant
Gauthier
Goldring
Goodyear
Gravel
Guarnieri
Guergis
Hanger
Harvey
Hearn
Hill
Hubbard
Jaffer
Jennings
Kamp (Pitt Meadows—Maple Ridge—Mission)
Karygiannis
Keeper
Khan
Kotto
Laforest
Lake
Lauzon
LeBlanc
Lemay
Lessard
Lukiwski
Lunney
MacKenzie
Maloney
Mayes
McGuinty
McKay (Scarborough—Guildwood)
Ménard (Marc-Aurèle-Fortin)
Merrifield
Mills
Moore (Fundy Royal)
Murphy (Charlottetown)
Nicholson
O'Connor
Owen
Paquette
Patry
Perron
Picard
Poilievre
Preston
Rajotte
Redman
Reid
Robillard
Roy
Scheer
Sgro
Skelton
Solberg
St-Cyr
St. Denis
Steckle
Strahl
Boucher
Breitkreuz
Brown (Oakville)
Brown (Barrie)
Brunelle
Cannan (Kelowna—Lake Country)
Cannon (Pontiac)
Carrie
Casey
Clement
Cotler
Cullen (Etobicoke North)
Davidson
Del Mastro
Deschamps
Dhaliwal
Doyle
Duceppe
Easter
Epp
Faille
Finley
Flaherty
Freeman
Galipeau
Gaudet
Godfrey
Goodale
Graham
Grewal
Guay
Guimond
Harris
Hawn
Hiebert
Hinton
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
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Malo
Marleau
McCallum
McGuire
Ménard (Hochelaga)
Merasty
Miller
Moore (Port Moody—Westwood—Port Coquitlam)
Murphy (Moncton—Riverview—Dieppe)
Nadeau
Norlock
Oda
Pallister
Paradis
Pearson
Petit
Plamondon
Prentice
Proulx
Ratansi
Regan
Ritz
Rodriguez
Scarpaleggia
Schellenberger
Shipley
Smith
Sorenson
St-Hilaire
Stanton
Storseth
Sweet

Szabo	Telegdi
Temelkovski	Thibault (Rimouski-Neigette—Témiscouata—Les Basques)
Thibault (West Nova)	Thompson (New Brunswick Southwest)
Thompson (Wild Rose)	Tilson
Toews	Turner
Tweed	Valley
Van Kesteren	Van Loan
Vellacott	Verner
Vincent	Volpe
Wallace	Wappel
Warawa	Warkentin
Watson	Wilfert
Williams	Wilson
Wrzesnewskyj	Yelich
Zed– — 225	

PAIRED

Members

Baird	Bonsant
Casson	DeBellefeuille
Gourde	Ouellet– — 6

The Speaker: I declare the motion lost.

ADJOURNMENT PROCEEDINGS

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

[*English*]

FEDERAL-PROVINCIAL RELATIONS

Hon. Robert Thibault (West Nova, Lib.): Mr. Speaker, it is a pleasure to rise before the House to ask the government a question in regard to the Atlantic accord. In particular, I am interested in the Canada-Nova Scotia agreement.

The agreement was negotiated after long discussion. I remember Premier John Hamm travelling around the country. I met with him a number of times, as did many colleagues. He had many meetings with finance officials, his officials and the prime minister to discuss a way we could take the offshore resources of Nova Scotia and maximum the revenue to Nova Scotians of those resources. Newfoundland and Labrador was doing the same thing at the same time.

Previous to these agreements, 75% of the revenues would directly benefit Nova Scotians, but the other percentages would go against equalization. The argument raised in Nova Scotia was that these amounts of money, which lowered our equalization, should be invested in the long term benefit to Nova Scotians.

We know Nova Scotia had a long stint of Conservative government, leaving them with huge debt, over $8.5 billion in debt. I remember Greg Kerr, the minister of finance, spending money on everything, leaving Nova Scotians with this huge debt. Finally, there was an opportunity to lower that debt and give Nova Scotians the services they needed and they deserved.

We had critical discussions in the House. I remember a first agreement was proposed. The Premier of Nova Scotia and the Premier of Newfoundland and Labrador did not agree with it. Members of the opposition, the Conservative Party at the time, told us that everybody should be fighting for their provinces. I remember

the Minister of Fisheries and Oceans saying that sometimes we had to put politics and partisanship aside and fight for our province.

Lo and behold we had an agreement. What it said was that Nova Scotia and Newfoundland and Labrador would keep 100% of their revenues from non-renewable resources for an eight year period, renegotiable for another eight year period. An interim cheque was given to Nova Scotia, an initial payment of $840 million, as I recall.

That money was paid against the provincial debt of Nova Scotia. That means Nova Scotia would get $40 million or $50 million of services a year for which it would otherwise have to be taxed, or from which it would have to borrow money, money that it saved by not having to make interest payments abroad on that money.

That was good news and we saw it was progressing. Then we had a change in government. The same Conservatives had fought for that accord. Remember the debate in the House. They said that we should even break it off from the other budget measures, that we should vote for it independently because they were so supportive of it.

In the first budget the Conservatives came out with there was a little line in the budget saying that the accord was not selling so well across the country, that it was a benefit to Nova Scotia and Newfoundland and Labrador that the others did not have. Then in the next budget, all of a sudden Nova Scotia and Newfoundland and Labrador lost the Atlantic accord. They lost the provision in the accord that made the it independent of any other programs. If Nova Scotia's equalization went up, revenues from the accord would continue to flow. If there were other programs, such as child care, as had been done under the previous government, it would not affect the offshore accord. That extra money would come into Nova Scotia. Any money for infrastructure would be independent of the accord.

Then in the recent budget the premier was told he would have to make a choice. He had to decide if he would go with the new equalization formula, which would give him roughly $70 million more a year, or stick with his Atlantic accord. It was a poison pill to the premier.

Will the government reverse its decisions? Will it protect the entire intent of the Canada-Nova Scotia offshore accord?

● (1905)

Ms. Diane Ablonczy (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, I am pleased to respond to my friend's question, the member for West Nova, regarding the government's commitment to Nova Scotia's offshore accord and the inclusion of non-renewable natural resources in the equalization formula.

Of course, as members heard, the member doubts that the government has honoured its commitment, so it would be helpful to put some facts forward.

Our renewed and strengthened equalization program is a key element in the new government's plan for restoring fiscal balance. Budget 2007 delivers a new equalization program that is fair to Canadians living in all provinces. It is formula-driven and principled. It is simplified to enhance transparency and accountability. It is stable and predictable. Most importantly, it meets our commitments on respecting the offshore accords and on fully excluding natural resource revenues from the program.

The equalization program was thoroughly studied by an independent expert panel chaired by Al O'Brien, a former Alberta deputy treasurer. The O'Brien report proposed a comprehensive, principles-based set of reforms to the equalization program. Having reviewed the report and having consulted extensively with Canadians and provincial governments, we concluded that the O'Brien report formed a solid foundation for the renewal of the equalization program.

The government committed to respecting the offshore accords with Nova Scotia and that is what we did. Budget 2007 honours the commitment to respect the offshore accords. There is no cap in the existing system. To give Nova Scotia the flexibility to make the right choice, and in recognition of the short timeframe between the tabling of our budget and the Nova Scotia budget, we allowed Nova Scotia to opt into the new O'Brien formula for this year only, giving that province a full extra year to make the final determination if this is the best choice.

For fiscal year 2006-07, Nova Scotia is projecting a surplus of $118.4 million which is $44.9 million higher than budgeted for in 2006-07. Nova Scotia will be allowed to return to the existing Atlantic accords for next fiscal year, if it so chooses, and then opt in on a permanent basis at a later date to the O'Brien formula thereafter, if it is in Nova Scotia's best interest to do so.

As mentioned, Nova Scotia can permanently opt into the new, strengthened equalization program. We have offered Nova Scotia an extra year to decide if it wants to stay in the new program. If it does, it must in all fairness opt into all the aspects of the new program, including a 10 province standard and a fiscal capacity cap to ensure that no equalization-receiving province has a higher fiscal capacity than a non-receiving province.

Budget 2007 also delivers on our commitment to exclude non-renewable natural resource revenues without lowering payments to other provinces. The new equalization program will give provinces the higher of the payments calculated under 50% natural resource exclusion or full exclusion.

To ensure fairness, payments under the new system are subject to a cap. The renewed and strengthened equalization program will help ensure all provinces are able to provide their residents with comparable levels of services at comparable levels of taxation. It fully respects the offshore accords and the government's commitment to exclude non-renewable resources from—

● (1910)

The Deputy Speaker: The hon. member for West Nova.

Hon. Robert Thibault: Mr. Speaker, the member opened her remarks by saying that I doubted whether the budget respected the offshore agreement. I do not doubt it. I know it did not and that is confirmed by Professor Hobson of Acadia University, who said the cost to Nova Scotia was $1 billion by his estimate.

I read a letter to the editor in the *Chronicle Herald* in Nova Scotia in which Hugh Roddis, president of the Kings—Hants Conservative Riding Association, was saying that Hobson was a Liberal and that he was just fighting the government. Then I saw the response that Hobson was a Conservative, and the last time he got politically involved was by giving a donation to this Conservative Party.

Premier MacDonald agrees that the government is not respecting the accord. The minister of finance of Nova Scotia agrees that it is not respecting the accord, so if I doubt, I am certainly in good company.

It extended for one year the decision or the poison pill that the premier has to take, and I understand that there is some negotiating of maybe some little side deals, more politics of division to isolate the Premier of Newfoundland and—

The Deputy Speaker: The Parliamentary Secretary to the Minister of Finance.

Ms. Diane Ablonczy: Mr. Speaker, my friend is right. Reasonable people can possibly disagree on this issue, but the government's position is that the new program meets our commitment to respect the offshore accords.

Newfoundland and Labrador and Nova Scotia can continue to benefit from the offshore accords and at any time they can permanently opt into the new equalization system.

The facts show that this government is keeping its word. The offshore accords are being respected. We are delivering on our commitments to the people of Nova Scotia.

We have a new equalization program that is also fair to all Canadians living in all provinces.

FOREIGN AID

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, I rise today regarding a question I raised in the House of Commons on Tuesday, February 20 on foreign aid. Specifically, my question was for the Minister of Industry regarding Canada's access to medicines regime.

That legislation came about in 2004 because of Canada's being a part of a WTO process that was supposed to provide access to generic drugs by developing countries. Canada had indicated its willingness to participate in this venture and to bring forward legislation. That started back in 2002. After 550 days of work the legislation was passed in May 2004.

Despite that legislation, not a single pill has reached anyone anywhere. The intent is to assist people who are suffering with HIV-AIDS, malaria, tuberculosis and other diseases. Developing countries do not have access to or cannot afford medicines that will provide the treatments. That suffering continues today.

It is important to note the statistics which show that more than 25 million people have died from diseases since Canada passed the law in May 2004. As well, in 2006 there were 39.5 million people living with AIDS in the world, 2.6 million more than in 2004. There were 4.3 million new infections in 2006. Sub-Saharan Africa accounted for two-thirds of all infected people. Three-quarters of all deaths from AIDS take place in Africa. In Africa, 2.1 million died out of a total of 2.9 million from AIDS. It is important to note that those are just the statistics, but what we are doing by not having this legislation fixed is participating in wilful genocide of individuals to whom we are not providing the support that we could.

The Standing Committee on Industry, Science and Technology passed a motion that I tabled to review this. We have concluded the hearings. I can say conclusively that this issue is really an embarrassment to our country, not only in terms of ourselves and in terms of Parliament but also in terms of our noteworthiness to the world. That has been indicated by NGO after NGO that have come before the committee. As well I would honestly say it is a letdown for the generic drug industry and also for Rx and D.

Canada came forward with this legislation professing that we would make a difference. We have yet to do so.

I asked the minister a question about fixing this situation. He said that he was going to review the law. There is an NDP amendment requiring him to do so after three years. He said he was going to bring it to the House. When is the government going to bring those changes to the House? The review has been concluded. There are actually postings on the Internet websites right now about those hearings. Why is the government not bringing forward legislation to fix this situation immediately?

● (1915)

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Industry, CPC): Mr. Speaker, the government recognizes the devastating impact of diseases like HIV-AIDS in less developed countries. Through agencies like CIDA, the government is engaged in a long term comprehensive approach to fighting this disease in the developing world.

Canada's access to medicines regime is one part of this effort. It enables Canadian generic drug manufacturers to apply to the Commissioner of Patents for authorization to manufacture and export lower priced versions of patented pharmaceutical products, including anti-retrovirals to treat HIV-AIDS, to developing countries in Africa and elsewhere that are unable to manufacture their own.

As the member may know, Canada's access to medicines regime implements the August 2003 decision of the World Trade Organization, WTO, which waived certain intellectual property obligations in the agreement on trade related aspects of intellectual property rights, TRIPS, and gave countries with pharmaceutical manufacturing capacity, like Canada, the ability to override a patent holder's rights and authorize a third party to manufacture and export less expensive versions of patented medicines to developing countries with little or no such capacity.

In creating this legislation, Canada faced the challenge of developing an unprecedented compulsory licensing for export regime that facilitated access to medicines for developing countries, while respecting relevant international trade obligations and maintaining the integrity of the domestic patent regime.

Our government is committed to ensuring that Canada's access to medicines regime meets its humanitarian and development objectives, which is why the statutorily mandated review of the regime was accelerated with the release of a consultation paper on November 24, 2006. The early timing of the review was prompted by the fact that no drugs had yet been exported to developing countries, either under our regime or under any of the similar regimes in other developed countries that have implemented the WTO decision.

The purpose of this paper is to focus public dialogue on how Canada's access to medicines regime might better deliver on Canada's commitment without derogating from existing international trade obligations, while continuing to foster pharmaceutical innovation in Canada.

The consultation paper sought public input by providing a brief description of the regime and including a non-exhaustive list of questions on its key features, such as the scope of drugs that should be eligible for export and what countries should be eligible to import them.

During the 60 day period following the release of the paper, Industry Canada and Health Canada received approximately 30 submissions, mainly from members of the pharmaceutical industry, non-governmental organizations, academia and parliamentarians. As matters stand, all of the submissions are being carefully studied and have been posted online to ensure this process works in an open and transparent manner.

In the interim, the government is pursuing every opportunity to raise awareness and uptake of the regime in the developing world, including sponsoring and participating in a recent NGO organized workshop where representatives from various developing countries provided input on the obstacles they face in availing themselves of the WTO decision.

The member may also know that the House of Commons Standing Committee on Industry, Science and Technology recently undertook a parallel study of the effectiveness of the legislation. Earlier this month the committee held three days of hearings on the regime, with appearances from government officials, the pharmaceutical industry and various non-governmental organizations.

In addition to supporting this process, the government has continued to work on completing its statutory review of the regime. Following completion of this review, the Minister of Industry will table a report in both houses of Parliament, as required by the Patent Act. This report will reflect public input on the discussion paper, as well as the information provided by developing countries at the NGO organized workshop.

The review of Canada's access to medicines regime coincides with other government efforts to improve access to medicines in the developing world. Most recently, on March 19, 2007, the Minister of Finance announced a new tax incentive in the federal budget that will encourage Canadian pharmaceutical manufacturers to donate even greater amounts of needed drugs for developing and least developed countries, including for HIV-AIDS.

In addition, on February 20, 2007—

● (1920)

The Deputy Speaker: The hon. member for Windsor West.

Mr. Brian Masse: Mr. Speaker, to my hon. colleague, those hearings were very important in terms of shedding light on what is happening. It is important to note that it was identified that the government has not done nearly enough. I can point to some media reports. If people are interested they can go to politicswatch.com which has been covering this story. It has identified quite rightly that Canada has not been providing the proper support. In fact, there has only been mild promotion and a web page. That is what has been happening. The confusion out there is phenomenal.

I would also point out the issues that are being faced. The government has to bring forward immediate changes in its attitude and in the way the policy is being developed.

Stephen Lewis made a presentation to the committee. He was quite right in noting that many countries are not accessing this because of intimidation. We can look at the situation in Thailand which issued a licence itself for a generic drug. That country has been intimidated by the pharmaceuticals with threats of pulling out other types of drugs.

There has also been evidence presented by Oxfam—

The Deputy Speaker: The Parliamentary Secretary to the Minister of Industry.

Mr. Colin Carrie: Mr. Speaker, this government has acted when the last one would not. The previous government held press conferences, had pictures taken with rock stars and took credit for what was billed as a humanitarian effort where Canada would lead the world. In the end, it left a program that does not work.

Our government took charge of this file by advancing the mandated review of Canada's access to medicines regime almost a year early.

In addition, the government has taken a number of positive steps to encourage eligible importing countries and Canadian generic drug manufacturers to make use of the regime and improve access to medicines in the developing world.

The process to access medicines with this regime has been described to the industry committee recently as onerous. So, in July 2006 the government released a CD-ROM which explains the CAMR process in detail. This government is doing what it can do to move drugs to the developing world through its program for the first time by addressing the access problem in CAMR.

I think it is apparent that the Jean Chrétien pledge to Africa has flaws that we are working to repair.

As the member knows, we have just wrapped up a very good set of meetings on CAMR in the industry committee. The government will have its consultation paper out when it is ready.

After the hype, all the previous government left was its old press clippings.

[*Translation*]

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24 (1).

(The House adjourned at 7:22 p.m.)

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