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OFFICIAL REPORT
(HANSARD)

Wednesday, November 21, 2007

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Wednesday, November 21, 2007

The House met at 2 p.m.

Prayers

● (1405)

[*English*]

The Speaker: It being Wednesday, we will now have the singing of the national anthem led by the hon. member for Simcoe North.

[*Members sang the national anthem*]

STATEMENTS BY MEMBERS

[*English*]

MAX CLARKE

Mr. Dean Del Mastro (Peterborough, CPC): Mr. Speaker, it is an honour to rise today to pay tribute to a truly great Canadian, retired Brigadier General Max Clarke, who passed away last week.

Brigadier General Max Clarke was a man of great courage, honour and integrity whose love of country was only surpassed by his love for his wife, Madeline, and their three children, Henry, Maxine and Arthur, along with his many grandchildren.

In joining the Canadian Forces at the age of 15, Max carried on a Clarke family tradition of service to country. At the age of 27, he voluntarily left his position at Quaker Oats to join with the Stormont, Dundas and Glengarry Highlanders for World War II deployment in Europe. Later, he rejoined his comrades of the Hastings & Prince Edward Regiment in service in Italy and the Netherlands.

Max Clarke lived a long time. He lived to see the 90th anniversary of Vimy Ridge and the 60th anniversary of the liberation of the Netherlands. The march-by of the Hastings & Prince Edward Regiment that he once commanded with honour bears the title “I am 95”, as was Max Clarke when he died.

From failing hands Max Clarke has passed the torch. May his service and sacrifice never be forgotten and may he rest in peace.

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GULUWALK

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, the GuluWalk was held on October 20 and it was a great success.

GuluWalk is focused on supporting the children of northern Uganda. The original GuluWalk started with just two people in July 2005 and has now grown into a worldwide movement for peace.

This year's 200 participants in Ottawa helped raised over $500,000 worldwide for children's programs in this conflict ridden region of Africa. I would like to congratulate the Ottawa GuluWalk organizing committee, and especially Ms. Lama Hammad and Mr. Étienne Grandmaître Saint-Pierre for their hard work.

We in Canada owe it to the Ugandan population to help promote a peaceful solution. In highlighting the ongoing humanitarian crisis, I invite the Commonwealth heads of government gathering in Uganda this week to support peace and the re-establishment of civil society in a healthy and sustainable manner in northern Uganda.

Let us join in the push for peace. The children of Gulu and northern Uganda deserve no less.

* * *

[*Translation*]

FRÉDÉRIC COUTURE

Mr. Robert Vincent (Shefford, BQ): Mr. Speaker, the position of the Bloc Québécois on the mission in Afghanistan remains clear: Canada must withdraw its troops from Afghanistan in 2009. Until then, this mission must be rebalanced: more humanity, more dialogue and less fighting.

Today, however, it is with great sorrow that I rise to mark the death of Private Frédéric Couture, from Roxton Pond, a young soldier who was full of ambition.

Private Frédéric Couture, 22, took his own life after returning home a few months ago having lost a foot in a mission in Afghanistan. He showed much courage and determination in the army, which he considered his second family.

I would like to offer condolences, on behalf of the Bloc Québécois and my colleagues, to his grieving family, friends and loved ones.

[*English*]

CHILD CARE

Ms. Denise Savoie (Victoria, NDP): Mr. Speaker, the Conservative child care policy has failed working families. The Prime Minister talks about giving parents choice, but tens of thousands of parents are stuck on long wait lists. They watch fees rise out of reach or their local day care centres close because the centres cannot find or afford qualified staff. What choice do these parents have?

Working parents know the importance of quality child care for the healthy development of their children. What about their choice?

Today's vote on my Bill C-303 is crucial. The bill would guarantee affordable, high quality early learning and child care that working families need and want and that Conservatives could not take away.

I ask all Canadians to join me in telling the Conservative government to stop restricting parents' choices and standing in the way of our children's futures.

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AGRICULTURE

Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC): Mr. Speaker, on November 3 I hosted an informal round table gathering in my riding of Lambton—Kent—Middlesex with the Minister of Agriculture and Agri-Food. The minister spoke with a group of individual farmers about the agriculture industry as a whole. The minister listened intently and heard firsthand what the constituents of my riding had to say on issues facing the farmers of Ontario.

I am proud to represent a government that truly cares about our farmers. In the past 21 months our government has delivered more than $600 million in federal assistance to the farmers in Ontario alone. This is good for the agriculture industry and it is good for the consumers to know that they have a government that works with farmers to provide safe, secure food.

The constituents of Lambton—Kent—Middlesex and the rest of Canada can be confident that their government fully supports them and will always put farmers first.

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● (1410)

SUPPORT OUR TROOPS RALLY

Mr. Paul Zed (Saint John, Lib.): Mr. Speaker, Don and Laurie Greenslade from Saint John lost their only son, David, on Easter weekend when he was tragically killed by a roadside bomb in Afghanistan.

Together with their family, friends and neighbours, they started a red ribbon campaign about the importance of supporting our troops.

The Friday support rally held September 28 in Saint John with thousands of New Brunswickers attending was a real tribute to David and all of our brave soldiers.

Members of this House united as one by helping the Greenslades support the troops and their families by donating flag pins for this important event. The generosity of members of Parliament has made us all very proud.

The Saint John rally was a huge success and highlights the sacrifice made by our Canadian troops. Forty thousand pins and ribbons have been given away since Easter in Saint John and with this House's support, this worthwhile project will continue.

The Greenslade family has asked me to thank members of the House for their support and to remember to wear red on Friday for David and for our soldiers.

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GOING CARBON NEUTRAL

Hon. Michael Chong (Wellington—Halton Hills, CPC): Mr. Speaker, the citizens of the village of Eden Mills are taking the lead in combating climate change, evidence of which the IPCC has said is unequivocal and the threat of which UN Secretary-General Ban Ki-moon has said is the defining challenge of our age.

These citizens have plans to reduce the village's carbon emissions by 20% in year one alone and plan to be the first carbon neutral village not only in Canada, but in North America.

Inspired by the lead of Ashton Hayes, a village in the United Kingdom, Eden Mills is not only reducing carbon emissions, but also aims to emit no more carbon than is absorbed by nature.

This grassroots initiative to tackle the urgent issue of a warming planet is being done because citizens have told me that they want our children and our grandchildren to know that we not only cared, but tried to do something.

I ask all members of the House to support their call to face humanity's biggest challenge. I am proud to represent these citizens in the Canadian House of Commons. I encourage all to learn more about this important project at www.goingcarbonneutral.ca.

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[*Translation*]

WORLD TELEVISION DAY

Ms. Pauline Picard (Drummond, BQ): Mr. Speaker, today we are celebrating World Television Day, as proclaimed by the UN in 1996 to encourage cultural and global exchanges of television programs with a focus on peace, security and social development.

Bill C-327 introduced in June by the hon. member for Rosemont —La Petite-Patrie will help regulate violence on television to provide young people with access to healthy television.

According to a study by the Centre for Media Studies at Laval University, acts of physical violence on television have increased 286% in 10 years and 81% of the acts of violence are seen on programs that start before 9 p.m.

On November 19, during World Day for Prevention of Child Abuse, the Centrale des syndicats du Québec issued a public statement to say that television broadcasters are not being responsible enough.

* * *

[*English*]

SASKATCHEWAN PARTY

Hon. Carol Skelton (Saskatoon—Rosetown—Biggar, CPC): Mr. Speaker, armed with an optimistic vision and principled values, a vibrant Saskatchewan Party leader Brad Wall earned the confidence of the people of Saskatchewan and led his party to a majority government, proving that hope can conquer fear.

It took innovative ideas, a plan for economic growth and a great deal of hard work for Mr. Wall and a respected team of candidates to pave the way to victory.

This evening Saskatchewan is ushering in a new era as premier-elect Wall and his cabinet are sworn in as the new Government of Saskatchewan.

At this historic moment, my colleagues join with me in extending our hearty congratulations to Saskatchewan's new government as it navigates a steady course in fulfilling the promise of Saskatchewan.

Best wishes to the new Saskatchewan government for every success in carrying out its mandate and fostering a constructive relationship with the federal government and in building an even brighter future for the people of Saskatchewan.

* * *

● (1415)

ATLANTIC ACCORD

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, the government has little respect for the people of Nova Scotia or their elected representatives.

For well over a month, the opposition has been waiting for a briefing on the proposed changes to the Atlantic accord. On four occasions the Conservatives cancelled that briefing. Just yesterday a meeting scheduled to begin at 10:30 a.m. was abruptly cancelled again by the minister, even though his own officials along with the entire Nova Scotia Liberal caucus and the member for Cumberland —Colchester—Musquodoboit Valley were present.

Yesterday during question period the finance minister said he cancelled it because, "It is, as I say, complex and still being drafted". Less than 15 minutes later, the government House leader got up and contradicted the minister and said they were prepared to table the legislation.

It is little wonder Canadians do not trust those people. They cannot keep a commitment. They cannot even coordinate their excuses. There are words and lots of confusion being thrown at Nova Scotians to try to convince them they are getting a good deal. The explanations are complicated and unclear.

The people of Nova Scotia have a simple, clear, four word message to the Conservatives: Honour the Atlantic accord.

[*Translation*]

RÉGIMENT DE LA CHAUDIÈRE

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Mr. Speaker, the Régiment de la Chaudière distinguished itself as one of Canada's most glorious infantry units on the beaches of Normandy in 1944 and is carrying on that tradition in Afghanistan where many of its members are currently deployed.

On October 21, Quebec's Lieutenant Governor, the Honourable Pierre Duchesne, presided over the changing of the royal and regimental colours in Lévis.

The Régiment de la Chaudière, which includes the Chaudière-Appalaches reservists, garrisons in Lac-Mégantic and Beauceville, and a detachment in Thetford Mines, is headquartered in Lévis.

After 43 years, the regiment's colours will be placed under the care of Marcel Alain, curator of the military museum in Lévis, where they will adorn the ceiling, reminding people of the regiment's impressive history, which deserves to be remembered and passed on.

These military accomplishments are what Canadians, particularly Quebeckers, are known for.

I invite all parliamentarians to join me in paying tribute to those who have served and are currently serving under the colours of the Régiment de la Chaudière to protect our values and keep peace in the world.

Truer than steel: *Aere Perennius*.

* * *

[*English*]

HOME SUPPORT PROGRAM

Ms. Penny Priddy (Surrey North, NDP): Mr. Speaker, today I would like to recognize the many people in Surrey North who are looking after aging parents, spouses and other family members.

Caring for a loved one at home can mean greater dignity for people who have made a lifetime of contributions to their families and communities, but it can also require great sacrifices.

Sometimes these sacrifices are so great, people are forced to choose a care home over home care. I have heard pain in the voices of people telling me of loving marriages split up by the difficult decision to place their spouse in a facility. I have seen tears from those who could no longer carry alone the responsibility of looking after those who require extra care.

Today, only those with significant financial resources have choices available to them, but there should be options for everyone regardless of income. Home support is less expensive than long term care. It is more humane and it is the right thing to do.

I call upon the government to show leadership in this area and help to deliver a national home support program now.

SIKH COMMUNITY

Hon. Gurbax Malhi (Bramalea—Gore—Malton, Lib.): Mr. Speaker, this week, the Sikh community around the world will celebrate the anniversary of the birth of the founder of Sikhism, Guru Nanak Dev Ji.

Born in 1469, he travelled the world to spread his message of equality, hard work, honesty, charity, community and devotion to God.

Guru Nanak Dev Ji taught that all humanity is one and that the good of the community must come before our individual wants and desires. His forward-thinking ideas have stood the test of time and continue to inspire his followers today.

I ask all members of Parliament to join me in extending the best wishes of the House to all Sikh Canadians celebrating this auspicious day.

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[*Translation*]

CONSERVATIVE MEMBERS FROM QUEBEC

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, what have the 11 Conservative members from Quebec done for low-income seniors in Quebec?

Some hon. members: Nothing!

Ms. Nicole Demers: What have the 11 Conservative members from Quebec done for older workers in Quebec who lose their job?

Some hon. members: Nothing!

Ms. Nicole Demers: What have the 11 Conservative members from Quebec done for the manufacturing and forestry sectors that need support programs?

Some hon. members: Nothing!

Ms. Nicole Demers: What have the 11 Conservative members from Quebec done for the rights and status of women in Quebec?

Some hon. members: Nothing!

Ms. Nicole Demers: What have the 11 Conservative members from Quebec done for low-income families in Quebec that need affordable housing?

Some hon. members: Nothing!

Ms. Nicole Demers: The 11 Conservative members from Quebec have done nothing for Quebeckers.

Nothing, absolutely nothing!

* * *

● (1420)

[*English*]

SRI LANKA

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, Sri Lanka continues to be devastated by civil war. The UN has raised concerns about human rights abuses amid this renewed civil war, while the increased violence in Sri Lanka has led to the suffering of displaced people.

I have raised this issue in this House before, as have my colleagues, and I will continue to raise it until the government steps up and takes on a leadership role in finding a lasting, peaceful resolution to this conflict.

Canada is a peaceful, responsible and caring nation. Canadians expect their government to take action to help the people of Sri Lanka. We must act now to facilitate an immediate end to the violence that has cost so many lives.

* * *

PRIVATE MEMBERS' BUSINESS

Mr. Mike Lake (Edmonton—Mill Woods—Beaumont, CPC): Mr. Speaker, last night I sat in this place ready to hear the Minister of Human Resources and Social Development speak to Bill C-303, a bill the NDP has identified as a priority.

However, when the private members' hour came I was shocked to see NDP members use procedural tricks to delay debating this bill. Imagine, NDP members manipulating the system to delay debate on their own child care bill on National Child Day.

One might ask why they would do this. Do they not want parents to hear how this bill would remove real choice in child care by limiting the options available to them? Are they afraid the public will realize that the only thing this bill would do is remove money from the provinces that do not cave in and support their one size fits all model?

Or, do they not want Canadians to know that the provinces oppose this bill and say that it would put a halt to the creation of tens of thousands of child care spaces across this country? Are those the reasons?

Or, is it that the NDP simply wants to play politics with this important issue without actually having to talk about the facts?

ORAL QUESTIONS

[*English*]

FEDERAL-PROVINCIAL RELATIONS

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, for a government that made the ridiculous claim that it had ended federal-provincial bickering, it continues insulting the partners of this federation.

The finance minister insulted Atlantic Canadians, the transport minister insulted Canada's mayors and now the House leader insulted the Premier of Ontario.

Will the House leader, a member from Ontario, apologize to Premier McGuinty and to the people of Ontario for his insult?

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, the Premier of Ontario was complaining about a piece of legislation that proposes to give Ontario more seats in the legislature of Canada, the federal Parliament, than it is entitled to today under the current law. It is a provision that would give Ontario more new seats than any other province.

What did the premier do? He complained about it, which is what I mean when I talk about the small man of Confederation. He would get more seats for his province and he complains.

[*Translation*]

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, shame on this minister for insulting one of this country's premiers.

But what can we expect of a government that, in nearly two years, has never agreed to a meeting of this country's first ministers? The Premier of Quebec has repeatedly asked for such a meeting for good reasons, for the good of our country's economy and Canadian workers and families, but the Prime Minister of Canada has told him he will have to make do with informal meetings. Shame on this government, which does not know how to make this federation work. Shame!

[*English*]

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, the Prime Minister has made it clear that he would be happy to have a first ministers meeting when we do not have elections and when everyone's' schedules can accommodate it.

What is interesting about that former cabinet minister is that he is now standing up for a premier who is complaining about a lack of representation for Ontario. When he was in cabinet, his party introduced bills twice to deal with redistribution and never once proposed increasing a single seat.

After one of those bills was introduced, Premier McGuinty had already been elected but did not raise any concerns at the time. Only now, when we are actually delivering for Ontario, is he raising concerns.

● (1425)

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, the government insulted Ontario, ignored Quebec and now it is failing British Columbia.

The B.C. government had to call its own inquiry into the tragic taser death. Why? It is because B.C. says that there is a vacuum of leadership at the federal level.

How much longer will the government continue to be the backseat driver of this federation?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, I have, on a number of occasions, discussed with the B.C. solicitor general this whole incident. I explained to him that the federal government was the first to move on this particular incident long before the tragic video was shown. And, long before there was one word of concern from the Liberals, we asked for the review related to the tasers.

We think a first report from the Canada Border Services will come out tomorrow. We are asking for action. The Liberals asked for nothing when this first happened. We took action.

Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Mr. Speaker, the Premier of Ontario was protesting a gross piece of political gerrymandering that will harm the citizens of Ontario.

The only thing—

Some hon. members: Oh, oh!

The Speaker: Order, please. There seems to be a lot of ho, ho, hoing. Christmas is not here yet. We will have a little order. The hon. member for Etobicoke—Lakeshore has the floor to put a question.

Mr. Michael Ignatieff: Mr. Speaker, the only thing small in this federation is the government's sense of responsibility, its sense of respect and its sense of honour.

Why will the government House leader not stand up in the House today and say that his remarks about the Premier of Ontario were out of order and out of control?

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, what is small is the number of seats that Alberta, B.C. and Ontario have in the federal Parliament. They are significantly underrepresented.

I think we have now seen the real agenda of the Liberal Party. It is to ensure that B.C., Alberta and Ontario do not get those additional seats because it does not support that principle.

It is not surprising since the deputy leader of the Liberal Party is from Ontario where Dalton McGuinty introduced a bill, bill 214, that wiped out the principle of representation by population in Ontario, leaving southern Ontario 44% underrepresented against the rest of the province.

He should clean up his own house first.

Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Mr. Speaker, it is a typical performance of the government to pit the west against Ontario.

The issue is fairness toward Ontario. When will the minister come to the House with a measure that is fair to the province of Ontario?

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, we brought in a measure that brings in fairness, fairness for Ontario, for B.C. and for Alberta. We are the first ones to do it. The Liberals did not do it in 13 years. They were happy to see those provinces shortchanged.

We would be delivering 10 more seats to Ontario, more than any other province would be getting. Ontario already has the most seats in the House of Commons. It is doing very well.

However, traditional supporters of Confederation realize that we want to see every province and every region treated fairly, and not this cloaked effort to suppress the west that we see from the Liberal Party over there.

[*Translation*]

GUARANTEED INCOME SUPPLEMENT

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, in 2005, when they were in opposition, the Conservatives voted for a Bloc Québécois bill calling for full retroactivity of guaranteed income supplement benefits. Now that the Conservatives form the government, they are refusing to go ahead.

How can the Prime Minister dare go back on the promise he made to seniors, when his government has more than enough money to keep that promise?

[*English*]

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, in the last election campaign, this party ran on a platform to protect the guaranteed income supplement, the old age security and the Canada pension plan. We have done more than that. We have enhanced programs.

Today, we continue to do outreach to ensure people are aware of the benefits they can receive. We have officials who go to seniors' homes. We advertise broadly. We even have people physically present in homeless shelters and on reserves so people know exactly what kinds of benefits are available to them.

● (1430)

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, this is pure hypocrisy. When they were in opposition, they supported the Bloc Québécois bill, but now they are going back on their promise. Even worse, when the government owes seniors money, there is a maximum of 11 months of retroactivity, but when seniors owe the government money, there is no limitation period. It is a double standard.

How can we accept such behaviour? When the government wants money, there is no limitation period and it dips into seniors' pockets, but when the government owes money, there is an 11-month limit. The government must stop this hypocrisy.

[*English*]

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, this government has done more for seniors in the last 21 months than the previous government did in the last 13 years.

Today we have a minister in charge of seniors' issues. We have a national panel dedicated to hearing seniors' issues. We are fighting elder abuse. We are enhancing benefits. We are lowering taxes for seniors.

Those are all things we support and that the Bloc, for some reason, has voted against. Shame on them.

[*Translation*]

Mr. Raymond Gravel (Repentigny, BQ): Mr. Speaker, yesterday, Radio-Canada told us the story of Ms. Bolduc, who has lived on $7,000 a year since 2001. If the guaranteed income supplement were given to her with full retroactivity, she would receive $12,000. She could say—as another senior before her said to Mr. Mulroney, who wanted to de-index pensions—"Good-bye, Charlie Brown." It is the same old story with the Conservatives.

Will the Prime Minister keep his promise to seniors and give them full retroactivity or will he wait for seniors to once again say to him "Good-bye, Charlie Brown"?

[*English*]

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, it is this government that moved to improve CPP and ensure additional benefits.

We have seen benefits for guaranteed income supplement go up over the last 18 months. We are lowering taxes so that 385,000 low income Canadians no longer have to pay federal income tax, and many of those are seniors.

We are helping seniors every day in tangible ways, while all we ever hear from the Bloc members is talk and, frankly, that is all it can do.

[*Translation*]

Mr. Raymond Gravel (Repentigny, BQ): Mr. Speaker, if pensions were indexed for all seniors, each of them would receive an additional $110 per month. This measure would cost the government just a little over $710 million. Tax cuts for oil companies will total $532 million in 2008, and that figure could reach $1.4 billion in 2012. How can the government refuse this $710 million to seniors?

The government should be ashamed to give tax breaks to oil companies at the expense of seniors. Will it give them indexation, yes or no?

[*English*]

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, the government has tremendous sympathy for the plight of seniors who live without adequate incomes, which is why we have taken action in a number of ways.

We put a minister in place precisely to deal with a number of these issues. We have a national panel on seniors. We have taken several steps so we ensure that seniors have adequate incomes, in the form of direct support from government, and we lowered the taxes so they do not have to pay them any more.

The real question is this. Why does the Bloc oppose these things at every step?

* * *

[*Translation*]

THE ENVIRONMENT

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the Bali conference on climate change is fast approaching, but it is clear that the government is not taking climate change seriously. There are consequences. Yesterday, we learned that mild winters and intense storms could split the Îles-de-la-Madeleine in two within five years.

Why does the Prime Minister not take climate change seriously? Why will he let the Îles-de-la-Madeleine be split in two?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, the truth is that the government is taking action. It has regulated large companies. For the first time in the history of Canada, we are taking real action for real reductions—absolute greenhouse gas reductions. We are working very hard on transport and energy. For the first time in the history of Canada, we are working together, with all the provinces, with public money, to help this worthwhile cause.

● (1435)

[*English*]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, we are seeing no serious action, and the minister's answer simply underlines that. There is no sense of crisis with the government.

The fact is the Queen Charlotte Islands are sinking. We are losing the polar ice cap. We are watching it disappear before our very eyes.

Even the Conservatives of France are chastizing the Conservatives of Canada. Their effort is to put the climate change issue on the Summit of la Francophonie in Quebec City. Why? Because just like the previous government, the Conservative government is failing to deal with the crisis of climate change.

Why will the government not take it seriously? Why do we not see some real action on the biggest—

The Speaker: The hon. Minister of the Environment.

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, the leader of the NDP talks about the previous government. The leader of the NDP made a deal with the Liberals for $4.5 billion. Why did he not make climate change one of those factors.

We could have acted two years earlier, but the reality is the NDP got in bed with the Liberals one last time and we had to wait two more years for real leadership from this Prime Minister.

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ATLANTIC ACCORD

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, the government insulted all Nova Scotians yesterday when a finance briefing on the phantom equalization deal was cancelled at the last minute. This is the fourth cancelled briefing in the last four weeks.

Nova Scotians have been kept in the dark about this deal since October 10. They have a right to see the details and to judge the deal for themselves. Yesterday was another Conservative betrayal of my province's interests.

Why is the government so intent on insulting Nova Scotians by hiding the details of their phantom deal?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, as I said yesterday, in response to a question from a Liberal member, the commitment we had made on this very complex bill was to have a briefing as soon as the bill was tabled. The bill will be tabled this afternoon. We look forward to having a briefing tomorrow. I hope the hon. member will be there.

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, that regime has already betrayed Atlantic Canada and insulted Nova Scotia. Imagine it treating Alberta like that: never.

One cancelled meeting is understandable. But four? It is either gross incompetence, ministerial bumbling, or an effort to hide the truth.

Has the provincial government been given a copy of the draft legislation and has it given its approval?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, if the member opposite actually cared about what was in the bill, he would wait to read it. Once he reads it, perhaps he could form an opinion. Maybe he could listen to his own premier in Nova Scotia who said:

> If Nova Scotia MPs...are not standing up and supporting this, that says to me, No. 1, that they're not in favour of us receiving the full benefits of the...(accord). I hope that our MPs, especially...our Liberal MPs...are going to stand up and be counted.

* * *

[*Translation*]

INTERGOVERNMENTAL AFFAIRS

Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.): Mr. Speaker, for weeks now, the Government of Quebec has been calling for a first ministers meeting. The provinces wish to discuss important files such as the rising dollar, the crisis in the manufacturing sector and problems facing the forestry industry. These files affect Canadians in all regions and have an impact on their daily lives. The Prime Minister, however, prefers to turn a deaf ear.

Why must the provinces beg the Prime Minister for a simple meeting? How many times do they have to push the matter for him to finally assume his responsibilities?

[*English*]

Hon. Rona Ambrose (President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister of Western Economic Diversification, CPC): Mr. Speaker, that is incorrect. The Prime Minister tried to convene a first ministers meeting as early as last June. Unfortunately due to scheduling constraints of some premiers and provincial elections, we have now been trying to convene a meeting for either later this year, in December, or early in January.

The Prime Minister has already informed the chairman of the Council of the Federation, Premier Shawn Graham, that this is the case, and he looks forward to having the premiers at 24 Sussex for an informal meeting soon.

● (1440)

[*Translation*]

Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.): Mr. Speaker, this is unheard of. The Prime Minister refuses to call an official meeting among the provinces to discuss the problems created by the rising dollar. He refuses to help Quebec and provide immediate assistance to the manufacturing and forestry sectors. He even thumbs his nose at comments made by the provincial leaders and says he will go ahead with Senate reform without ensuring their involvement.

Will the Prime Minister admit that his open federalism is a mere illusion and that he has no intention of treating the provinces as real partners in this federation?

[*English*]

Hon. Rona Ambrose (President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister of Western Economic Diversification, CPC): Mr. Speaker, for the first time in a long time, the provinces are treated in a very businesslike fashion. The Prime Minister has a very professional relationship with the premiers and has an open door to them. He has regular meetings with the premiers and is always is accessible, just like all our ministers.

* * *

[*Translation*]

FOREIGN AFFAIRS

Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, in October, I informed the Minister of Foreign Affairs that a young Haitian boy adopted by Canadian citizens in my riding was abandoned in Haiti. Last Friday, the boy begged us to bring him back to Quebec as soon as possible so that he could, in his words, "have a decent life, where he could eat, drink, sleep and go to school".

Can the Minister of Foreign Affairs confirm that he intends to repatriate the child as soon as possible?

[*English*]

Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, the Department of Foreign Affairs and International Trade officers in Ottawa and Port-au-Prince are working together with the authorities of the province of Quebec to ensure the well-being of this child. The department is working very closely with Quebec social services, which is investigating allegations of neglect made by this child.

I assure the member that the department is working hard toward facilitating the child's return to Canada as early as possible.

[*Translation*]

Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, the parliamentary secretary knows that Haiti is on the list of countries under a deportation moratorium because of the ongoing instability in that country. Given that this young boy has to fend for himself in such a dangerous place, the government must act quickly.

Can the parliamentary secretary tell this House when he intends to repatriate this adolescent?

[*English*]

Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, as I have mentioned, the department is working very hard toward quickly facilitating the child's return to Canada as early as possible. However, I assure the member that we are also working with the Quebec social services, which is investigating these allegations.

As I said, we are working very hard to get this child to Canada as quickly as possible.

* * *

[*Translation*]

PUBLIC SAFETY

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, tasers should only be used as a next-to-last resort. They should only be used when the use of a firearm would be justified if the police did not have this paralyzing weapon available. By all accounts, this was not the case during the tragic events that occurred at the Vancouver airport. This means there are serious shortcomings in police training.

Under the circumstances, should the Minister of Public Safety not declare a moratorium on the use of this weapon by RCMP officers until the public inquiry is complete?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, with all due respect, I think my colleague is mistaken. The last option for a police officer is to use a firearm, not a stun gun.

Furthermore, I have asked the RCMP complaints commission to review the matter. I have also asked whether we could receive the report before December 12. It is very important that we get answers to all these questions.

* * *

JUSTICE

Mrs. Vivian Barbot (Papineau, BQ): Mr. Speaker, the Council of Europe, a human rights body, was highly critical of the government's recent decision to no longer require that death sentences served on its citizens in foreign countries be commuted to life sentences. Commuting a sentence and clemency are not the same thing, as has been mistakenly suggested.

Does the government plan to change its mind and ensure that Canada goes back to actively promoting the abolition of the death penalty?

● (1445)

[*English*]

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, we continue to oppose capital punishment at the United Nations and there are no plans to change the laws in Canada. However, I believe what has been made clear is if any Canadians go abroad to a democratic country where there is the rule of law, they cannot be guaranteed that Canada will intervene if they become multiple or mass murderers.

Mrs. Susan Kadis (Thornhill, Lib.): Mr. Speaker, does the justice minister believe that the death penalty is always wrong?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, it is very clear what the law is in Canada and there are certainly no plans to change that law.

Mrs. Susan Kadis (Thornhill, Lib.): Mr. Speaker, for at least 30 years, Canadian governments have had a policy of seeking clemency for Canadians on death row in foreign countries. Why has the government decided to ignore that long-standing policy? What credibility do we now have in fighting for Canadians who are facing the death penalty in places like China and Ethiopia when the government says it is okay in Montana and Mississippi?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I am happy to hear that the Liberals now want us to stand up on behalf of human rights in China. This is certainly a departure from some of their previous comments, but we will have a look at individual cases.

Again, we want to send a message out to anyone who is in the business of being a mass murderer or a multiple murderer in a democratic country where there is a rule of law that they cannot necessarily count on the assistance of the Canadian government.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, the Council of Europe, the top human rights body, has accused this government of subcontracting the death penalty; that it is okay to execute our citizens as long as it does not happen in Canada. The international community is urging the government to have Canadian citizens granted clemency to serve their sentences behind bars.

Why does the government endorse the use of the death penalty in other countries when it flies in the face of Canadian law?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, there are no plans to change Canadian law and this country will continue to seek assurances for all extradition cases with which we become seized.

Again, we will look at each of these cases on an individual basis and will take the best decisions in the interests of Canada.

[*Translation*]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, that means the government itself wants to be the executioner.

Does the government believe that the death penalty is acceptable, regardless of the circumstances, yes or no? It is a simple question that requires a simple answer, please.

[*English*]

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, this country and this government, in particular, has had an outstanding record with respect to human rights at home and abroad. I think it is a record for which all Canadians can be very proud.

* * *

THE ENVIRONMENT

Mr. Brian Storseth (Westlock—St. Paul, CPC): Mr. Speaker, today our government has taken yet another major step to protect and conserve Canada's north, by announcing a land withdrawal twice the size of Nova Scotia and five times the size of Prince Edward Island. This is one of the largest land conservation initiatives in Canadian history near the east arm of the Great Slave Lake and around the Ramparts River wetlands, both in the Northwest Territories.

Could the Minister of the Environment tell the House how today's announcement will benefit our northern communities, especially those in the Northwest Territories?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, the announcement that I made with the Minister of Indian Affairs and Northern Development was a significant one. We are protecting culturally sensitive lands. We are protecting some very fragile ecosystems. We are protecting something that will be remembered for generations to come.

We owe three sets of thanks to people. We owe the Prime Minister, for his leadership. We owe the environmental groups, led by the Canadian Boreal Initiative. Most importantly, we owe the real leadership, over many decades and centuries, of our first nations partners, who join us in the gallery today.

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. member for Surrey North has the floor.

* * *

ROYAL CANADIAN MOUNTED POLICE

Ms. Penny Priddy (Surrey North, NDP): Mr. Speaker, the death of a new Canadian at the Vancouver airport has put a sharp focus on the use of tasers in Canada. There are no national rules governing the use of tasers, no standard operating procedures for the devices and no mandatory reporting of incidents.

The Toronto police plan to spend $8.5 million on tasers is now on hold. The Royal Newfoundland Constabulary has halted a plan to buy tasers.

Will the minister do what responsible forces are doing and suspend the RCMP use of tasers until standards and retraining are in place?

● (1450)

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, I am aware of Newfoundland's position. I am not aware of any other police force taking that particular step.

I have asked for a full review from the RCMP related to taser use, compliance and also implementation. I have also asked the chair of the Commission for Public Complaints Against the RCMP to do a thorough review of this, again along the lines of training and compliance. As the chair himself said today, he has a very broad mandate to do so and to report back by December 12 before we leave these chambers.

Ms. Penny Priddy (Surrey North, NDP): Mr. Speaker, the taser company has some serious explaining to do. At least five police officers in the U.S. and one in Canada have launched lawsuits after taser training went awry. American states across the U.S. have launched lawsuits and investigations into taser use.

The government has a duty to gather all the information available. Does the minister support a parliamentary investigation into tasers and their use and misuse in Canada? Would he support calling the founders and the directors of Taser International to testify at committee?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, long before any opposition party or member took action, I requested a review of this particular matter on a number of levels. The commissioner who is in charge of the entire board, which is an independent agency, I might add, that takes complaints against the RCMP, is also doing a review. There are a number of reviews being done at different levels.

I am a bit surprised that my hon. colleague would ask me if I am in favour of what a parliamentary committee might be doing. Parliamentary committees set their own agendas. I am rather surprised that she would say I would have something to do with that. I would welcome any review at any level. It will all be helpful.

* * *

[*Translation*]

AFGHANISTAN

Hon. Denis Coderre (Bourassa, Lib.): Mr. Speaker, first they violated the Geneva convention, and now the Conservatives are violating the protocol on child soldiers and the Convention on the Rights of the Child.

The evidence is clear: not only is torture practised in Afghan prisons, but Canada has transferred minors to those prisons. What is more, various reports clearly show that the facilities are inadequate, that holding adolescents in separate cells remains a problem and that we will not be able to correct the situation before 2010.

Why is Canada transferring minors to Afghan prisons instead of rehabilitating them? How many young people have we handed over to these executioners?

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, the Canadian Forces in Afghanistan have received clear instructions on how to take special care when holding minors. Any minor held by the Canadian Forces is kept separate from adult detainees. This is clear, and it is consistent with international conventions. All the Canadian Forces have always complied with international standards.

Hon. Denis Coderre (Bourassa, Lib.): Mr. Speaker, I did not understand anything.

[*English*]

The only thing that minister understood from his briefings is camouflage. The cowardice that government is showing by hiding behind our soldiers or slinging mud at the opposition is shameful and beneath contempt.

We support the troops. Let us be clear. Our army is following that government's orders regarding detainees. It is that government that is responsible. When will that government take responsibility for its actions and admit that it has done nothing to prevent the use of torture?

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, what is certainly clear is that the bombast and the blast coming from the member for Bourassa do nothing to demonstrate that his party or that member support the troops.

These scurrilous allegations that somehow Canadian soldiers are complicit in war crimes is beyond contempt. It is reprehensible. It is un-Canadian for that member to make those kinds of allegations in this place.

● (1455)

Ms. Tina Keeper (Churchill, Lib.): Mr. Speaker, yesterday the Prime Minister showed once again how far he will go to distract Canadians from his government's incompetence. He dismisses reports alleging the use of torture of Afghan detainees, and when anyone dares to ask to see the facts, he hides behind the bogus claim of national security and then brands his critics as pro-Taliban.

Protecting the government from embarrassment is not a matter of national security. When will the Prime Minister table uncensored copies of all reports about Afghan detainees?

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, there have been numerous and consistent disclosures of documentation from Afghanistan. We have indicated clearly that we are complying with NATO standards, with international standards and with the Geneva Convention.

What is beyond understanding is why members opposite continually make up allegations without any evidence, now suggesting that Canadian soldiers have done something wrong. For the deputy leader of the Liberal Party, who may have been a pretty good non-fiction writer about international affairs, to now be engaging in fiction about Canadian soldiers is despicable.

Ms. Tina Keeper (Churchill, Lib.): But, Mr. Speaker, the Prime Minister claims there is no evidence of torture. His own officials say there is evidence, but he just ignores them. There is a complete disconnect between what the officials are saying and what the Prime Minister is trying to lead Canadians to believe.

What is the Prime Minister afraid of? Is he afraid the truth will catch up to him?

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Granted, Mr. Speaker, the hon. member was not here in the previous Parliament, but she should know that the members opposite, the previous government, put in place a flawed arrangement with respect to the transfer of Taliban prisoners.

We have improved upon that. We have specific directions with respect to juvenile Taliban detainees. We have improved upon the failings of the Liberal Party in many ways, including now finally giving the equipment and the moral support of our government.

[*Translation*]

THE ENVIRONMENT

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, France has stated that it intends to make climate change a central theme of the 2008 summit of la Francophonie in Quebec City. The Minister of Foreign Affairs has refused to take a stand, saying that it is up to the Prime Minister to decide what will be on the agenda. That does not bode well.

The government keeps saying that it supports the Kyoto accord, yet it stubbornly refuses to yield to the accord's inconvenient targets. If the Prime Minister really believes in the Kyoto accord, he should put climate change on the summit's agenda.

My question is straightforward: will he do it?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, all representatives of francophone countries will work hard to fight climate change. We will have an initial opportunity to do that during the UN meeting in Indonesia, where Canada will work hard to come up with a better agreement to fight climate change.

It is absolutely essential for all large industrialized nations to work together with other members of la Francophonie. I am sure that francophone nations will show true leadership on this issue.

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Mr. Speaker, climate change is affecting the Magdalen Islands. A preliminary study by the Ouranos group showed that erosion of the sandbanks could split the archipelago in two by 2012.

Given the growing body of scientific evidence, how can the government justify leaving this subject off the summit's agenda to other members of la Francophonie?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, that is not the case at all. We are always happy to work with francophone countries. The best way to make that happen this year is not to wait six months to hold a meeting about it. We will work hard in Indonesia with all representatives of francophone countries to ensure that we have a real action plan for the whole planet in place after 2012.

* * *

[*English*]

AIRBUS

Hon. Robert Thibault (West Nova, Lib.): Mr. Speaker, Canadians are concerned that the justice minister allows political considerations to influence his decisions about whether to extradite Mr. Schreiber.

If a parliamentary committee requests that Mr. Schreiber appear before it, will the Minister of Justice cooperate and will he ensure that Mr. Schreiber can appear before the committee?

● (1500)

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I certainly do not interfere with the business of a committee of the House of Commons, and inasmuch as I am seized of the extradition matter, it would be inappropriate to comment.

FISHERIES AND OCEANS

Mr. Fabian Manning (Avalon, CPC): Mr. Speaker, for many years now overfishing has been a serious issue facing our country. Many communities, including several in my own province of Newfoundland and Labrador, have been devastated by the disregard by some foreign countries of international law that forbids these actions.

Today I was pleased to hear the Minister of Fisheries and Oceans announce that serious overfishing citations in the NAFO zone are at an all-time low. Can the minister inform the House if the government has fulfilled its commitment to bring about custodial management beyond our 200 mile limit?

Hon. Loyola Hearn (Minister of Fisheries and Oceans, CPC): Mr. Speaker, in a unanimous report to the House, the all party Standing Committee on Fisheries and Oceans said:

> By custodial management, the Committee did not intend that Canada should claim sovereignty over or exclusive rights to the resources of these regions of the ocean but that Canada should assume the role of managing and conserving the fisheries resources of the NAFO regulatory area in a way that would fully respect the rights of other nations that have historically fished these grounds.

We have done that in spades.

* * *

HEALTH

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, the toys our kids have learned to love are turning out to be toxic. Dora the Explorer and her cartoon cousin Diego, Thomas the train, Barbie, and toy cars and trucks all were found with unacceptable levels of lead. Just yesterday, lead-laced duck-shaped umbrellas were pulled from Canadian store shelves.

With Christmas coming, this is becoming a very urgent matter. A government-sponsored recall website is not going to fix the problems. Will the minister make companies responsible for their imports? Will he take serious action against violations?

Hon. Tony Clement (Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Indeed I will, Mr. Speaker.

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, surely the minister would like to say something to Canadians about the fact that unsafe products should never enter Canada in the first place.

Surely he would want to say something about more testing at the border paid for by importing companies like Mattel, out of its $592 million in profits. Surely he would like to see beefed-up powers for Health Canada to order recalls. Surely he wants tougher import controls. Surely he would like a toxic import protection act.

Will he at least take seriously the issues around toxic toys and do something about this kind of train?

The Speaker: I do not know what the member for Winnipeg North was waving around, but whatever it is, I do not think it was a glass of water. I suggest that she show proper restraint and comply with the rules of the House.

The hon. Minister of Health.

Hon. Tony Clement (Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, what the hon. member might have been waving around was a copy of a speech that I in fact delivered just 10 days ago, saying exactly what she is demanding. That is exactly my position.

* * *

[*Translation*]

DEPARTMENT OF JUSTICE

Hon. Robert Thibault (West Nova, Lib.): Mr. Speaker, in 1996, under oath, Mr. Mulroney said he knew nothing about Mr. Schreiber's business interests in Canada, yet he accepted $300,000 in cash from Mr. Schreiber. It does not make any sense. If accepting $300,000 is not a business transaction, then what exactly is it?

Has the Minister of Justice relaunched his department's investigation and will he recover from Mr. Mulroney the $2 million that is owing to taxpayers?

[*English*]

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, in accordance with what the Liberals and a number of others asked for, the government has agreed to a full public inquiry. We have appointed a very eminent Canadian in the person of Dr. Johnston and he is having a look at this. He will set the parameters for a public inquiry. I think that should satisfy the hon. member.

* * *

FOREIGN AFFAIRS

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Mr. Speaker, Canadians are concerned with the deteriorating human rights situation in Iran. The Iranian government is blatantly disregarding its commitments and its obligations under international law as well as its own domestic legal obligations.

Canada, along with 41 co-sponsoring nations, brought forward a resolution at the UN this year to call attention to our serious concerns regarding Iran. Can the Parliamentary Secretary to the Minister of Foreign Affairs update the House on the situation regarding the UN resolution?

● (1505)

Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, yesterday the UN adopted a Canadian sponsored resolution calling attention to the continuing deterioration of the human rights situation in Iran.

At the UN General Assembly meeting this September, the Minister of Foreign Affairs worked hard to build support for this resolution by his participation in almost 30 meetings with his foreign counterparts.

United by our shared values of freedom, democracy, human rights and the rule of law, our government will continue to restore Canada's international leadership through concrete actions that bring results.

The Speaker: That will conclude question period for today.

Before we leave, the Minister of the Environment made a bit of a blunder during question period. A couple of hon. members have pointed it out to me and I have checked the blues.

He apparently referred to the presence of persons in the gallery and used the words "in the gallery" which he is well aware is quite contrary to the rules and practices of the House.

I know that having been admonished by the Chair, he will want to refrain from such conduct in future. I suggest he have a chat with his whip at an early opportunity.

The hon. Minister of the Environment.

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, I would certainly offer my full apologies to you. I am a rookie member and I appreciate your wise counsel. You are the great wise helmsman of Parliament.

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, on this issue, you will recall that you were the Speaker of the House when one of our members referred to somebody in the gallery. She lost the right to speak in this House of Commons for 30 days.

I propose to the Speaker that the Minister of the Environment be taken off of his duties for 30 days.

The Speaker: His parliamentary secretary might suffer from overwork.

We will have continuing discussions on this subject, I am sure.

The hon. House leader for the official opposition is rising.

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, the whip for the NDP has made an eminently important point. I think we should also consider the beneficial effect that that action would have in reducing greenhouse gases.

Hon. John Godfrey (Don Valley West, Lib.): Mr. Speaker, I, too, was once a rookie and I, too, made the same mistake and I, too, was cut off for 30 days. Fair is fair.

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, I will remind you that I actually was a rookie. I had been here several months and had made the mistake of referring to a group of seniors who were visiting from my riding. I was chastised and for 30 days I could not stand and ask a question or speak in the House. So I think the same conditions apply.

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I am sure that on behalf of the Minister of the Environment I can commit that he will not ask a question for the next 30 days here. However, there were times when he has not had to answer a question for 30 days, since opposition members abandoned that issue long ago when they abandoned so many other issues in favour of just sitting down every day.

The Speaker: I think that we have probably heard sufficient submissions on this point. I am quite prepared—

Is the member for Acadie—Bathurst rising on another issue?

Mr. Yvon Godin: Mr. Speaker, just for the record, a member does not lose the right to raise a question. A member loses the right to make a speech in the House of Commons. A member loses the right to make a statement. That is what a member loses. A member loses the right to speak in the House of Commons. That is what he should lose.

Some hon. members: Hear, hear!

Some hon. members: Oh, oh!

● (1510)

The Speaker: The Chair did not see any gesture from the minister. I am going to look at the tape and I will get back to the House in due course. If further punishment for the minister is warranted, I am sure that there will be the necessary steps taken in this matter.

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 two petitions.

* * *

CRIMINAL CODE

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC) moved for leave to introduce Bill C-27, An Act to amend the Criminal Code (identity theft and related misconduct).

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

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BUDGET AND ECONOMIC STATEMENT IMPLEMENTATION ACT, 2007

Hon. Jim Flaherty (Minister of Finance, CPC) moved for leave to introduce Bill C-28, An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2007 and to implement certain provisions of the economic statement tabled in Parliament on October 30, 2007.

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

* * *

COMMITTEES OF THE HOUSE

PUBLIC ACCOUNTS

Hon. Shawn Murphy (Charlottetown, Lib.): Mr. Speaker, I have the pleasure to present, in both official languages, the first report of the Standing Committee on Public Accounts.

Very briefly, this report basically commends a number of witnesses who came before us on the RCMP issues. They are: Staff

Sergeant Mike Frizzell, Staff Sergeant Ron Lewis, Chief Superintendent Fraser Macaulay, Ms. Denise Revine, Assistant Commissioner Bruce Rogerson, and Staff Sergeant Steve Walker. The report commends these individuals for their continued efforts to expose the mismanagement of the Royal Canadian Mounted Police pension and insurance plan administration in the face of great personal and professional hardship.

BILL C-2

Mr. Rick Dykstra (St. Catharines, CPC): Mr. Speaker, I have the honour to present, in both official languages, the first report of the legislative committee on Bill C-2.

I am speaking from this side, but I certainly want to comment that while there were some tight constraints put around the delivery of this report back to the House, every once in a while, even though it may not be recognized, all members from all parties of the House do work together on good legislation to move it forward.

We have delivered this back to the House a day in advance. My compliments to all members of the committee.

SCRUTINY OF REGULATIONS

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the first report of the Standing Joint Committee on Scrutiny of Regulations.

If the House gives consent, I intend to move concurrence in this report later today.

● (1515)

CANADIAN HERITAGE

Mr. Gary Schellenberger (Perth—Wellington, CPC): Mr. Speaker, I have the honour to present, in both official languages, the first report of the Standing Committee on Canadian Heritage related to the directives from the governor in council amending the interpretation of the broadcasting policy or the telecommunications policy for Canada.

* * *

ELECTORAL BOUNDARIES READJUSTMENT ACT

Mr. Brent St. Denis (Algoma—Manitoulin—Kapuskasing, Lib.) moved for leave to introduce Bill C-483, An Act to amend the Electoral Boundaries Readjustment Act (Northern Ontario).

He said: Mr. Speaker, very briefly, this bill would support all MPs, all ridings in northern Ontario, which is a vast area. My own riding is 110,000 square kilometres and if trends continue, it will even get bigger, so this is a bill to ensure that at the very least, 9% of the seats in Ontario are allocated to northern Ontario.

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

* * *

UNBORN VICTIMS OF CRIME ACT

Mr. Ken Epp (Edmonton—Sherwood Park, CPC) moved for leave to introduce Bill C-484, An Act to amend the Criminal Code (injuring or causing the death of an unborn child while committing an offence).

He said: Mr. Speaker, I am deeply honoured to introduce my bill, entitled unborn victims of crime. This bill addresses the heart-rending grief that loved ones experience when a pregnant woman is assaulted or killed. My bill would provide a second offence for the injury or death of the unborn child.

I urge all members to support this bill, as it affirms the woman who has chosen to bring her child to term and to give it life.

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

* * *

CANADIAN CHARTER OF RIGHTS AND FREEDOMS DAY ACT

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.) moved for leave to introduce Bill C-485, An Act respecting a Canadian Charter of Rights and Freedoms Day.

He said: Mr. Speaker, it is a privilege and an honour to present this bill in the year of the 25th anniversary of our Charter of Rights and Freedoms.

The Canadian Charter of Rights and Freedoms defines us as Canadians. It makes all Canadians who come from all over the world equal before the law.

This bill would enable Canadians to appreciate our past and our present and to look forward to the future.

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

* * *

CRIMINAL CODE

Mrs. Joy Smith (Kildonan—St. Paul, CPC) moved for leave to introduce Bill C-486, An Act to amend the Criminal code (protection from sexual interference).

She said: Mr. Speaker, it is an honour to present this bill today, especially because my own son worked in the ICE, or integrated child exploitation, unit. Canada needs stronger laws that not only target people looking for information to exploit children, but also to severely penalize those who advertise or distribute this type of information.

Along with our government's efforts to tackle violent crime, the bill focuses on tackling exploitive crimes against children. It is an honour to put this bill forward because, as we all know, human trafficking and the exploitation of children is on the rise across the globe and here in Canada and we all need to do things to ensure this terrible crime stops.

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

● (1520)

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, with the unanimous consent of the House, which I believe you would find, I move that the first report of the Standing Joint Committee on Scrutiny of Regulations, presented to the House earlier this day, be concurred in.

The Speaker: Does the hon. member for Scarborough—Rouge River have the unanimous consent of the House to propose this motion?

Some hon. members: Agreed.

Some hon. members: No.

* * *

POINTS OF ORDER

ORAL QUESTIONS

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, I have a point of order arising out of question period. I have just obtained the preliminary *Hansard* from question period to verify the point that I have in mind, which I would like to raise at this time.

In question period, a number of questions were addressed to the government House leader with respect to the issue of redistribution of seats in the House of Commons and, particularly, the impact upon Ontario.

In response to the Leader of the Opposition, the government House leader at one point said, "When he", that is the Leader of the Opposition, "was in cabinet they introduced bills twice to deal with redistribution and never once proposed increasing a single seat" with respect to Ontario.

That is factually incorrect. In 1996-97, four more seats were added for Ontario and two for British Columbia. In 2003-04, three more seats were added for Ontario, two for Alberta and two more for British Columbia.

Now that the government House leader knows that seats were indeed added for Ontario, I think he will want to correct the record now that he knows he misspoke.

The Speaker: The hon. government House leader is rising to respond to this. I am not sure it is a point of order at all. It sounds like a matter of debate, but the government House leader wishes to say something in the circumstances.

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I quite agree with the House leader for the Liberal Party. That bill did in fact, under the old formula, which significantly underrepresented Ontario, Alberta and B.C., add additional seats. It was a small number as he indicated, four, in contrast with our bill which is ten.

The real point that I was attempting to make was that it did not add a fair representation level for Ontario nor for Alberta and B.C. The Liberals took action then that did not have a fair representation level.

However, in terms of additional seats, the member is correct.

Mr. Speaker, while I have the floor, I have a point of order on a different point. It addresses the question of the issue of the environment minister identifying people in the gallery.

In your consideration, Mr. Speaker, I would encourage you to look at an incident that occurred on February 3, 2004 when you were Speaker when the member for LaSalle—Émard, who was prime minister at the time, said in *Hansard*:

> In the new economy education comes in many forms. Over the last several years I have visited many union training centres. They are an essential part of our education system and they should have a much stronger relationship with government.
>
> There are many union leaders, some are in the gallery, with whom I have had—

At that point there was a bit of tumult in the House. Then the Speaker, quite rightly, intervened and said:

> The right hon. Prime Minister knows that referring to the presence of persons in the gallery is against the rules. He would not want to set a bad example for other members, however interested, and I would urge him to refrain from this.

That appears to have been the only admonition or punishment meted out on the occasion. I suggest that is consistent with the Speaker's conduct today.

The Speaker: To deal with the point of order raised by the House leader for the official opposition, I think that is a matter for debate and we have had the debate so that is finished.

However, with respect to the second point of order, I appreciate the comments from the government House leader. I am sure that in considering any additional punishment that might be meted out to any hon. member, I will bear in mind his very succinct remarks and references to other precedents. I know there are many. This is a lapse that occasionally occurs in the House, sometimes directly and sometimes less directly. The Chair has to try to weigh what is appropriate in the circumstances in each case. I know that the Minister of the Environment was quite repentant.

* * *

COMMITTEES OF THE HOUSE

SCRUTINY OF REGULATIONS

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I would seek the unanimous consent of the House to revert to motions and, if there is unanimous consent, I would move that the first report of the Standing Joint Committee on Scrutiny of Regulations, presented to the House earlier today, be concurred in.

● (1525)

The Speaker: Does the hon. member for Scarborough—Rouge River have the unanimous consent of the House to propose the motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

* * *

PETITIONS

VISITOR VISAS

Mr. Pierre Poilievre (Nepean—Carleton, CPC): Mr. Speaker, I rise today to present a petition on behalf of constituents of Polish heritage. The petitioners note that Canadian citizens no longer require visitor visas to visit Poland.

Therefore, the petitioners call upon Parliament to lift the visa requirement for the Republic of Poland.

CP RAIL

Mr. Gary Goodyear (Cambridge, CPC): Mr. Speaker, today I wish to table a petition of well over 1,000 signatures. These petitioners from across Canada, specifically in my riding of Cambridge, in North Dumfries township and in Oxford county, have raised serious concerns about the Canadian Pacific Railway and its lack of civic, social, corporate responsibilities, as well as its refusal to cooperate and respect the communities it steamrolls through.

CP is flaunting the fact that federal laws have little jurisdiction over it and the petitioners say that they will not be railroaded by the railroad.

The petitioners ask that the Department of Transport, the Department of the Environment, the Department of Fisheries and Oceans, the Minister of Public Safety, as well as the Minister of Health use their collective influence to immediately require the Canadian Pacific Railway to appropriately protect the environment, show some respect for Canadians and start acting like good neighbours should.

[*Translation*]

AFGHANISTAN

Ms. Pauline Picard (Drummond, BQ): Mr. Speaker, I am pleased to present to the House a petition from citizens of the riding of Drummond, who are asking the House of Commons and the government to make a clear commitment to the withdrawal of troops from combat zones in Afghanistan in February 2009.

Furthermore, the current mission must be rebalanced by lessening the military aspect and increasing humanitarian support.

[*English*]

ASBESTOS

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I have a petition signed by thousands of Canadians who call upon Parliament to note that asbestos is the greatest industrial killer the world has ever known and yet Canada continues to be one of the largest producers and exporters of asbestos in the world. Canada allows asbestos to be used in construction materials, textile products and even children's toys.

The petitioners ask Parliament to note that the United States Senate unanimously passed, on October 4, bill 742, the bill to ban asbestos from that country.

Therefore, the petitioners call upon Parliament to ban asbestos in all its forms, end all government subsidies for asbestos, both in Canada and abroad, and stop blocking international health and safety conventions designed to protect workers from asbestos, such as the Rotterdam Convention.

WARNING LABELS

Mr. James Lunney (Nanaimo—Alberni, CPC): Mr. Speaker, this petition calls for warning labels for acetaminophen. This petition actually arises from a tragic incident in my own riding where a family lost their daughter through an overdose of Tylenol. There are hundreds of petitioners, mostly from Vancouver Island communities, Nanaimo, Qualicum Beach, Parksville and area, and as far north as Courtenay.

The petitioners are calling on the government to recognize that acetaminophen is the most common pharmaceutical involved in unintentional poisonings in all age groups in British Columbia and many parts of Canada, and that both acute and chronic acetaminophen overdose can cause potentially fatal liver toxicity. They are calling on Parliament to take action to provide warning labels for acetaminophen.

[*Translation*]

STATUS OF WOMEN

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, today I am presenting a petition with 1,273 signatures from 70 Quebec and Canadian groups of women. That makes a total of 5,425 names presented by my colleague for Laurentides—Labelle and myself since last June.

I wonder how much time and how many names it will take for the minister, the cabinet and the Prime Minister to understand that they are headed in the wrong direction and that they must respond and agree to the demands of the petitioners.

The petitioners are asking that the 12 offices of Status of Women be re-opened, that the court challenges program be reinstated and that the original criteria for the women's program be restored.

● (1530)

[*English*]

CANADA POST CORPORATION ACT

Mr. Mervin Tweed (Brandon—Souris, CPC): Mr. Speaker, I am pleased to table a petition, mainly from people from Alberta but I am receiving petitions signed by people from all over Canada in support of Bill C-458, An Act to amend the Canada Post Corporation Act (library materials), in which it would protect and support the library book rate and extend it to include audiovisual materials.

[*Translation*]

STATUS OF WOMEN CANADA

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Mr. Speaker, like my colleague, the member for Laval, I am also pleased to present a petition signed by 1,284 women and men from the four corners of Quebec.

The petitioners are asking the Conservative government and the Minister of Canadian Heritage, Status of Women and Official Languages to reinstate without delay the court challenges program, the original criteria for the women's program, and the budget of Status of Women. They are also asking that the 12 regional offices closed by this government be opened.

In tabling this petition, I also reiterate my commitment to these individuals to not let my guard down and to continue fighting for their rights.

[*English*]

BURMA

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, I have the honour to present a petition signed by almost 70 constituents of mine from towns in my riding: Camrose, New Norway, Armena, Hay Lakes and others.

The petitioners call upon Parliament to take more action in response to the violent repression of pro-democracy activists in the country of Burma. They want pressure from countries surrounding Burma, specifically Russia and China, because they have close ties with Burma.

I know that my constituents are pleased that the Government of Canada has done more than any other nation in terms of responding to this crisis but we continue to call upon the Burmese authorities to respect the human rights and fundamental freedoms of the protesters and of all the people in Burma.

This petition came out of a group of at least 30 students from Augustana University in Camrose who came down to my office and made very positive references to the things they felt Canada could do. I am pleased to present this petition on their behalf today.

CONSUMER PRICE INDEX

Hon. Shawn Murphy (Charlottetown, Lib.): Mr. Speaker, I have the honour to present a petition on behalf of many of my constituents on the statistical error made by Statistics Canada in its calculations of the consumer price index when calculating the rates for hotel rooms.

This error resulted in Canada's inflation numbers being underrated by half a percentage point since 2001, thereby causing anyone whose benefits are tied to CPI, including recipients of the Canada pension plan, old age security and the guaranteed income supplement, to be underpaid by a compounded half a percentage point a year, losing benefits totalling an estimated amount of approximately $1 billion.

The petitioners call on Parliament to take the required steps to repay every Canadian who was shortchanged by the government because of this miscalculation.

* * *

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, the following question will be answered today: No. 5.

[*Text*]

Question No. 5—**Mrs. Irene Mathyssen**:

With regard to the Homelessness Partnership Strategy (HPS): (*a*) what changes have been made from the Supporting Communities Partnership Initiative (SCPI); (*b*) will the communities designated to receive funding under the Homelessness Partnership Initiative differ from the communities that received funding under SCPI; (*c*) will the community plans developed under SCPI remain intact; (*d*) if not, what is the procedure for developing new strategies; (*e*) will a public consultation process within the communities still take place; (*f*) will there be any differences in the number or allocation of staff and program facilitators under the new initiative; (*g*) will there be any lag in funding while the transition from SCPI to HPS occurs; (*h*) how will HPS funding be administered; (*i*) will funding be transferred to the provinces and territories or will it be allocated directly to community based groups; (*j*) will there be any restrictions put in place on how funding recipients can spend money received through the Homelessness Partnership Initiative; (*k*) will preference be given to groups that provide transitional supportive housing; (*l*) which stakeholders were consulted before the decision was made to begin the new HPS program; (*m*) how was the need for a new program identified; (*n*) were (i) funding recipients, (ii) community groups, (iii) municipal and provincial governments involved in the development of HPS; (*o*) what are the criteria for receipt of funding from HPS; (*p*) how many funding recipients of SCPI funding will still qualify for HPS funding; (*q*) what is the estimated number of new funding recipients; and (*r*) what reporting and auditing requirements will funding recipients be responsible for?

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, the response is as follows:

a) The federal funding provided under the homelessness partnering strategy, HPS, favours the development of transitional and supportive housing and increases the focus on interventions to help individuals acquire long-term stable housing conditions.

b) No. Funding under the HPS focuses on the same 61 designated communities as under the national homelessness initiative, NHI, and the supporting communities partnership initiative, SCPI, component.

c) Communities have been asked to assess progress on their community plans. These assessments were expected by June 2007. They are now being asked to update their community plan and priorities for fall 2007.

d) Not applicable. See the response to c).

e) Community advisory boards are responsible to organize consultations with stakeholders for the identification of the plan priorities. This remains unchanged for the HPS.

f) No changes have been identified to date to the number or allocation of staff and program facilitators to deliver the new Strategy.

g) The homelessness partnering secretariat developed a transition strategy that provided program guidelines for the implementation of the HPS and the close-out of the NHI so that everything was in place to avoid disruption of services in communities. Communities received funding for projects to ensure the continuity of essential activities for the homeless population.

h) The HPS is administered in the same manner as the NHI; it is a community-based program that is delivered at the local and regional levels with direction from national headquarters.

i) Funding will not be transferred to provinces or territories; it will be delivered in the same manner as the NHI.

j) Organizations will be invited to submit proposals that will meet the needs and priorities of the community as established in their community plan, and are consistent with the HPS's terms and conditions.

k) In response to consultations with communities, organizations and stakeholders who have expressed a need for more long-term housing, the HPS is targeting 65% of its funds toward transitional, supportive, and other forms of long-term housing facilities and related services. This is a guideline with flexibility exercised to respond to community needs.

l) The development of the HPS was informed by: the formative and summative evaluations of the NHI; externally-funded research; NHI-funded research; best practices from across the country; international models; and the views of stakeholders. Comments and suggestions from NHI funding recipients, community organizations, all levels of government, private and not-for-profit sectors, and interest groups were received during the January 2005 consultations, and the September 2006 national stakeholder roundtable. A significant amount of correspondence has also been received from individuals and organizations.

m) See answer to question l).

n) i) funding recipients; ii) community groups; and iii) municipal and provincial governments involved in the development of HPS? See answer to question l).

o) Organizations will be invited to submit proposals that meet the needs and priorities of their respective communities, as established in their community plans, and are consistent with the HPS's terms and conditions.

p) All recipients that were provided funding under the NHI will be eligible to submit an application under the HPS. Communities are expected to undertake transparent calls for proposals processes.

q) Communities will have the discretion of recommending the appropriate number of projects that can be funded under their allocation to meet their needs.

r) The HPS has a policy directive on "Enhanced Financial Controls" to ensure transparency and probity in the administration of contribution agreements. All recipients of less than $350,000 in funding will be subject to Human Resources and Social Development Canada's project monitoring. All recipients of $350,000 or more will have a clause in the contribution agreement that will require an external audit. The frequency of the audits is determined by the length of the agreement. Funds for these audits are included as an eligible cost in the contribution agreement.

[*English*]

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, if Question Nos. 10 and 22 could be made orders for returns, these returns would be tabled immediately.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

[*Text*]

Question No. 10—**Ms. Catherine Bell**:

With regard to raw log exports from Canada: (*a*) what is the government's current policy; (*b*) is the government working on ways to reduce these exports and, if so, what policy options are being considered; (*c*) have there been or are there any meetings planned to discuss raw log exports with the United States and, if so, what was or will be the substance of the said meetings and what policy options or conclusions emerged from them; (*d*) how many cubic metres of wood has been exported on an annual basis since 2001; (*e*) where are these log being exported to; (*f*) what is the commercial value of these logs on an annual basis; (*g*) during the recent visit of the Minister of Natural Resources to China, was there any discussion of raw log exports and, if so, what was the substance of those discussions; (*h*) what did the Minister's briefing book for that trip say about forestry products and raw logs; (*i*) has any public money been spent abroad by the government to market or encourage the export of raw logs and, if so, how much and where; (*j*) what advice or studies have been prepared for the government with respect to the impact of raw log exports on the Canadian economy, specifically the domestic forestry industry?

(Return tabled)

Question No. 22—**Mr. Paul Dewar**:

With respect to climate change: (*a*) what studies and evaluations about intensity-based targets have been undertaken, requested or commissioned by the government and (i) what is the cost of these studies, (ii) what are the findings and recommendations of these studies; (*b*) what recommendations does the government agree with; (*c*) what scientific and economic studies did the Prime Minister rely on to make his June 4, 2007, speech in Berlin, Germany, endorsing the use of intensity-based targets to fight climate change; (*d*) what studies and evaluations with respect to intensity-based targets have been requested or commissioned by either the departments of Environment or Natural Resources to be undertaken before December 31, 2007; (*e*) what studies, reports and recommendations have already been presented to the government prior to January 2006 with respect to intensity-based targets and which departments prepared these studies; and (*f*) with specific reference to the climate change debate, on an annual basis for the last five fiscal years, specifying for what research projects and which departments granted the funds, what amount of funding has the government provided directly or indirectly to (i) Dr. Tim Ball, (ii) Tom Harris or the Natural Stewardship Project, (iii) Dr. Ian Clark, University of Ottawa, (iv) Dr. Tim Patterson, Carleton University?

(Return tabled)

[*English*]

Mr. Tom Lukiwski: I ask, Mr. Speaker, that all remaining questions be allowed to stand.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

* * *

MOTIONS FOR PAPERS

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

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

● (1535)

[*English*]

YOUTH CRIMINAL JUSTICE ACT

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC) moved that Bill C-25, An Act to amend the Youth Criminal Justice Act, be read the second time and referred to a committee.

He said: Mr. Speaker, I am very pleased to rise today to begin the second reading debate on Bill C-25, which amends the sentencing and pretrial provisions of the Youth Criminal Justice Act.

The government has committed itself to respond to the concerns that Canadians have expressed about youth crime. Bill C-25 now before this House is an example of how we are going to meet that commitment. We are going to strengthen the youth justice system and ensure fairness and effectiveness in the application of the criminal law for young people. We are ensuring that society is effectively protected from violent and dangerous offenders. Young offenders, like adults, must face meaningful consequences for serious crimes.

In the last election we said we would make changes to the Youth Criminal Justice Act and last month in Halifax, accompanied by the former Nova Scotia minister of justice, I announced that the government would deliver on this promise and introduce amendments to the Youth Criminal Justice Act. This has been done with the tabling of this bill on Monday. It is not just Nova Scotia that has been requesting these improvements. Manitoba has been requesting them as well.

I have to refer to a couple of colleagues in my own caucus. For many years the member for Wild Rose has called for changes to the Youth Criminal Justice Act. I know he takes a great deal of satisfaction from the progress that he has made in a number of areas. The protection of 14 and 15 year olds definitely is one of the crusades that he has had and I very much appreciate that as well. The member for Crowfoot has been one of those individuals who has continued to encourage me and the government to move forward with these changes. I have received pretty good support right across this country from provincial attorneys general, but I am very appreciative of those colleagues of mine who have come forward and asked for these changes.

I should point out that the Nova Scotia request for change is in large part based on the recommendations in the Nunn commission report. Many of us are aware of the tragedy that was experienced in Nova Scotia where a youth with outstanding charges for automobile theft was continuously released prior to his trial. The individual stole another vehicle and again it resulted in a tragedy in which Theresa McEvoy was killed.

Nova Scotia has done great work in pushing for these changes. Yesterday I was pleased to see in a news release that the justice minister of Nova Scotia, Cecil Clarke, said he welcomes our Youth Criminal Justice Act amendments and he called on all members of the House to support this bill.

The pretrial detention provisions of Bill C-25 are also the result of consultations I undertook this summer with my provincial and territorial counterparts and various other stakeholders. We continued those discussions again last week when I was in Winnipeg at a federal-provincial justice ministers meeting in that city. They too shared with me their concerns about detaining dangerous youth prior to their trial.

I am confident that the amendments we have tabled in the House of Commons will address those concerns. The proposals now before the House provide new measures to protect communities from young people who pose a significant risk to public safety and to hold youth accountable for their criminal conduct.

It will amend the youth justice system by including as well deterrence and denunciation as sentencing principles and by making it easier to detain a broader range of young persons who pose a risk to public safety.

Currently under the Youth Criminal Justice Act, the purpose of a youth sentence is to hold the young person accountable through meaningful consequences and rehabilitative measures. The sentence must be proportionate to the seriousness of the offence and it must also be the sentence most likely to rehabilitate the young person.

Last year the Supreme Court of Canada ruled that the Youth Criminal Justice Act does not allow deterrence and denunciation to be considered by the courts as specific objectives of the courts when they are sentencing youth. These are important objectives we believe for judges to have when considering an appropriate sentence.

● (1540)

Deterrence means imposing a sanction for the purpose of discouraging the offender and others from engaging in criminal conduct. Denunciation refers to society's condemnation of the offence. My proposed sentencing amendment would allow courts to consider both deterrence and denunciation as objectives in youth sentences. Again, we appreciate the support of our provincial counterparts for the inclusion of both of these in the Youth Criminal Justice Act.

Many Canadians are concerned about youth crime and believe that changes to sentences can be very helpful. They want to stem the reported recent increase in violent youth crime and restore respect for law, so I am asking Parliament to move expeditiously in getting this bill passed.

For some time now, the government has been taking part in a comprehensive review of the pretrial detention and release provisions on the youth justice system. I have indicated as well to my provincial and territorial counterparts that I would like to have their input for a complete, comprehensive review of the Youth Criminal Justice Act.

This is an appropriate time, it seems to me, in view of concerns that I have heard right across this country with respect to youth crime and youth violence. I think it comes at an appropriate time inasmuch as this is the fifth anniversary of the Youth Criminal Justice Act, and indeed the 100th anniversary of a separate youth criminal justice system in Canada.

I indicated to my provincial counterparts, and I have indicated publicly, and certainly I will be getting input from my colleagues as to how to go about that so that we can bring forward comprehensive changes.

This is just one of the measures that we have placed before Parliament. I was very pleased as well to introduce the bill that has mandatory prison terms for people who commit serious drug offences. I saw on television a couple of academics who had some problems with that. I can say that they do not represent the majority of Canadians. Canadians want to see tough sentences when it comes to drug offences and they want to see changes to the youth criminal justice act.

I tabled a bill a few minutes ago on identity theft, and the tackling violent crime act has been reported back to Parliament. Bill C-25 should be seen in the context of a wide range of government initiatives, all of them designed to make our communities safer, to make our streets safer, to stand up for the innocent victims of crime.

One of my clients—one of my colleagues—I am not practising law anymore in Niagara Falls, although I was very proud to do that for many years. My colleagues have been very supportive of these initiatives because they know we are on the right track to help build a better and safer Canada.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, I am pleased that the minister does not have clients within the Conservative Party. It might lead to more questions about what need they would have for the legal advice from one of Her Majesty's Queen's Counsel and the Attorney General of Canada.

Regarding the concept of sentencing in general, I want to hone in on the prospect in this bill of adding deterrence and denunciation to a youth justice bill. I want to ask him in general if he agrees with the proposition that in the Criminal Code of Canada when it comes to sentencing, all of the factors are tempered by section 718.1, which says that proportionality is the overriding principle of sentencing.

I say that because Supreme Court Justice Morris Fish recently opined from the bench, in a very interesting decision I was watching involving mandatory minimums, that section 718.1 oversees all of the other sentencing principles.

Does the minister agree with that with respect to the Criminal Code? More important, does he see that the concept of proportionality is actually in the Youth Criminal Justice Act itself?

● (1545)

Hon. Rob Nicholson: Mr. Speaker, it is obvious that proportionality is a part of every sentence that is handed down in the country. The Criminal Code, as does the Youth Criminal Justice Act, gives a wide range to judges to impose a sentence that is appropriate in each occasion.

However, we had to act in light of a decision by the Supreme Court of Canada, in 2006, with respect to the Youth Criminal Justice Act. It made it very clear that deterrence and denunciation were not part of the principles that a judge could take into consideration when sentencing a young person. Therefore, we have moved to remedy that and we have put that in the legislation.

Again, there is a wide range of principles and considerations that a judge can take into consideration to ensure that the appropriate sentence is handed down for that young person.

We are keenly aware as well that we cannot just sentence individuals in our system. We have to try to divert them and give them opportunities not to get involved in problems with the law in the first place. Therefore, ours is a comprehensive package, both for youth and for drug related problems. As we know, they can be interrelated, but ours has to be a comprehensive and a fair approach.

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, before he tables his bill, I would like the minister to tell us whether he knew that, for years now, the youth crime rate has been 50% higher in Canada than in Quebec? Again last year, while the youth crime rate was going up in Canada, it went down by 4% in Quebec.

Did he ever ask himself whether Quebec's approach was different from those of the other provinces? If so, is he starting to see why we have always achieved better results than Canada and, indeed, the rest of North America? Has the minister asked himself this question? Does he have any answers? Does he know why this reality exists and whether the rest of Canada could benefit from Quebec's approach?

[*English*]

Hon. Rob Nicholson: Mr. Speaker, I am a big proponent of and a believer in everyone learning from everybody else in the country. The province of Quebec has good ideas that can and should be examined by other law enforcement agencies and those who work with young people. All of us can learn from each other.

I was very proud, for instance, to be with my colleague, the Minister of Public Safety, at an announcement in St. Catharines on Monday morning, when a group known as the Citizens Advisory Committee received a $1.7 million grant from the government to assist young people who are in trouble with the law or have the potential to get in trouble with the law. It will have a program where it can engage approximately 80 individuals at one time who can work with those individuals to try to ensure they do not get mixed up with the criminal justice system.

I look to a program like that. I congratulated the members for their fine work, which they have been doing for almost two decades now in the Niagara Peninsula.

Again, as the hon. member says, we can learn from each other, but we have to be united in our determination that bills like this have to be passed. We cannot say that, yes, a program is working somewhere and, therefore, we are not going to do anything any more. I have been coast to coast in the country and people all tell me the same thing: do something about the Youth Criminal Justice Act.

I am responding to what was said in the Nunn commission report. I am responding to my colleagues who have been hearing from their constituents, who have been saying that they want to see changes. We have heard from a wide range of people. I think there is a consensus that the changes we bring about in Bill C-25 are very reasonable and should have the support of everybody in the House of Commons.

Hon. Jay Hill (Secretary of State and Chief Government Whip, CPC): Mr. Speaker, the new legislation, which the justice minister spoke about, albeit briefly, has elicited a great response, judging by how many of my colleagues from all parties are looking to ask questions of him. Therefore, I will try to keep this brief.

The reality I have often remarked over the 14 years I have been privileged to be a member of Parliament is that too often our justice system overlooks the victims of crime. More often than not, the victims of youth crime are youth themselves, and we do not want to lose sight of that.

I was very pleased to hear my colleague, the justice minister, remark that a real impetus for bringing forward the legislation is to try to bring greater fairness and justice to the victims of crime.

Could he elaborate a bit more on that? I hear this all the time, not only in northeastern British Columbia, but as I travel across our country.

● (1550)

Hon. Rob Nicholson: Mr. Speaker, I am pleased the chief government whip raised the question of the victims.

If members looked at the transcript of this Parliament and checked question period every day, they would see very few questions directed to the government from the opposition directly related to the victims and their rights.

However, I know it is a priority among government members and that is why I was very pleased earlier this year to have a press conference and announce that we would have the first federal ombudsman for the victims of crime, and why not? It was an excellent idea.

Most of us, when we came to government, we asked who was in charge, who looked after the rights of victims? Everybody else seemed to have somebody else lobbying or campaigning on behalf of their rights, but there was very little in the way of spokespeople who concentrated on the rights of victims. Therefore, it is very appropriate that the Government of Canada has initiated that new response to something very fair, which is looking after the victims of crime.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I am glad the Minister of Justice is enthusiastic about helping fix the system. He used the word "comprehensive" in his speech. A program cannot be comprehensive if it does not deal with some of the major problems.

There are two major problems. First, people come to members of Parliament all the time about the overrepresentation of aboriginal people in the justice system. Second, people with FAS and FASD commit proportionally much larger numbers of crime per capita.

What is the minister doing to help fix those problems in the system?

Hon. Rob Nicholson: Mr. Speaker, I was very pleased to support the aboriginal justice strategy earlier this year and confirm there would be continued government financing of that program.

As Minister of Justice, when it was explained to me what we were doing in that, I liked the fact that we were getting results in this area and that it was a success. We want to build on success.

We know young people can get involved with drugs and we know this is a major problem in a number of communities. I was very pleased, therefore, when the Prime Minister announced in Winnipeg the national anti-drug strategy and said that two-thirds of the new resources would go into prevention and treatment.

Again, this is what I was talking about earlier. We want to have that comprehensive approach because we know it will work.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I know the minister will be in front of the committee. I want to ask him about dollars. He bragged about the $1.7 million he gave in his area of the country. I should point out that this was over four years, not one year.

The reality is the government has done very little with regard to preventive work. It put some money in the budget, but has not spent it since it was in power.

Could the minister tell us how much the government has allocated for prevention programs for youth in the current budget period?

Hon. Rob Nicholson: Mr. Speaker, just within the national anti-drug strategy alone, it took almost $64 million of new resources, quite apart from the resources that we already allocated to assist both youth and for drug treatment programs.

Quite apart from those, of the $64 million, two-thirds of that will go to prevention and treatment, and why not? These are good ideas and we know that. I have talked many times about the enforcement and the penalty side, but that can only be one part of it. We have to build a complete program. My colleagues and I are keenly aware of that.

Every time members have seen a federal budget, every time they have seen an announcement, they will notice that we watch and ensure that treatment and prevention programs are a part of every program with which we move forward. I am very proud of that and I am very pleased to have the support of my colleagues.

● (1555)

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, it is an honour for me to speak to Bill C-25, An Act to amend the Youth Criminal Justice Act.

I received a letter from the minister on the day that he tabled the bill at first reading. His letter stated:

> A copy of the Bill and accompanying news release and backgrounder are enclosed.
>
> The Bill amends the *Youth Criminal Justice Act* by adding deterrence and denunciation to the principles that a court must consider when determining a youth sentence. Deterrence refers to imposing a sanction with the purpose of discouraging the offender and others from engaging in criminal conduct. Denunciation refers to society's condemnation of the offence.
>
> The Bill also clarifies that the presumption against the pre-trial detention of young person is rebuttable and specifies the circumstances in which the presumption does not apply. This will make it easier to detain a broader range of youth who pose a risk to public safety.

I was astonished because Nova Scotia had recently conducted a major public inquiry. That inquiry was the result of the following incident.

[*Translation*]

On October 14, 2004, Theresa McEvoy, a 52 year old mother, was killed in a car accident by a 16 year old, whose initials are A.B.

A.B., who was joyriding in a stolen car at the time of the accident, was released on October 12, 2004, despite having 38 criminal charges against him.

On June 29, 2005, Nova Scotia called a public inquiry to look at how the charges against this youth were handled and other issues related to why he was released. The Hon. D. Merlin Nunn was named commissioner of the inquiry.

On December 5, 2006, the commissioner, Justice Nunn, presented his report, which included 34 recommendations: 19 recommendations on the need to simplify the administration of justice and improve accountability, 6 others on giving the Youth Criminal Justice Act more teeth, and 9 others on youth crime prevention.

I found out about this inquiry and this report through my colleagues and not through the Conservative government.

[*English*]

It was my colleagues from Sydney—Victoria, Halifax West, Dartmouth—Cole Harbour, Kenora, Saint Boniface, Winnipeg South Centre, Churchill, Cape Breton—Canso, Yukon, Moncton—Riverview—Dieppe, and Scarborough—Rouge River who brought the fact and the reality of the existence of this report to my attention.

I immediately got a copy of the report and began reading it. I have to tell the House that what the government has tabled is not in any way a comprehensive response to the six recommendations that Justice Nunn made in his December 2006 report.

Let me read the actual recommendations.

Recommendation 20 states:

> The Province should advocate that the federal government amend the "Declaration of Principle" in section 3 of the Youth Criminal Justice Act to add a clause indicating that protection of the public is one of the primary goals of the act.

Recommendation 21 states:

> —that the federal government amend the definition of "violent offence" in section 39(1)(a) of the Youth Criminal Justice Act to include conduct that endangers or is likely to endanger the life or safety of another person.

Recommendation 22 states:

> —that the federal government amend section 39(1)(c) of the Youth Criminal Justice Act so that the requirement for a demonstrated "pattern of findings of guilt" is changed to "a pattern of offences", or similar wording, with the goal that both a young person's prior findings of guilt and pending charges are to be considered when determining the appropriateness of pre-trial detention.

Recommendation 23, the fourth one that deals directly with the YCJA, states:

> —that the federal government amend and simplify the statutory provisions relating to the pre-trial detention of young persons so that section 29 will stand on its own without interaction with other statutes or other provisions of the Youth Criminal Justice Act.

Recommendation 24 states:

> —that the federal government amend section 31(5)(a) of the Youth Criminal Justice Act so that if the designated "responsible person" is relieved of his or her obligations under a "responsible person undertaking" the young person's undertaking made under section 31(3)(b) nevertheless remains in full force and effect, particularly any requirement to keep the peace and be of good behaviour and other conditions imposed by a youth court judge.

Finally, recommendation 25, the sixth recommendation of Justice Nunn's that goes directly to the YCJA, states:

> —that the federal government amend section 31(6) of the Youth Criminal Justice Act to remove the requirement of a new bail hearing for the young person before being placed in pre-trial custody if the designated "responsible person" is relieved of his or her obligations under a "responsible person undertaking".

There is a series of recommendations talking about the development and implementation of a public, comprehensive, collaborative and effective interdepartmental strategy to coordinate programs, interventions, services and supports to children, youth at risk and their families. All of the other recommendations were directed to the provincial government of Nova Scotia, but six of them directly called on the provincial government of Nova Scotia to advocate for and lobby the federal government for six precise changes.

Let us look at this to see what the government actually changed.

The government included, as the minister said, that the judge may now use the following criteria in determining the sentence that is appropriate for a young offender: "to denounce unlawful conduct" and "to deter the young person and other young persons from committing offences". That is a big piece of Bill C-25.

● (1600)

The other piece of Bill C-25 addresses in part Justice Nunn's recommendations, but only in part. He had several recommendations regarding the pretrial detention, and the bill addresses some of those recommendations, that is, that the justice shall:

> presume that detention is not necessary unless
>
> (a) the young person is charged with a violent offence or an offence that otherwise endangers the public by creating a substantial likelihood of serious bodily harm to another person;
>
> (b) the young person has been found guilty of failing to comply with non-custodial sentences or conditions of release, or
>
> (c) the young person is charged with an indictable offence for which an adult would be liable to imprisonment for a term of more than two years and has a history that indicates a pattern of findings of guilty under this Act or the Young Offenders Act....

Finally, the bill states:

> If the youth justice court or the justice finds that none of paragraphs 2(a) to (c) apply, the court or justice shall not detain the young person unless...satisfied that there is a substantial likelihood, having regard to all of the relevant factors including any pending charges against the young person, that the young person will, if released from custody, commit a violent offence or an offence that otherwise endangers the public by creating a substantial likelihood of serious bodily harm to another person.

That is great. That answers some of Justice Nunn's recommendations. It does not, however, answer Justice Nunn's recommendation on amending section 3, the declaration of principle, "to add a clause indicating that protection of the public is one of the primary goals of the act".

It also does not address Justice Nunn's recommendation that the definition of "violent offence" found in section 39(1)(a) "include conduct that endangers or is likely to endanger the life or safety of another person".

It does not answer and respond to Justice Nunn's recommendation that "the...government amend and simplify the statutory provisions relating to the pre-trial detention of young persons so that section 29 will stand on its own without interaction with other statutes".

One of the main recommendations of Justice Nunn was that section 3 should be amended so that protection of the public would be a primary objective of the Youth Criminal Justice Act. For a government that beats its chest and beats the drums over and over again in its members' ridings, on the news and in its publications that it is there to get tough on crime, I cannot understand why the government chose not to amend section 3 and include protection of the public as a primary goal of the Youth Criminal Justice Act.

Is it because it is not really protection of the public that the Conservative government is interested in, but that this is more about punishment? Is that why? There is no other logical explanation.

Let me read a few quotes from the Nunn commission report. It noted:

> —the [Youth Criminal Justice Act] has been highly successful in the manner in which the vast majority of youth is handled...The challenge is whether the [Youth Criminal Justice Act] in its present form is adequate to deal with that smaller number of repeat offenders that the justice system is concerned with on a regular basis.

Justice Nunn also said:

> —it is important to state that not one of the parties with standing took exception to the philosophy behind the act or to the majority of its provisions. Rather, they identified a number of sections causing concern and recommended changes.

Unfortunately, the government again has chosen to cherry-pick among these recommendations. That is me talking, not Justice Nunn. I will return to the quotes:

● (1605)

> —I can categorically state that the Youth Criminal Justice Act is legislation that provides an intelligent, modern and advanced approach to dealing with youth involved in criminal activities. Canada is now far ahead of other countries in its treatment of youth in conflict with the law....

That is on page 228, but Justice Nunn's next statement is even better:

> This is not to say that there are not those who are opposed to the [Youth Criminal Justice Act], just as there were those opposed to the previous acts, the Juvenile Delinquents Act and the Young Offenders Act.

He continues, and I like this one, as he is spot on:

> Many of these critics believe that jail is the answer: "There they'll learn the errors of their ways." These critics pay little attention to contrary evidence, nor do they understand that with young persons jail for the terms they recommend does not correct or rehabilitate, but rather often turns out a person whose behaviour is much worse than it was. Others espouse the vengeful adage "adult crime—adult time"....

How many times have we heard that from Conservative members, those who were previously Canadian Alliance members and before that Reform members? Justice Nunn goes on to say:

> —paying no attention to the fact that it is a youth crime and not an adult crime.
>
> Such an attitude is in direct conflict with modern approaches to treating criminal behaviour. Most of the adherents of these views refuse to accept that youth should be treated differently and separately from any adult system.
>
> Nevertheless, they are entitled to the views and opinions they express. Unfortunately, in the present state of our youth criminal justice system, they are unable to make any contribution to reform, even when some reform is not only reasonable but desirable.

I would like to continue the quotes. How much time do I have left, please?

Mr. David Tilson: None.

Hon. Marlene Jennings: Oh, those members are endorsing the Nunn report. I heard some of them calling out Nunn.

That quote was from pages 228 and 229. The next quote is from page 230:

> The witnesses and counsel for all parties in this inquiry have indicated full support for the aims and goals of the act while recognizing, at the same time, a need for a number of amendments to give flexibility to the courts in dealing with repeat offenders, primarily by opening a door to pre-trial custody and enlarging the gateways to custody. Such amendments would give greater credence to and public support for the act, a much-desired result.

The judge made it clear that the overwhelming majority of people who testified before him, who were witnesses before him, supported the aims of the Youth Criminal Justice Act. Those aims do not include adult sentencing principles: deterrence and denunciation.

Allow me to quote Deputy Chief Christopher McNeil of the Halifax Regional Police service, who said:

> The [Youth Criminal Justice Act] is premised on the belief that the vast majority of young offenders, with proper guidance and support, can overcome past criminal behaviour and develop into law-abiding citizens. This is true for the vast majority of young people. However, the YCJA is ineffective in dealing with the small percentage of young people from whom the public needs protection.
>
> The YCJA fails to recognize that there is a small group of incorrigible young people whose activities pose a risk, and that the criminal law must provide mechanisms to protect society from their behaviour. The YCJA is highly prescriptive legislation and restrictions on the use of custody in the YCJA have been interpreted as a virtual bar to detention or custody in certain cases. These restrictions pose a risk to public safety.

He went on to talk about the need to put protection of the public in the primary goal in section 3, the declaration of principles of the act.

Why would the government not follow that recommendation? One can only believe that the government is not interested in effective policies that actually do work and will in fact protect the public, because if the government were genuine in its claim that, as the minister just stated in this House, it is "responding to what was said in the Nunn report", it would have done so.

● (1610)

I am sorry. He is only responding to a small part of what was said. He is not responding to all of the recommendations dealing with the YCJA. Shame on him.

He should stand here in this House and say, "I read the Nunn report. There are six recommendations dealing with the YCJA. I am only going to deal with two of them. The other four? Maybe in the future". He should at least show that integrity. Shame on him.

I met with the brother of Theresa McEvoy when the member for Halifax West organized a meeting, a round table. There were two other families there who also had members of their family, one was a child and the other was a sister, who were murdered.

Not one of them asked to have deterrence and denunciation put as a criteria for determining sentencing for young offenders. What they all asked for was to have protection of the public put into the declaration of principle, section 3 of the YCJA. They asked that all of Justice Nunn's recommendations dealing with the YCJA be implemented by that Conservative government. Unfortunately, that Conservative government has done what it always does: cherry-picks.

An hon. member: It's getting it done.

● (1615)

Hon. Marlene Jennings: Mr. Speaker, it is not getting it done. It cherry-picks.

The Conservative government will not provide the kind of effective justice system for our young people as it is claiming because if it were interested in that, it would have implemented all six recommendations of Justice Nunn in Bill C-25 and they are not all there. Shame on the government.

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, since I have been elected to this House of Commons seven years, my constituents have been asking for the Attorney General of Canada, the Minister of Justice, to introduce legislation that would provide for new measures to protect communities from young offenders who pose a significant risk to public safety.

The hon. member across the way said in her speech that it does not list protection of society as a guiding principle.

For seven years, we stood in this House, when the Conservative Party was in opposition, and asked the Liberal government to add protection of society as a guiding principle. Its arguments back were that the rehabilitation of the offender was the guiding principle, that reintegration was the guiding principle.

What this bill would do, among a number of other things, is amend the Youth Criminal Justice Act to ask the courts to consider deterrence as part of the sentencing structure.

Obviously, the Minister of Justice, when he introduced these amendments, also announced that in 2008 there would be a comprehensive review of the Youth Criminal Justice Act. It would be done to address the other concerns and criticisms regarding the Youth Criminal Justice Act that the Liberal government put in place. At that point in time, the Youth Criminal Justice Act would be five years old.

Would this member tell this House today that she, at the time of that review in 2008, next year, will be a strong advocate for the protection of society being the guiding principle of the Youth Criminal Justice Act and to depart from the old Liberal way of reintegration back into society as being the guiding principle? Would she assure the House today that she would support those measures in the upcoming review in 2008?

Hon. Marlene Jennings: Mr. Speaker, I was here when the debates were going on to replace the Young Offenders Act with the Youth Criminal Justice Act. I participated in those debates. I do not recall one member sitting across that side asking for protection of the public to be part of the primary goals.

What I will say—

● (1620)

Mr. Kevin Sorenson: Shame on you, Marlene.

Hon. Marlene Jennings: Mr. Speaker, I said I do not recall. I do not recall that. I would like to see the transcript.

However, I would like to say that our party has called for a full implementation of Justice Nunn's recommendations that are directly related to the Youth Criminal Justice Act. Therefore, that includes adding protection of the public in section 3 of the act, declaration of principle, as one of the primary goals of the act. That is one.

Second, we are also calling on the government to not wait until the end of 2008 to conduct the review. The government can begin the review today if it wishes. We are calling on this government to begin the review of YCJA immediately. Do not wait a year. Do not wait six months. Begin it immediately.

Mr. Myron Thompson (Wild Rose, CPC): Mr. Speaker, I listened to the member's speech and I do not exactly understand her definition of safety to the public.

I have a difficult time debating with lawyers at the best of times because I am not one. They seem to use legal jargon to a great extent and I just cannot comprehend a lot of it. Mr. Speaker, I am sure you could share that with me with your background.

I quite often hear about reports from a person by the name of Nunn and other reports from the member and other members of her party, usually concerning the legal aspects. I wonder if the Liberals have ever taken a serious look at some of the reports that come in from victims of crime.

I remember the late Chuck Cadman, a member of my party, who passed away recently. He was here because of his son who was murdered by young offenders, which was a terrible tragedy. I remember how hard he worked, the great suggestions that he brought forward, and the reports he presented from the victims' points of view and not the legal quarters. It was ignored. I have a hard time understanding that.

I also have a hard time understanding when the Liberals talk about prevention. There is no one who wants to see crime prevented more than me. It may not come across that way and I will have to do a little better job of communicating that maybe, but I do not understand it when members say we should get to the cause of crime.

Without a doubt, one of the biggest causes of crime are drugs and alcohol, particularly alcohol. How does alcohol get into the hands of young people under the age of 18? It is against the law. When is the last time we have heard of anybody being arrested or charged for providing liquor to a minor? When is the last time we saw police break up a block party or a house party that was full of booze and people under the age of 18?

When it is mentioned in committee or to witnesses that it is a major cause and ask what we are going to do about it, the Liberals do not want to go there. They want to talk about poverty being a major cause. I guess they do not realize that rich kids get into trouble as well. There are excuses for avoiding the real causes of crime and our penitentiaries are full of adults for the very same reasons.

They do not want to hear it and I do not understand. They do not want to hear any real, solid points of view from the general public, from the victims on down. They like to hear the points of view of the legal beagles and they need to change their attitude.

Hon. Marlene Jennings: Mr. Speaker, the issue of the Nunn commission report was raised by the member's own colleague, the Minister of Justice and Attorney General of Canada. When he made his speech in the House on second reading, he raised the issue of the Nunn commission report. That is the first thing. I suggest if the member for Wild Rose has some issues, he might want to raise them with his own colleague, that is if he is allowed to talk in caucus.

The hon. member raised the issue of whether I as a member of Parliament or even before I was a member of Parliament have ever had any dealings with victims. The answer is yes, I have. I have had dealings with victims and families of victims through the years, both on a personal level and on a professional level. So yes, I do know what many of the issues for victims and families of victims are.

It was in part because of my advocacy and that of many of my colleagues here that the previous Liberal government brought in measures and moneys to help victims. We created a secretariat within the Department of Public Safety, gave moneys to Correctional Service Canada, and changed the Criminal Code amendments so that victim impact statements could be made. There were changes and improvements made. We can always continue to improve. Always. The member's own government can continue to improve.

Possibly the member for Wild Rose was not in his seat when I spoke about why the Nunn commission report came out. It came out of the death of Theresa McEvoy, 52 years old. It came out as a result of her death. Her death can be mirrored across this country. She is not the only one.

Justice Nunn's recommendations as to the Youth Criminal Justice Act have been endorsed not just by the Government of Nova Scotia. The Government of Manitoba, for instance, and the premier of Manitoba asked this government to implement all six of Judge Nunn's recommendations. Other attorneys general and victims groups have asked that as well and the government has not done what they have asked. Unfortunately, this government has again cherry-picked. It is most unfortunate.

● (1625)

The Deputy Speaker: The time for questions and comments has now expired.

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 Rimouski-Neigette—Témiscouata—Les Basques, Seasonal Workers; the hon. member for Madawaska—Restigouche, Employment Insurance; the hon. member for West Nova, Airbus.

* * *

MESSAGE FROM THE SENATE

The Deputy Speaker: I have the honour to inform the House that a message has been received from the Senate informing the House that the Senate has passed a bill, to which the concurrence of the House is desired.

* * *

[*Translation*]

YOUTH CRIMINAL JUSTICE ACT

The House resumed consideration of the motion that Bill C-25, An Act to amend the Youth Criminal Justice Act, be read the second time and referred to a committee.

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I would like to begin by calling for calm, just as you did. I do not think that it is useful to shout insults during a debate on this subject.

I was in this House in 1999, when three ministers of justice—Anne McLellan, Allan Rock and Martin Cauchon—introduced the early amendments to what was then the Young Offenders Act, which had been in place since 1907 and is now the Youth Criminal Justice Act.

I am sure that members of this House have fond memories of our colleague from Berthier, who is now putting his talent and experience to work on the bench, and who was in charge of this issue for the Bloc Québécois. At the time, we introduced some 2,700 amendments, which led to changes to the Standing Orders to limit opportunities to introduce amendments in committee at the report stage.

At the time, there was a broad coalition that included the Government of Quebec and hundreds of youth services groups that were concerned about the fact that young people aged 14 or 15 could, in some cases, be tried in adult court and sentenced as adults. That was at the heart of the reforms proposed in 1999.

At the National Assembly, youth justice stakeholders criticized elements that contradicted established practices in Quebec. Not only did the province believe in rehabilitation, its watchword for intervention practices was "the right measure at the right time". That was our slogan. That means that when intervention is necessary, rehabilitation should be the first choice. We were supposed to abide by that slogan. Quebec's National Assembly and stakeholders in the province have never denied the fact that in some cases, under specific circumstances, pre-trial detention, incarceration and even other penalties may be necessary.

When the minister made the bill public, some of the government members were quick to draw parallels with street gangs. The Bloc Québécois is not complacent. We do not have an idyllic or unrealistic view of youth. We know that young people are involved in crime, and I will talk more about this later. We also know that sometimes tougher measures are needed. However, we must stop comparing action taken under the Youth Criminal Justice Act with the issue of street gangs.

Street gangs are a real phenomenon in all large Canadian cities. Montreal, where my constituency is, is no exception. Neither is Quebec City or other cities, such as Vancouver, Toronto and Halifax. As recent statistics show, individuals involved in street gangs, or at least the well-known leaders who might find themselves in court, are not 12- or 13-year-olds.

My colleague from Notre-Dame-de-Grâce—Lachine sat on the justice committee with me when the Bloc Québécois introduced a motion to invite Randall Richmond, a civil servant in Quebec City with the Organized Crimes Prosecution Bureau, also known as BLACO, who has thoroughly examined this issue. He told us the average age of individuals who had recently been arrested and brought before the court. At the time, there was much talk about the Pelletier street gang in Montreal and the arrest which first established a link between street gangs and criminal organizations. The average age of these individuals was 19 years and 2 months.

That said, the Bloc Québécois is very concerned about this bill and will not support it. We will use our energy to speak out and take action to show the public that the government is on the wrong track. We have two main concerns.

● (1630)

First of all, in the 1999 reform, we wanted to amend this legislation, which we had criticized. We disagreed with one of the provisions, namely, the widespread use of pretrial detention.

Once again, we are not saying that pretrial detention should never be used. Section 515 of the Criminal Code already set outs circumstances in which adults must be detained before their trial. First there are the serious offences listed in section 469 of the Criminal Code: murder, attempted murder and the most serious offences. Of course, an offender is remanded for pretrial detention when it is believed that he or she may not report for their trial, that evidence could be destroyed or when the offender is not a Canadian resident.

In some situations, pretrial detention is of course necessary in order to ensure the proper functioning of the legal system and the administration of justice. This is also true for young offenders. We understand this.

I was speaking with my colleague from Pointe-aux-Trembles earlier about the consultation paper. Last night, I read the consultation paper released by the Department of Justice in June 2007, which gives an overview of the situation since the act was proclaimed in 2003. The document indicates that, before 2003, under the Young Offenders Act, police and other law enforcement agencies incarcerated young offenders before their trial in 45% of cases. When we look at the most recent statistics available, under the Youth Criminal Justice Act, pretrial detention has risen to 55%. Thus, a trend that we wanted to reverse is actually increasing.

Why is widespread pretrial detention not desirable as a general rule? As we all know, this is the period before sentencing and before the trial. The presumption of innocence must therefore apply.

Yesterday I was talking to Mr. Trépanier, a leading expert in Quebec, who has studied this issue the most. He is a professor in the criminology department at the Université de Montréal. I was talking to him about statistics. He has, by the way, been contracted by various government departments to study this issue. He told me that pretrial detention is not desirable. First, because even if that detention could offer some form of support, youth will never engage seriously in treatment and rehabilitation, or measures that could help them become better citizens. Second, there is the presumption of innocence. Third, there is the whole machinery that is reluctant to invest in resources before the final status of that youth is known. It is therefore wrong to want to see this principle used more widely.

Of course, in the bill, which has just two clauses, we are looking at a reverse onus of proof. Should we not be worried about this tendency toward more widespread reliance on the reverse onus of proof?

The Bloc Québécois has accepted that this is for the toughest criminals. I am thinking, among other things, of the former Bill C-27, which was incorporated in Bill C-2. We are talking about dangerous offenders—not even 500 people across Canada. These are people who have committed serious crimes.

In section 753 of the Criminal Code there is a very specific definition. We have accepted it, even though it flies in the face of a principle important to the Bloc Québécois when it comes to the administration of justice, and that is not to reverse the onus of proof. We realize that in some situations, there are people who are a true threat to public safety.

In my opinion, even though three paragraphs in the first part of Bill C-25 suggest reverse onus of proof, and although they are serious, they are too general. I am anxious to see what the experts will say about this in committee.

● (1635)

Obviously, we are talking about a young person who is charged with an indictable offence for which an adult would be liable to imprisonment for a term of more than two years and who has a history that indicates a pattern of findings of guilt. However, you will agree that the list of potential offences is extremely lengthy. I have even heard some people say that in Bill C-25, reverse onus was even more in evidence than in Bill C-27. This first issue makes us extremely skeptical about this bill.

There is a second issue, which is the most important. Do we believe that at 13, 14 or 15, an individual can be treated as an adult? Do we believe that the life of a youth of 12, 13 14 or 15 can be the same as that of a person of 38, 39, 40 or 45? This was the logic behind the call for a criminal justice system tailored to young people. Such a system recognizes that people are entitled to make mistakes and calls for individualized treatment.

Once again, we in the Bloc Québécois are not soft on crime. We know that some young people commit crimes that are so serious that they need to be isolated from society. We agree with that. But we should be guided by a basic principle: treatments and help for young people must be available as early as possible and for as long as possible.

That is why, until this bill was introduced, this sort of obligation was not among the principles in section 3 of the Young Offenders Act. The act does not call for deterrents, which set an example for others. Such penalties tend more toward incarceration. Why does the act not call for such an approach? I cannot provide a better quote than the one I found in a judgment of the Supreme Court, which had heard two cases. As you know, the full names of individuals under the age of 18 are never given; offenders are always identified by their initials. Consequently, the Supreme Court had handed down decisions in *Her Majesty v. B.W.P.* and *Her Majesty v. B.V.N.* An aboriginal youth had killed another person. These young people had committed a serious crime. I am not denying that. The court handed down a unanimous decision, and Judge Chars, on behalf of the majority, wrote the following:

> The application of general deterrence as a sentencing principle, of course, does not always result in a custodial sentence; however, it can only contribute to the increased use of incarceration, not its reduction. Hence, the exclusion of general deterrence from the new regime...

This refers, of course, to the Youth Criminal Justice Act. Continuing on:

> The exclusion of general deterrence from the new regime is consistent with Parliament's express intention—"Parliament" referring to us, and I was also a member in 1999—to reduce the over-reliance of incarceration for non-violent young persons. I am not persuaded by the Crown's argument that the words of the preamble referring to the public availability of information indicate that Parliament somehow intended by those words to include general deterrence as part of the new regime.

I do not wish to repeat all the arguments presented by the Crown, but I think it is worth noting that the Crown basically wanted to restore the principle and logic that existed in the Criminal Code, but through the back door. Anyone can consult section 718 of the Criminal Code and see that deterrence is one of the objectives pursued by judges during sentencing. There are other as well. I would also remind the House that there is a specific provision for aboriginal offenders, when it comes to sentencing.

To sum up, this government is making a very serious mistake and that is the subject of the second clause. The bill before us is such a small one, but so very important, given its devastating potential.

● (1640)

Clause 2 of this bill seeks to amend section 38 of the legislation in order to include, in matters of youth criminal justice, the principles of denouncing unlawful conduct and deterring the young person.

Clearly we cannot go down this path. When any sentence is handed down—in Quebec's case in the youth court component of the Quebec court—the judge naturally bears in mind that it is desirable that the individual not reoffend. However, the desire to set down, to codify, in a bill the principle of deterrence, promotes pretrial detention and assigns secondary importance to the principles of treatment, rehabilitation, assistance, significant individuals, or community involvement, in other words, a philosophy of intervention that Quebec has adopted.

This move by the government is even more surprising given that its discussion paper, which I read yesterday, provides some very conclusive figures. They indicate how far we are, despite the 2003 amendments to the Young Offenders Act, from achieving this objective.

I would also like to say that in reading the department's document, I discovered some very interesting facts. A study of police discretion examined how law enforcement officers, thus police, who are peace officers and the first to come in contact with youth, behave when arresting youth. This study revealed three reasons why the police do not release adolescents and detain them until the hearing, that is until the trial.

The first reason is law enforcement, that is to establish the identity of the offenders and to ensure they appear, as I stated earlier. Once again, according to the code, there are situations where releasing an individual is not an option. The second reason—and I find this surprising— is that detention is for the good of the youth. The study gives the example of a police officer who arrests a homeless prostitute or other homeless individuals who do not give the impression that they will find shelter. According to this study, the police officer's usual practice is to hold them for trial. The third reason is to use detention as a means of repression.

The document states that two of these three types of reasons are illegal. Under the reform of the Youth Criminal Justice Act, it is prohibited to detain an individual for these reasons.

So the government has reinforced an undesirable practice. It has supported police officers or law enforcement agencies who tend not to release youth. Yet according to the Quebec code, it is much better to remand young people to youth centres so they can receive institutional support. The bill provides for the possibility of not necessarily releasing them to their parents, but to responsible adults.

Since my time will soon expire, I would like to tell the government how disappointed I am; it would have been much better to address other problems. For several months the Bloc Québécois has been calling for a review of the parole system and accelerated parole review. We would have helped the government if it had been interested. Instead, it is ideologically driven to please its voters and it encourages and promotes prejudices that are not supported by statistics or reality.

Again, the Bloc Québécois will do everything it can to ensure that this ill-advised bill never receives royal assent.

● (1645)

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, I have a lot of respect for the Bloc Québécois member's opinions and his experience in the Standing Committee on Justice and Human Rights and in this House. As I understand it, he and the Bloc are completely opposed to clause 2 of the bill, which would add deterrence and denunciation to the principles to be considered in the Youth Criminal Justice Act. I understand his position on the issue.

I want to ask a more specific question. As we all know, the principles of deterrence and denunciation are in the Criminal Code. Section 718 of the Criminal Code includes a number of other principles. Section 718.1 sets out the crucial principle of sentencing proportionality.

I asked the minister if this bill included a principle of proportionality. He said that it did. Does the Bloc Québécois member think that the bill before us includes a principle of sentencing proportionality?

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

I absolutely agree with his comments. The Criminal Code does set out a number of principles, the most important being the principle of proportionality. There is no trace of this principle in this bill. On the contrary, the bill promotes denunciation and deterrence. Once again, why is this not desirable?

It is significant that from 1907 to date, including the 1999 reform, we have never made the principle of deterrence part of the youth justice system when we have studied it. Deterrence is not the prime objective. Once again, this does not mean that a judge—in the case of Quebec, we are talking about a judge of the Court of Québec's Youth Division—will not ensure that the offender receives treatment so as not to reoffend. Preventing the offender from reoffending is always the goal of the judiciary and the stakeholders. However, we do not believe that deterrence should be part of this bill, because it will only lead to increased incarceration.

● (1650)

[*English*]

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, I have heard this debate many times before. I was in this place when it was taking place with respect to the change from the Young Offenders Act to the Youth Criminal Justice Act.

Maybe in my neck of the woods it is different from Quebec, maybe it is different from Hochelaga, but in my neck of the woods, many people have lost faith in the justice system, particularly with young offenders. That is just an observation. We are talking legal principles here.

I have heard young offenders say, "I cannot be touched. Nothing is going to happen to me". The member for Hochelaga may disagree that the public in his community has lost faith in the justice system, but I bet that if he listened to a few people in his neck of the woods, they would agree with me that the public has lost faith in the justice system with respect to young offenders.

We look at the principles of deterrence, rehabilitation and penalties. My question for the member is, has too much emphasis under the Youth Criminal Justice Act, which most people say is worse than the Young Offenders Act which was a piece of mush, been put on rehabilitation as opposed to deterrence and penalty?

[*Translation*]

Mr. Réal Ménard: Mr. Speaker, I would like to thank my colleague for his question.

I am not denying the fact that some of our fellow citizens have lost faith in the justice system. I think that the way to renew that faith is to address parole. Does it make sense that when a court, a judge, hands down a sentence, when the principles of natural justice prevail, a person can be paroled after serving one sixth of his or her sentence? I am much more worried about the fact that a person can be paroled after serving one sixth of a sentence than about the possibility of pretrial detention for a 13, 14, 15 or 16 year old under the conditions set out in the bill.

We know that this is justified in certain cases. We are not denying that. However, I do not think that we need a bill like the one the government has introduced to achieve the goals we all want to achieve for the administration of justice.

[*English*]

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, I listened as well with interest to the member's speech. He seems to have some disagreement with the principle of pretrial detention. I am wondering if he would agree that it would be reasonable for a person who has been charged with and is guilty of committing a violent crime which may have resulted in the death of another person to be held in custody prior to trial.

[*Translation*]

Mr. Réal Ménard: Certainly, Mr. Speaker, but I would hope that my colleague understands that pretrial detention means that sentencing has not yet occurred.

I would repeat that the Bloc Québécois supported Bill C-2, which included the provisions that were previously introduced in Bill C-27 concerning dangerous offenders.

An individual cannot be declared a dangerous offender until after sentencing. That is not the issue here. The reversal of the burden of proof is extremely broad in paragraphs (*a*), (*b*) and (*c*).

We will see what people have to say in committee. However, I hope that my colleague understands that the bill before us deals with the period prior to sentencing.

[*English*]

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, one of the most passionate debates in the House I have been involved in was at the turn of this century when the Liberals modernized the youth justice act. I was sitting on the other side, across from where the member is now, and day after the day the Bloc member passionately objected to the improvements.

I would like to know if the member thinks that the bill before us is going to exacerbate the problems that the Bloc Québécois had with that act. Is it going to make them even worse? I would ask him to list the major reasons that this would not improve the safety of Canadian citizens and could ultimately make Canada a less safe place.

● (1655)

[*Translation*]

Mr. Réal Ménard: Mr. Speaker, my colleague is right to point out that we are a great party and a passionate party.

That said, in 1999, we were opposed to subjecting 15-year-olds, for example, to adult penalties. We denounced this, and the act came into force in 2003. We were afraid that preventive detention would be used.

If my friend read the document the justice department prepared in order to consult Canadians and Quebeckers on pretrial detention, he would see that under the former Young Offenders Act, law enforcement agencies used pretrial detention in 45% of cases. Under the new legislation, this figure has risen to 55%.

I therefore believe that Michel Bellehumeur, my colleague at the time, who was concerned about this trend, was a visionary and was right to mobilize the Bloc Québécois as he did.

[*English*]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I rise today to address the House on Bill C-25 which has two, two and a half or three amendments to the Youth Criminal Justice Act, depending on how we read it and interpret it.

This is another attempt, a very feeble one on the part of this legislature, to assess the usefulness of the criminal justice system we have developed with regard to youth crime and how best to deal with that within a legislated structure.

When I first saw the bill the other day, I must admit I was a bit taken aback because of all the chest thumping and macho speeches that we had heard from the Conservative government and its members on getting tough on crime. Then the bill came out with only a few sections, and quite frankly, a good deal of which is probably not necessary beyond a very limited scope.

In terms of trying to put that in context, we have to appreciate where we are at.

The thrust of the government has been to get tough on crime at least in both its ideology and its verbiage in response to a bit of a hysteria that it to a great extent has created. Again, we need to put this in context.

The reality is that for the better part of about 150 years, and certainly 125 years, the common law jurisdiction based on the English common law and the criminal law that grew out of that has always treated youth differently, although how we define them has varied from decade to decade. We stopped treating all crime by all age groups and by all citizens differently back around that time. This included bringing into our criminal justice system a recognition that youth, because of their youth, did not have the same capacity to make decisions as adults did. We do the same with people of limited intelligence or suffering serious mental health problems and who do not have the capacity to make conscious decisions at the same maturity level as adults do.

That has been an underpinning of our criminal justice system now for at least 125 years and probably close to 150 years. It has ebbed and flowed over that period of time.

When I first started practising, we had the Juvenile Delinquents Act, which was amended and changed into the Young Offenders Act, youth in conflict with the law, and now the Youth Criminal Justice Act.

The principle that we treat youth crime differently than adult crime has remained throughout all that legislation.

I think it can be argued accurately that when we passed the Youth Criminal Justice Act in 1999-2000, we somewhat expanded those principles and again looked at what was the best way to deal with youth crime. The emphasis clearly at that time, without any doubt, was they would be treated differently than adults, that the courts would have as their overarching philosophy that youth were to be looked at in terms of whatever we could do to rehabilitate, to treat and to bring them back into line so they would be exemplary citizens.

● (1700)

There is in my mind, again a serious attempt in the verbiage we get from the Conservative Party to undermine that principle, that we should in fact begin to treat youth as no different than adults when it comes to crime. Other than ideology, we could argue it is being driven by the spike in youth crime.

I do not think any member in the House, who has studied the rate of crime in the country, would deny that we have seen an increase in youth crime, particularly in the last three or four years, but in a very specific area. Unfortunately, that area is one of serious violent crime involving the use of guns almost always in a gang setting. This means the gun was acquired and used in circumstances that benefited by the fact that the individual was part of a youth gang or a street gang.

The statistics come out in May or June of each year. The initial reports I am getting back at this point is we may in fact be seeing a slight drop in serious violent crime committed by youth. I am not sure what the position of the Conservatives will be at that point if that in fact occurs.

Anyone who has studied the pattern of crime knows that we periodically have a spike. It is quite clear that legislation does nothing to deal with this spike. That is it does not make it go down. It does not allow it to increase. It does not have that kind of effect.

I want to make the point that we do not know why we have these spikes. We saw one in the adult murder rate in Canada in 2005. Then we saw it drop back a bit in 2006. We do know that the adult murder rate has dropped quite dramatically over the last 20 to 25 years based on a per capita rate of incidence.

Because of a number of the enforcement steps that have been taken in some of our major cities, and I think of Toronto as being somewhat the model of this simply because of the number of efforts that have been undertaken there by the police services and Chief Blair in particular, I expect we probably will see a similar reduction across the country, minor and then hopefully more dramatic over the next few years.

Whether we do or not, it is quite clear in my mind that we do not motivate ourselves to change the criminal justice system, and I am referring specifically to the Youth Criminal Justice Act, which has had the effect of lowering the crime rate among our youth since it came into effect.

In terms of dealing with those spikes, we deal with them by way of enforcement and maybe other social programs, which are badly needed in the country, particularly for youth, and which are not properly funded by the government. In some cases they are not being funded at all. That is the methodology we have to use and not amendments to the legislation, if in fact it is functioning.

As an aside, I want to acknowledge the work being done in the province of Quebec. Before the Youth Criminal Justice Act came into effect, Quebec had led the country in moving into a number of programs of a restorative justice nature; that is taking the accused person and the victim out of what is basically an inhumane system and treating them in a much more humane way.

It is interesting that just this past week I, the member for Ottawa Centre and the member from the Liberal Party, the member for Yukon attended a session at city hall in Ottawa on restorative justice.

● (1705)

Just this past week I, the member for Ottawa Centre and the member from the Liberal Party, the member for Yukon, attended a session at Ottawa city hall on restorative justice.The new chief of police, Chief White, is a very strong proponent of restorative justice. During his address, he told us he had been a strong proponent for 22 years in various communities where he served, first as an RCMP officer and then as chief of police in other communities before he came to Ottawa.

He made his point of the inhumanity of our criminal justice system, particularly for youth and for their victims. He kept emphasizing the importance of restorative justice, of not using penalty, of not seeing a court system that is not humane, as the best methodology for dealing with this. He has a master's degree in criminology and has some done some major research on this. One of the points he made was that the use of restorative justice had the effect of reducing the recidivism rate by very substantial numbers and with youth, almost cutting it in half. That can be done across most crimes, if not all of them.

When we hear people stand in the House and before the media and parrot really what are U.S. methodologies and proclaim that it is the be all and the end all, it flies in the face of the reality that penalties and severe sentences do not work. They increase the rate of recidivism. Looking at alternative forms of dispensing justice works much better.

The province of Quebec started into this process earlier than any other province and more effectively than any other province. In spite of the fact that the Youth Justice Act incorporated a number of those concepts used already in Quebec, Bloc members opposed it. They felt the legislation, and I think they were somewhat accurate as we heard from my colleague from the Bloc earlier, would impede some of the progress they had made in fighting youth crime, and fighting it successfully.

In any event, although they opposed it, they continued their programs as best they could and much more successfully than the rest of Canada. The rest of Canada has been playing catch-up. I think over 30 years ago, I was involved in a diversion program that was not authorized by any law. It was poorly funded, but it was successful in spite of the lack of support from government at the time.

Although there were projects like that scattered across the country, the overall approach, the umbrella approach that the province of Quebec adopted early, has had a very beneficial effect. In fact, to this day, the youth crime rate and adult crime rate for serious crime in Quebec is lower on average than it is in the rest of the country.

Let me come back to Bill C-25. With the first part of the bill, I have to take some issue with my Bloc colleague when he says that the government is introducing a reverse onus with regard to pre-trial custody for youth who have been charged with a crime. I do not interpret the sections that way. In fact, this part of the bill is simply codifying what we are seeing across the country. I expect the bill will go to committee and when we hear evidence, this will be the message that will come from practising lawyers, Crown attorneys and defence bar across the country. It will not do anything to change the practice in our youth courts across the country. All it will do is confirm what our judges have been evolving over the last decade.

● (1710)

One might ask why we would bother doing it or why would we support doing it. My answer would be that we always have. A few judges may say that they will not do it because it is not in the legislation and that they will meet the criteria that they have. By putting it into the law, for those few judges who may not be following the pattern that I see all the other judges following, it will make it necessary for them to do that and they will feel comfortable and authorized to do that.

Basically, it simply says that if the young offender is faced with this criteria having been met, then we are not likely to release him or her from pretrial custody.

There is a presumption in the act that stays in the act, in spite of these amendments, that says, generally speaking, there is a presumption that a youth would be released pending his or her trial on the charges that he or she is confronted with. The judge would then take that into account and, if the judge felt comfortable, the youth would be released but, if the judge did not, the judge could keep the youth in custody and the judge had the authorization to do that.

I do not have any problem with that and would support the government's approach on it. Again, I do not think it will change very much but it will help in a few cases.

The second part of the bill, though, is much more problematic. I believe this part of the bill was driven by a Supreme Court of Canada decision that came down about a year and a half or two years ago where a lower court judge had tried to introduce the concept of deterrence when he was sentencing an individual. That went through the appeals court and then to the Supreme Court of Canada which said that it was not in the Youth Criminal Justice Act as a criteria to be taken into account. It stated that since it was rehabilitation and treatment and that it was moving the youth back into society as quickly and effectively as possible, deterrence was not a principle to be applied.

What the government is trying to do is to bring that into the legislation by way of amendment to the Youth Criminal Justice Act.

I want to make two points. The deterrence is both, with regard to the individual, what we call specific deterrence and also general deterrence.

We know, I suppose from studies all over the world and from criminologists, sociologists, psychiatrists and psychologists, that a great deal of youth crime is as a result of youth not being mature enough to make proper decisions and acting so often on impulse. When I say “acting so often on impulse”, almost invariably acting on impulse which results in them committing a crime, and sometimes a serious violent crime.

Deterrence, faced with that psychological reality, is of absolutely no use. Deterrence only works if one meets two criteria. One criteria is being aware of the penalty, and the vast majority of youth are not.

I was doing a seminar this summer at one of our drop-in centres for youth in the city of Windsor. We had a round table discussion with youth aged 15 to 18. I was amazed how overwhelmingly ignorant most of these youth were, and I mean that in the classic definition of the word ignorant, in not having any knowledge of the law. They were making all sorts of assumptions. Some thought the penalties were very severe and others thought there were no penalties at all. I think that group was a very accurate reflection of the individuals who form our youth in this country.

When we take that we can say that they have no any knowledge of it so they will not even stop to think about the deterrent factor because they do not even know what it is. Secondly, they will not stop to think at all because they are acting on impulse. It is not a conscious decision they are making in the vast majority of cases. Therefore, deterrence has no impact.

What we, as a party, are proposing to do with this and with the denunciation, which, quite frankly, I have no sense at all as to why the government would put that in, is to support this at second reading and when it gets to committee we will be looking to alter that part of the bill to take into account some valid changes in the sentencing principles but not these two.

● (1715)

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, I recognize that the previous speaker is an expert in legal matters, and I do not profess to be one, but many times throughout his speech he attempted, in my opinion, to polarize this very important issue. I believe that is very unfortunate.

He gives the impression that the only thing our government is doing to address youth crime is to put in these two measures. He did acknowledge that youth crime is on the rise, so it is pretty obvious to all of us in this House and it is certainly obvious to people in my riding that something needs to be done.

Our government has invested over $22 million in programs that address prevention and rehabilitation measures, and we are not discontinuing restorative justice programs. In fact, I had the privilege in my riding of meeting with people who are working on restorative justice initiatives and they are doing great work. However, even those people recognize that restorative justice systems do not work in every case.

Why would we take away one of the tools, which will have an impact on reducing crime, and simply place it in a total toolbox of resources that will be helpful in addressing this issue, when over 12,000 of my constituents, one on one, through emails, through forums I have conducted or even on-line forums, have asked for some significant change to the Youth Criminal Justice Act? Why could we not use all of these methods and really address the issue?

Mr. Joe Comartin: Mr. Speaker, if there has been any polarization on this issue, it certainly has not come from my party, but much more from the Conservatives.

I have two quick answers. The bill does not do anything at all to add a tool to the toolbox of our police or our judges. Deterrence does not work, particularly in youth crime, so why put something in that will not work?

In terms of the ability of the people who work in the system with regard to restorative justice and those methodologies which underline, to a great degree, the act as it is now, the chief of police of this city would say to the member that restorative justice can in fact work in every case. That has been his experience, even in serious, violent crime.

I want to make a final point with regard to this. There is not an overall increase in youth crime in this country. There is in a very small area. It is a very significant and troubling area, but the answer to that is better enforcement.

With regard to the $22 million that the member said would be spent, when the Minister of Public Safety and the Minister of Justice were in front of committee about a year ago, shortly after the Conservative government was elected, they promised to spend $10 million. They had no idea where they would spend it but they had begun to spend a little bit of it at that point.

However, the analysis that my party did in advance of the 2006 election, speaking to the people who were working in the field, including the police, criminal justice experts, people working in restorative justice and in corrections, was that we needed $100 million a year. In our platform we said that was the amount we needed to spend if we were to have meaningful programs.

● (1720)

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, I sense that my colleague on the justice committee was about to go further into why denunciation and deterrence, actually the second part of this bill, are not efficacious. I would ask him briefly why he thinks the government cherry-picked one recommendation from the Nunn Commission report and ignored all the others.

One of those other recommendations from the Nunn Commission was to put in the declaration of principles, section 3 of the Youth Criminal Justice Act, a clause indicating that the protection of the public is one of the primary goals of the act, which would give government members the teeth that it requires through its consultations with the public, but would also protect, I believe, the principle for rehabilitation and integration, which are paramount for our youth, and would protect that more than simply deterrence and denunciation, which appear in the Criminal Code.

In other words, why do we have a Youth Criminal Justice Act if we are just going to import the exact same concepts as are in the Criminal Code?

Mr. Joe Comartin: Mr. Speaker, I appreciate the opportunity to expand a bit more on the use of deterrence and denunciation. They just simply do not have any place in the framework of this act or how we deal with youth. As I have repeated now about a half dozen times, deterrence does not work. It is of absolutely no use for youth crime.

The denunciation allows the court to, in effect, say that the crime was so heinous that it will add some more time on. It is really not necessary, especially when we look at what the principle is here, which is to ensure the individual, hopefully before he or she turns into an adult, will be rehabilitated.

It is all about getting proper treatment, not about having youth spending more time in custody. Many of these cases involve drug abuse, alcohol abuse and substance abuse generally, or serious mental health problems that have not been captured when the person was younger and perhaps, as a society, we would have been able to deal with it much more easily.

I have one final point. With regard to the point that was made earlier today by the member from the Liberal Party on what came out of the Nunn report on this need to change the sentencing provisions in the Youth Justice Act that would incorporate the concept for a judge to take into account sentencing with regard to the principle of protecting society, that is very much one of the amendments I would like to be able to support when it gets to committee.

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, the member for Windsor—Tecumseh seems to be prepared to reluctantly support the first amendment but not the second. I gather from what he is saying is that young people today know not what they doeth. I say that they do know what they are doing and they do know what the penalties are. The problem is that they know no one can touch them. The police cannot touch them. The lawyers cannot touch them and, more important, the judges cannot touch them.

He does not like this philosophy. I understand that and I respect him for saying that. However, what would he do as an alternative? Whatever we are doing now is not working.

Mr. Joe Comartin: Mr. Speaker, just to be blunt, the member is wrong.

We have dropped the youth crime rate in this country over the last 20 years by roughly 12% to 15%. The system as it is now has had that effect. That moved away from exactly the kind of system where we used incarceration much more extensively. It was a training ground for people to come out better criminals than when they went in.

The member is wrong when he says that it is not working. He is also wrong when he says that the youth have serious knowledge. We can find, in any community, particularly in our big cities, the odd individual who will say that he or she will be treated more leniently because he or she is a youth and not an adult. That knowledge is in a very small group and usually within the gangs.

They know that but how do we deal with it? We do in fact. People can be incarcerated under the Youth Criminal Justice Act for up to 10 years. We do have the penalties in those more extreme cases and our courts are using them. The problem is not there.

The problem is that we do not have enough police officers. The government has not complied with its promise to the Canadian people to put 2,500 more police officers on the streets. It has not put one new police officer on the street. If the government had done that, it probably would have driven down the youth crime rate, especially the serious, violent ones involving gangs.

● (1725)

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, if I were to say that there is a program that would reduce youth crime 60%, members would probably take it, particularly since it would save the taxpayer $7 for every dollar invested. That program is the headstart program, which the government should be adopting and supporting.

On the issue of drug dealers, the low level drug dealers are themselves addicts and users. The incorporation of a more comprehensive drug reduction strategy would be far more sensible based on fact, not on ideology. What does the member think about that?

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Esquimalt—Juan de Fuca burned the whole minute, but I will allow the hon. member for Windsor—Tecumseh a short moment to respond.

Mr. Joe Comartin: I am not quite sure, Mr. Speaker, but I think the member was addressing the other bill that is coming tomorrow or the next day on the drug issue.

There is no question that the use of diversion, the use of restorative justice and the use of treatment facilities have a higher rate of success than simply incarcerating people and throwing the key away. The ratio of incarceration in the United States—

The Acting Speaker (Mr. Royal Galipeau): Resuming debate, the hon. member for Kitchener—Conestoga.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, it is of particular significance to me that I have the privilege of joining this debate on the government's proposed amendment to the Youth Criminal Justice Act.

Over the past two years I have had the opportunity to meet hundreds of youth within the riding of Kitchener—Conestoga and many other parts of Canada, including right here in Ottawa. I have been impressed with the character and integrity of the young Canadians I have met.

The overwhelming majority of youth in Canada today are contributing so much to the high quality of life that we enjoy. Many of them are excelling in their studies and achieving extremely high marks in their academic pursuits. At the same time, many of these same youth are participating in sports, both for their school teams and on community based hockey, baseball or soccer teams. Still others volunteer hundreds of hours helping out with children's programs, seniors' activities, camping trips for those with disabilities and many other worthwhile projects.

The past two years have provided me with some of the most positive experiences of my life as I have had the honour of representing the people of Kitchener—Conestoga. I have had the pleasure of visiting a number of schools where I have met energetic youth who are eager to learn, eager to serve, and eager not only to talk about how they can improve our world, but actually take concrete action to accomplish those ideas for improvement.

I have attended sports and music events, cultural and heritage events, and in every case there are solid upstanding young people who are engaged in positive community building. Many of them are serving sacrificially, volunteering time and money to help disadvantaged kids or isolated seniors, shovelling sidewalks for residents unable to keep up with the maintenance demands of owning their own homes.

I have had the chance to formally recognize and honour hundreds of these young people by presenting them with certificates or congratulatory notes for their accomplishments. I will gladly use every possible opportunity to applaud these great Canadian youth. They deserve the thanks of every Canadian for the difference they make for all of us.

As I have indicated, the overwhelming majority of our youth contribute very positively to their communities and to our country. Unfortunately, a very tiny minority continues to leave a black mark that is a terrible blight on our society.

My involvement and interest in bringing this much needed change to the Youth Criminal Justice Act is rooted in a desire to protect youth. This very small minority of youth who currently encounter conflict and eventually end up being charged with criminal offences need earlier intervention. If the propensity toward criminal activity is intercepted at an earlier time with meaningful direction to custody and treatment options, I believe that many of Canada's youth would be spared from spiralling into deeper criminal activity.

Mr. Speaker, it is very unfortunate that my time is up.

● (1730)

The Acting Speaker (Mr. Royal Galipeau): It being 5:30 p.m., we must now adjourn the debate on Bill C-25. The hon. member for Kitchener—Conestoga will be pleased to know that his time is not up and when we return to the study of Bill C-25, he will have 17 minutes left.

PRIVATE MEMBERS' BUSINESS

[*English*]

NATIONAL PEACEKEEPERS' DAY ACT

The House resumed from November 15 consideration of the motion that Bill C-287, An Act respecting a National Peacekeepers' Day, be read the third time and passed.

The Acting Speaker (Mr. Royal Galipeau): The House will now proceed to the taking of the deferred recorded division on the motion at third reading stage of Bill C-287 under private members' business.

Call in the members.

● (1800)

[*Translation*]

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 11)

YEAS

Members

Abbott
Albrecht
Allen
Anders
Angus
Asselin
Bachand
Bains
Barbot
Batters
Bélanger
Bell (North Vancouver)
Bennett
Bevington
Bigras
Blackburn
Blais
Bonin
Boshcoff
Ablonczy
Alghabra
Ambrose
Anderson
Arthur
Atamanenko
Bagnell
Baird
Barnes
Beaumier
Bell (Vancouver Island North)
Bellavance
Bevilacqua
Bezan
Black
Blaikie
Blaney
Bonsant
Bouchard
Breitkreuz
Brown (Oakville)
Brown (Barrie)
Brunelle
Calkins
Cannis
Cardin
Carrier
Chan
Chong
Christopherson
Coderre
Comuzzi
Crowder
Cummins
D'Amours
Davies
DeBellefeuille
Demers
Devolin
Dhaliwal
Doyle
Duceppe
Emerson
Eyking
Fast
Fitzpatrick
Fletcher
Galipeau
Gaudet
Godin
Goodale
Gourde
Grewal
Guay
Hanger
Harvey
Hearn
Hill
Holland
Jean
Julian
Kamp (Pitt Meadows—Maple Ridge—Mission)
Karygiannis
Kenney (Calgary Southeast)
Kotto
Laforest
Lake
Lauzon
Layton
Lee
Lemieux
Lévesque
Lunn
Lussier
Malhi
Maloney
Marleau
Martin (Esquimalt—Juan de Fuca)
Martin (Sault Ste. Marie)
Mathyssen
Mayes
McGuire
McTeague
Ménard (Marc-Aurèle-Fortin)
Merrifield
Mills
Moore (Port Moody—Westwood—Port Coquitlam)
Murphy (Moncton—Riverview—Dieppe)
Murphy (Charlottetown)
Neville
Norlock
Obhrai
Pacetti
Paquette
Patry
Perron
Picard
Poilievre
Priddy
Ratansi
Regan
Richardson
Rota
Brison
Brown (Leeds—Grenville)
Bruinooge
Byrne
Cannan (Kelowna—Lake Country)
Cannon (Pontiac)
Carrie
Casson
Charlton
Chow
Clement
Comartin
Crête
Cullen (Skeena—Bulkley Valley)
Cuzner
Davidson
Day
Del Mastro
Deschamps
Dewar
Dhalla
Dryden
Dykstra
Epp
Faille
Finley
Flaherty
Gagnon
Gallant
Godfrey
Goldring
Goodyear
Gravel
Guarnieri
Guimond
Harris
Hawn
Hiebert
Hinton
Hubbard
Jennings
Kadis
Karetak-Lindell
Keeper
Komarnicki
Kramp (Prince Edward—Hastings)
Laframboise
Lalonde
Lavallée
Lebel
Lemay
Lessard
Lukiwski
Lunney
MacKenzie
Malo
Manning
Marston
Martin (Winnipeg Centre)
Masse
Matthews
McGuinty
McKay (Scarborough—Guildwood)
Ménard (Hochelaga)
Menzies
Miller
Minna
Nash
Nicholson
O'Connor
Ouellet
Pallister
Paradis
Pearson
Petit
Plamondon
Preston
Rajotte
Redman
Reid
Rodriguez
Roy

Savage
Scarpaleggia
Schellenberger
Sgro
Siksay
Simard
Skelton
Solberg
St-Cyr
St. Amand
Stanton
Strahl
Szabo
Temelkovski
Thibault (Rimouski-Neigette—Témiscouata—Les Basques)
Thibault (West Nova)
Thompson (New Brunswick Southwest)
Tilson
Tonks
Turner
Valley
Van Loan
Verner
Wallace
Warkentin
Watson
Williams
Yelich
Savoie
Scheer
Scott
Shipley
Silva
Simms
Smith
Sorenson
St-Hilaire
St. Denis
Storseth
Sweet
Telegdi
Thi Lac
Thompson (Wild Rose)
Toews
Trost
Tweed
Van Kesteren
Vellacott
Vincent
Warawa
Wasylycia-Leis
Wilfert
Wrzesnewskyj
Zed– — 258

NAYS

Nil

PAIRED

Nil

The Speaker: I declare the motion carried.

(Bill read the third time and passed)

* * *

[*English*]

CANADA STUDENT FINANCIAL ASSISTANCE ACT

The House resumed from November 16 consideration of C-284, An Act to amend the Canada Student Financial Assistance Act (Canada access grants), as reported with amendment from the committee, and of the motions in Group No. 1.

The Speaker: The House will now proceed to the taking of the deferred recorded division on the motion at report stage of Bill C-284 under private members' business.

The question is on Motion No. 1. A vote on this motion applies also to Motions Nos. 2 and 3.

● (1810)

[*Translation*]

(The House divided on Motion No. 1, which was negatived on the following division:)

(Division No. 12)

YEAS

Members

Alghabra
Bains
Beaumier
Bell (North Vancouver)
Bevilacqua
Boshcoff
Brown (Oakville)
Cannis
Coderre
D'Amours
Dhalla
Bagnell
Barnes
Bélanger
Bennett
Bonin
Brison
Byrne
Chan
Cuzner
Dhaliwal
Dryden
Eyking
Goodale
Holland
Jennings
Karetak-Lindell
Keeper
Malhi
Marleau
Matthews
McGuire
McTeague
Murphy (Moncton—Riverview—Dieppe)
Neville
Pearson
Redman
Rodriguez
Savage
Scott
Silva
Simms
St. Denis
Telegdi
Thibault (West Nova)
Turner
Wilfert
Zed– — 73
Godfrey
Guarnieri
Hubbard
Kadis
Karygiannis
Lee
Maloney
Martin (Esquimalt—Juan de Fuca)
McGuinty
McKay (Scarborough—Guildwood)
Minna
Murphy (Charlottetown)
Pacetti
Ratansi
Regan
Rota
Scarpaleggia
Sgro
Simard
St. Amand
Szabo
Temelkovski
Tonks
Valley
Wrzesnewskyj

NAYS

Members

Abbott
Albrecht
Ambrose
Anderson
Arthur
Atamanenko
Baird
Batters
Bellavance
Bezan
Black
Blais
Bonsant
Breitkreuz
Brown (Barrie)
Brunelle
Cannan (Kelowna—Lake Country)
Cardin
Carrier
Charlton
Chow
Clement
Comuzzi
Crowder
Cummins
Davies
DeBellefeuille
Demers
Devolin
Doyle
Dykstra
Epp
Fast
Fitzpatrick
Fletcher
Galipeau
Gaudet
Goldring
Gourde
Grewal
Guimond
Harris
Hawn
Hiebert
Hinton
Julian
Kenney (Calgary Southeast)
Kotto
Laforest
Lake
Lauzon
Layton
Lemay
Ablonczy
Allen
Anders
Angus
Asselin
Bachand
Barbot
Bell (Vancouver Island North)
Bevington
Bigras
Blackburn
Blaney
Bouchard
Brown (Leeds—Grenville)
Bruinooge
Calkins
Cannon (Pontiac)
Carrie
Casson
Chong
Christopherson
Comartin
Crête
Cullen (Skeena—Bulkley Valley)
Davidson
Day
Del Mastro
Deschamps
Dewar
Duceppe
Emerson
Faille
Finley
Flaherty
Gagnon
Gallant
Godin
Goodyear
Gravel
Guay
Hanger
Harvey
Hearn
Hill
Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)
Komarnicki
Kramp (Prince Edward—Hastings)
Laframboise
Lalonde
Lavallée
Lebel
Lemieux

Lessard	Lévesque
Lukiwski	Lunn
Lunney	Lussier
MacKenzie	Malo
Manning	Marston
Martin (Winnipeg Centre)	Martin (Sault Ste. Marie)
Masse	Mathyssen
Mayes	Ménard (Hochelaga)
Ménard (Marc-Aurèle-Fortin)	Menzies
Merrifield	Miller
Mills	Moore (Port Moody—Westwood—Port Coquitlam)
Nash	Nicholson
Norlock	O'Connor
Obhrai	Ouellet
Pallister	Paquette
Paradis	Perron
Petit	Picard
Plamondon	Poilievre
Preston	Priddy
Rajotte	Reid
Richardson	Roy
Savoie	Scheer
Schellenberger	Shipley
Siksay	Skelton
Smith	Solberg
Sorenson	St-Cyr
St-Hilaire	Stanton
Storseth	Strahl
Sweet	Thi Lac
Thibault (Rimouski-Neigette—Témiscouata—Les Basques)	
Thompson (New Brunswick Southwest)	
Thompson (Wild Rose)	Tilson
Toews	Trost
Tweed	Van Kesteren
Van Loan	Vellacott
Verner	Vincent
Wallace	Warawa
Warkentin	Wasylycia-Leis
Watson	Williams
Yelich– — 183	

PAIRED

Nil

The Speaker: I declare the motion lost.

[*English*]

The vote just taken has left Bill C-284 empty of all content. As far as I know, the House is now in a situation that is unprecedented in the circumstances and it seems to me that a brief review of the events that have led us to this point is appropriate.

[*Translation*]

On June 13, 2007, the Standing Committee on Human Resources, Social Development and the Status of Persons with Disabilities reported Bill C-284 back to the House but Bill C-284 had been eviscerated in committee, that is, the bill had been stripped of its title and all of its clauses.

[*English*]

At report stage, motions were proposed to restore Bill C-284, its original title, that is, an act to amend the Canada Student Financial Assistance Act (Canada access grants) and all its original clauses. By defeating these motions to restore Bill C-284 to its original form, the House has chosen to leave it as an empty or blank bill.

[*Translation*]

Ordinarily, following the House's decision on report stage amendments, the question is put on the concurrence in the bill at report stage. In the present case, however, there is no content in which to concur since the House has effectively agreed with the committee's actions in stripping bill C-284 to its present blank form.

● (1815)

[*English*]

As nothing remains of Bill C-284 except the bill number, the Chair is obliged to exercise the authority provided by Standing Order 94(1)(a) to ensure the orderly conduct of private members' business.

I therefore rule that the order for consideration at report stage of Bill C-284, An Act to amend the Canada Student Financial Assistance Act (Canada access grants), be discharged and that the bill be dropped from the order paper.

(Order discharged and bill withdrawn)

* * *

[*Translation*]

EARLY LEARNING AND CHILD CARE ACT

The House resumed from November 20, consideration of the motion that Bill C-303, An Act to establish criteria and conditions in respect of funding for early learning and child care programs in order to ensure the quality, accessibility, universality and accountability of those programs, and to appoint a council to advise the Minister of Human Resources and Skills Development on matters relating to early learning and child care, as amended, be concurred in at report stage.

The Speaker: The House will now proceed to the taking of the deferred recorded division on the motion at report stage of Bill C-303, under private members' business.

● (1825)

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 13)

YEAS

Members

Alghabra	Angus
Asselin	Atamanenko
Bachand	Bagnell
Bains	Barbot
Barnes	Beaumier
Bélanger	Bell (Vancouver Island North)
Bell (North Vancouver)	Bellavance
Bennett	Bevilacqua
Bevington	Bigras
Black	Blais
Bonin	Bonsant
Boshcoff	Bouchard
Brison	Brown (Oakville)
Brunelle	Byrne
Cannis	Cardin
Carrier	Chan
Charlton	Chow
Christopherson	Coderre
Comartin	Crête
Crowder	Cullen (Skeena—Bulkley Valley)
Cuzner	D'Amours
Davies	DeBellefeuille
Demers	Deschamps
Dewar	Dhaliwal
Dhalla	Dryden
Duceppe	Eyking
Faille	Gagnon
Gaudet	Godfrey
Godin	Gravel
Guarnieri	Guay
Guimond	Holland
Hubbard	Jennings

Julian	Kadis
Karetak-Lindell	Karygiannis
Keeper	Kotto
Laforest	Laframboise
Lalonde	Lavallée
Layton	Lee
Lemay	Lessard
Lévesque	Lussier
Malhi	Malo
Maloney	Marleau
Marston	Martin (Esquimalt—Juan de Fuca)
Martin (Winnipeg Centre)	Martin (Sault Ste. Marie)
Masse	Mathyssen
Matthews	McGuinty
McGuire	McKay (Scarborough—Guildwood)
McTeague	Ménard (Hochelaga)
Ménard (Marc-Aurèle-Fortin)	Minna
Murphy (Moncton—Riverview—Dieppe)	Murphy (Charlottetown)
Nash	Neville
Ouellet	Pacetti
Paquette	Patry
Pearson	Perron
Picard	Plamondon
Priddy	Ratansi
Regan	Rodriguez
Rota	Roy
Savage	Savoie
Scott	Siksay
Silva	Simard
Simms	St-Cyr
St-Hilaire	St. Amand
St. Denis	Szabo
Telegdi	Temelkovski
Thi Lac	Thibault (Rimouski-Neigette—Témiscouata—Les Basques)
Thibault (West Nova)	Tonks
Valley	Vincent
Wasylycia-Leis	Wrzesnewskyj– — 138

NAYS

Members

Abbott	Ablonczy
Albrecht	Allen
Ambrose	Anders
Anderson	Arthur
Baird	Batters
Bezan	Blackburn
Blaney	Breitkreuz
Brown (Leeds—Grenville)	Brown (Barrie)
Bruinooge	Calkins
Cannan (Kelowna—Lake Country)	Cannon (Pontiac)
Carrie	Casson
Chong	Clement
Comuzzi	Cummins
Davidson	Day
Del Mastro	Devolin
Doyle	Dykstra
Emerson	Epp
Fast	Finley
Fitzpatrick	Flaherty
Fletcher	Galipeau
Gallant	Goldring
Goodyear	Gourde
Grewal	Hanger
Harris	Harvey
Hawn	Hearn
Hiebert	Hill
Hinton	Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)	Kenney (Calgary Southeast)
Komarnicki	Kramp (Prince Edward—Hastings)
Lake	Lauzon
Lebel	Lemieux
Lukiwski	Lunn
Lunney	MacKenzie
Manning	Mayes
Menzies	Merrifield
Miller	Mills
Moore (Port Moody—Westwood—Port Coquitlam)	
Nicholson	
Norlock	O'Connor
Obhrai	Pallister
Paradis	Petit
Poilievre	Preston
Rajotte	Reid
Richardson	Scheer
Schellenberger	Shipley
Skelton	Smith
Solberg	Sorenson
Stanton	Storseth
Strahl	Sweet
Thompson (New Brunswick Southwest)	Thompson (Wild Rose)
Tilson	Toews
Trost	Tweed
Van Kesteren	Van Loan
Vellacott	Verner
Wallace	Warawa
Warkentin	Watson
Williams	Yelich– — 112

PAIRED

Nil

The Speaker: I declare the motion carried.

[*English*]

It being 6:25 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

* * *

CANADA EVIDENCE ACT

The House resumed from October 26 consideration of the motion that Bill C-426, An Act to amend the Canada Evidence Act (protection of journalistic sources and search warrants), be read the second time and referred to a committee.

Hon. Sue Barnes (London West, Lib.): Mr. Speaker, I am pleased to join in the debate on Bill C-426. I believe that our colleague from the constituency of Marc-Aurèle-Fortin has put much effort into his research on this bill.

The bill is not long, but I think the content of the bill is something that has to be discussed here in Canada at this time. There seems to be a body of case law, but it is not a complete body of case law covering every situation. This is an issue that is going to be with us not only here in Canada but in other jurisdictions around the world.

In fact, the author of this bill tells us that there are other countries in Europe and states in the country to the south of us that have worked hard to enshrine this concept of journalistic protection either inside their legislative works or, as in Sweden, inside a constitutional body of work.

I am always troubled by these bills that try to attempt to answer the big questions of the day. Unlike legislation put forward by a government, on which there should be wide consultation, we have here work compiled on the research, a compilation of case law, that influences different aspects of how it will affect those who are working to have a free press in this country.

I know we all value the free press in this country, although I think sometimes that we do not value it enough, especially the investigative journalism that highlights some of the things we might never hear about without journalists having confidential sources. I also believe that confidential sources are not a substitute for good police investigative work.

However, like other members in the House, I do not even know the principal stakeholders' viewpoint on this piece of legislation, that is, the journalists. I believe that is why we have a committee structure. In committee, we can do our best work in hearing from stakeholder groups, those in favour of a piece of legislation such as this which codifies certain elements of the jurisprudence, some parts even codified by the Supreme Court of Canada, and we also can hear the negative voices, the other side of the issue, who may be concerned about the definitions section on journalism.

Everything seems to be encapsulated, even though it may not be the author's intent to go from a blog writer to a new media source. When I grew up, newspapers were printed newspapers, but online newspapers in my jurisdiction and constituency now enjoy a greater readership than the printed word. We are in a changing time with our media consumption.

I think there is value in sending this bill to committee. I am not sure that I would support this bill at the final stage, but debate has to be heard. I applaud my colleague from the Bloc for spending the time on this and compiling all of the research in all of the various jurisdictions. I look forward to hearing about that research at a later date if this bill passes in the House.

The profession of journalism is vital in a democratic society, I believe, and this is, on balance, a commendable effort to support journalism as a profession. However, it also opens us up to questions and concerns about the balance with protection of sources. I know the member has tried in his various subclauses to put the balance of what is in the public interest into the legislation, but how do we define that? Is it public safety and security interests? What is the definition of "public interest"?

I think there are many times when search warrants are being granted and executed when we should be more cautious and circumspect. I like the fact that in this bill the judge has a right to talk about journalistic protections even if the journalist does not. I think that shows from the author's perspective that it is a public interest that is being defended and not a journalistic one. It is important to note that difference of interpretation in this bill.

● (1830)

We have a situation with this bill that a very interesting and important subject has been addressed in a private member's bill. There are issues. I have read in *Hansard* some of the parliamentary secretaries' input into this, and they seem to have more concerns than I do at this stage of the game.

I would suggest it would be incumbent upon the justice department officials, knowing that this bill probably will go to committee, to work on some friendly amendments with respect to those areas that could be a void in the legislative process. Either that or they should come to committee and outline why this path should not be followed. Really, it just takes the case law and adds a few parts and, in the author's opinion, protections to an area that will not go away.

We have had many cases and there has been debate about this issue. For instance, would we protect a source that has lied and caused a great deal of problems? Would we protect every source? Would we protect a source, as the bill purports to do, of material that has been used in an investigation, material that is not public? These are all questions.

It is important that we consider the bill. It is very important to acknowledge the hard work and honest effort that has been put into the bill. I applaud the member, because I have worked with him many times in committees and I know his efforts are sincere. For that reason, I would like to have the benefit of more of the stakeholders' input before I make my final decision, but I will vote to send the bill to committee for further work.

● (1835)

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, I am pleased to rise tonight to speak to private member's Bill C-426, An Act to amend the Canada Evidence Act (protection of journalistic sources and search warrants).

I find myself in the position of following a number of other speakers on this bill, but I do believe it is important to reiterate some of the previous comments and points made and to add my own views to the debate.

I also want to be clear at the outset that I rise in support of Bill C-426 and its intent to protect journalistic freedom in Canada.

In this House when speaking to a number of bills previously, I have made the statement that I feel democracy, yes even our democracy, is a fragile thing that needs not only to be nurtured, but sometimes to be pushed a bit to match the expectations of Canadians.

I know Canadians from the Hamilton area in particular will be quick to say that they feel the role journalists play at times when leaks on government practices or other situations of mismanagement or misconduct are brought to light is essential to their knowing the issues and how they can expect the government to respond.

I would also suggest that the reason this issue would be of particular interest to the residents of Hamilton is the fact that they observed a reporter for the *Hamilton Spectator*, Mr. Ken Peters, face a contempt of court charge on this very issue.

Mr. Peters was called before Justice Crane on a case involving alleged abuse at a seniors residence in Hamilton. Mr. Peters had exposed this case based on, to a large part, evidence he had received from a confidential source.

We all know the type of interest that would happen in a community around such allegations. This particular residence is a very high profile one. Of course that creates quite a situation if there is any chance of the name of that private source coming out.

One has to ask, would the individual have offered the information had he or she known that his or her name would be part of a court record?

The judge in this case had not even ruled that knowing the name of the source was essential to the case before he threatened to penalize Mr. Peters and cause him to pay court costs to the sum of around $31,000 if he did not reveal that confidential source.

I have known Mr. Ken Peters for close to, if not more than, 20 years. One thing people in my community would agree on is that Mr. Peters conducted himself professionally and exhibited professionalism in his work at all times.

When Mr. Peters was ordered by Judge Crane to reveal his source, Mr. Peters declined, saying, "With all due respect, your honour, I cannot do that".

I would ask the members present to think about this for a moment. We function in this place with the protection of the House of Commons surrounding us. How would we feel in the day to day cut and thrust of what happens in Parliament if that protection were removed and we faced endless prosecutions or court challenges as we brought forth the issues of the day?

I would like to quote Peter Desbarats who wrote in the *Globe and Mail* in 2004 on this particular point:

> Judge Crane's ruling was extraordinary for its lack of knowledge and perspective on media practices and its narrowly legalistic approach. It represented a step backward in what has recently been some progress in Canadian courts toward treating secrecy of source with the respect it deserves.
>
> Secret sources are vital. Without the ability to protect the identity of sources, journalists would be severely handicapped in performing one of their essential functions.
>
> This becomes clearer if one considers all journalism as falling into two categories. The first is "official," and most of the information carried by the media—from major political news to weather reports—belongs to this group. Almost all of this service information comes from official sources. And when it comes to political information, almost all is biased or incomplete.
>
> The second category is "unofficial" journalism. Although it is much smaller by volume than official information, it is far more significant. It usually contains key facts that governments or corporations try to conceal for self-serving reasons. This information, by definition, can only come from unofficial or secret sources.

● (1840)

> The media rightly place a high value on this kind of exclusive information, and they give it prominence. Journalists who earn a reputation for being adept in uncovering this type of information are the respected leaders in our field; they expose corruption in government and business and alter the course of affairs for the better.
>
> It is not an exaggeration to say that the measure of an effective democracy is the amount of unofficial information carried by its media. And the growing trend toward enacting "whistleblower" legislation to protect the sources who provide this information is an indication of its importance.

Later on he said:

> Why would journalists place themselves in such jeopardy? According to Judge Crane, they are pawns of media owners intent on selling "the news". These owners "employ journalists to search out newsworthy information using as one means, the undertaking of confidentiality to sources."
>
> After hearing from a few journalists and media experts, Judge Crane concluded that "any journalist that has revealed a source will never again be employed in a newsroom." He blames the "oppressive nature of the culture" for the predicament of Mr. Peters.
>
> This is truly a bizarre distortion of what occurs in most newsrooms.
>
> To begin with, the obvious need to use secret sources is apparent to all journalists, not something that employers force them to do. It's an essential element in obtaining the kind of unofficial information that enables journalists to produce their most meaningful work.
>
> Far from insisting on the use of secret sources, publishers, editors and news directors try to ensure that their reporters don't lightly give undertakings of confidentiality. In fact, they won't allow a reporter to do this without the express consent of a senior editor to whom the reporter has confided the identity of his or her source. News organizations do this for their own protection, as the Spectator did in Mr. Peters' case.
>
> This common practice engages the news organization intimately in all risks involved in promising confidentiality to a source. Far from being an example of an "oppressive culture" in the newsroom, it illustrates, in our best media, a co-operative effort to produce truly significant information.
>
> Virtually all journalists are aware of the dangers involved in promising confidentiality; they use this method only as a last resort.

He went at some length beyond that.

In democracies around the world, the right to protect one's confidential sources is seen as critical to the very core beliefs of the democracies. Canada has a long-standing reputation around the world as a defender of citizens' rights as well as human rights, but in the case of the journalist's rights, it is just words and is not codified in law.

I commend my Bloc colleague who brought this bill before the House to ensure that Canada lives up to those words.

It is ironic that as we debate this bill, the protective shadow of the Charter of Rights and Freedoms fails to cover such a basic protection as that needed by journalists. I would add that the irony of the fact that the current federal government, which espouses accountability and honesty and thus has nothing to fear from such a bill, did not bring forth proper legislation during the early months of its tenure.

Earlier in this debate, the member for Hamilton Centre referred to a *Hamilton Spectator* editorial on Mr. Peters' case and the response from the then Liberal minister. The editorial stated:

> The minister admitted he hadn't had time to consider the matter much further since then, being distracted by the troubles inherent in a minority government and all. But he did say that he believed in the importance and necessary role a free press played in supporting democracy and that he felt a "shield law or something" like it should be examined.

The editorial ended with:

> We'll take you at your word on that Mr. Minister and look forward to any proposals you may bring forward.

We are not aware of any proposals from that minister or the current one.

I would say that in the life of any politician, we may well disagree with the direction in which a journalist may choose to exercise his or her freedom of choice to report, but it is our democratic responsibility to legislate to protect that very freedom.

I have asked how long would the sponsorship scandal have festered if it had been ignored by the media out of fear. Today we see nightly reports on the Mulroney-Schreiber case. What would have happened if the media had not been working on those cases?

In closing, I would say it is essential for all parties to send a clear message to journalists that they need no longer live in fear as they respond to their obligation to report to our nation on the controversial issues brought forward by confidential sources.

● (1845)

[*Translation*]

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, I am pleased to rise today to speak to Bill C-426 on the protection of journalistic sources and the issuance of a warrant to search media facilities. This bill was introduced by my hon. colleague from Marc-Aurèle-Fortin.

We know that Bill C-426 deals with two topics of great importance to any democratic society in which freedom of the press and freedom of information are fundamental values ensuring that an informed debate can take place on issues facing modern societies.

In the vast majority of democratic societies, legislation has been passed concerning these two topics. In other societies, such as ours, the courts have had to rule on these matters as specific cases were brought before them, as indicated by my colleague from Hamilton East—Stoney Creek.

This has resulted in a number of sometimes contradictory rules. As a whole, all these rules may therefore appear inconsistent. However, the courts have consistently recognized the importance and relevance of such a debate in the context of a free and democratic society.

The time has come for the elected representatives of the people to do their part to help resolve in a civilized fashion conflicts which, inevitably, might arise from time to time between the legitimate objectives of governments and the needs specific to journalistic work.

In dictatorships or totalitarian regimes, these issues never arise, but they have arisen in all democracies.

To understand this bill better, members need to see that it is divided into five parts. It might be appropriate to divide it into five clauses rather than five subclauses.

The firs part includes the first two subclauses, which consist of the introduction and definitions. By the way, the term "journalist" is defined in the bill. When the bill is studied in committee, the committee members will do doubt want to discuss and debate this definition of "journalist" again.

The second part includes subclauses 3, 4, 5 and 6. Subclause 3 sets out the principle of protecting a source who has provided a journalist with information in confidence.

Since the purpose of the bill is not to give journalists a privilege but to protect a type of journalistic activity that is considered useful and even necessary in a democracy, subclause 4 provides that the judge may, on his or her own initiative, raise the potential application of subclause 3. I stress the word "may".

The judge does not have to do so, but can if he or she believes it is necessary. The judge is given this power because protecting confidential sources is in the public interest and not a "corporate" privilege. A source who demanded confidentiality must not suffer because of the negligence or error of the journalist in whom the source confided, if the journalist does not keep his or her promise to protect the source.

Subclauses 5 and 6 deal with the exceptional circumstances under which protection will not be granted. They set criteria that the judge must consider—essentially, the values that are at stake—in upholding or refusing protection. They also cover the procedure to follow and the burden of proof on each of the parties.

Subclause 7, for those who have read it, does not deal with the confidentiality of the identity of a journalistic source who has provided a journalist with information. It deals with journalistic information that has not been disclosed or published—often notes—even if the journalist did not obtain this information from a confidential source.

This protection is important so that the public does not perceive journalists as "auxiliary police" or as assisting the government, which would impede their ability to obtain information and properly inform the public.

In this regard, Judge La Forest of the Supreme Court of Canada wrote in R. v. Lessard in 1991:

> Like Justice Cory, I take it as a given that freedom of the press and other media is vital to a free society. There can be no doubt, of course, that it comprises the right to disseminate news, information and beliefs. This was the manner in which the right was originally expressed, in the first draft of s. 2(b) of the Canadian Charter of Rights and Freedoms before its expansion to its present form. However, the freedom to disseminate information would be of little value if the freedom under s. 2(b) did not also encompass the right to gather news and other information without undue governmental interference.

The judge went on to say:

> I have little doubt, too, that the gathering of information could in many circumstances be seriously inhibited if government had too ready access to information in the hands of the media. That someone might be deterred from providing information to a journalist because his or her identity could be revealed seems to me to be self-evident.

● (1850)

Since this case did not involve protecting a source that provided a journalist with information in confidence, but searching Radio-Canada premises to find and seize video recordings of a demonstration of strikers, the last sentence applied to the journalistic activity in general and not just confidential protection.

Am I to understand that I have just one minute left, Mr. Speaker?

The Acting Speaker (Mr. Royal Galipeau): You have four and a half minutes left.

Mrs. Carole Lavallée: Thank you, Mr. Speaker. I was wondering because I cannot see you all that well. I shall carry on, then.

It is in the public interest that journalists not be regarded as auxiliary police. In fact, during the 1970s, at a time when demonstrations were more commonplace and often less peaceful than today, to say the least, camera operators often became the target of projectiles thrown by some demonstrators.

I have to say that the choice of words to translate the term "importance déterminante" was not the best. Each of the words in French has a given meaning: "importance" has the usual meaning given in the dictionary, while the qualifier "déterminante" has a specific legal meaning. It refers to the basis on which the judge can decide for or against a party on the substance of the case or an implicit element. Eventually, this will have to be changed, but we will leave it up to professional translators or speakers of the English language to chose between *decisive* and *determining* or some other appropriate qualifier. What matters is that a decision be made, one way or the other.

This criterion is different than the ones the judge must consider in subclause (5), since it does not have to do with protecting the secrecy of a source, but with the fact that journalists must remain independent to do their job. The values are different, even if they all have to do with the gathering of information. Subclauses (8), (9) and (10) have to do with issuing search warrants for media premises, the procedure to follow, how the searches are conducted and the provisions that guarantee protection of any information the judge deems should be protected.

These measures essentially repeat what is in the case law, which is the current authority. They have the huge advantage of taking up only one page, compared to the hundreds of pages lawyers pleading this type of case must now consult. At least, that is what two lawyers who teach and work in the field of information law said. So these measures will be a useful tool for justices of the peace who issue search warrants and for the police officers requesting them, for journalists and their bosses who are subject to them, and for the lawyers they call on when the police show up at their door. In a country like ours, the process set out in this subclause is a civilized way of doing things.

Everyone will benefit from this excellent bill introduced by my colleague from Marc-Aurèle-Fortin: journalists, judges, lawyers, media leaders and their teams and most of all, the public. Marc-Aurèle-Fortin was the perfect person to devise such a relevant bill. His experience as a former minister with the Quebec government, as a criminal lawyer and even as a volunteer legal counsel for the Fédération professionnelle des journalistes du Québec, as well as his knowledge, contacts and personal experiences will now benefit the entire country.

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): Mr. Speaker, I am pleased to have the opportunity to speak today on Bill C-426, An Act to amend the Canada Evidence Act .

No one in this House is questioning the importance of the freedom of the press or the essential role of journalists in reporting events or conducting investigations to expose wrongdoings. The freedom of the press is a fundamental cornerstone of any free and democratic society.

That is not to say, however, that the bill before the House is the best way to protect the work of journalists and reconcile their work with other equally important aspects of democratic society, such as the right to a fair trial.

I agree completely with the hon. member for Ottawa Centre, who, during the first hour of debate at second reading, said of the freedom of the press that is was “too important an issue to play partisan politics with”. That is precisely why it is absolutely essential that the hon. members scrutinize this bill and understand the reasons for the government's strong reservations about it.

One of the major problems with Bill C-426 is that the proposed amendments are not being applied to the appropriate legislation. As all members well know, the Canada Evidence Act applies to all criminal and civil proceedings, as well as all other matters under federal jurisdiction. The act has a very broad scope. It applies to judicial proceedings, courts martial, federal tribunals and administrative tribunals, parliamentary committee proceedings and federal judicial inquiries.

Hon. members of this House will recall that the purpose of the Canada Evidence Act is to govern the submission of evidence, in accordance with the rules of common law, in the context of judicial proceedings and all other proceedings. Upon careful examination of the provisions of Bill C-426, it is very clear that, of the 11 subclauses, only two serve that purpose.

The other provisions establish the basic requirements that must be met so the Crown can force a journalist to disclose the identity of their source of information. The bill focuses primarily on considerations linked to criminal proceedings that include, as underscored earlier, only one aspect governed by the Canada Evidence Act.

The forms of protection cited in most of the subclauses of Bill C-426 seem to be linked to proceedings concerning the various stages of the investigation of a criminal trial. Theoretically, if it were decided that such protection is necessary, those provisions should be added to the Criminal Code, and not the Canada Evidence Act. This is such a fundamental shortcoming that it cannot be rectified through an amendment at the review stage in committee.

The bill poses another problem: the provisions of the legislation take precedence not only over the provisions of all other federal legislation—particularly the Security of Information Act—but also over all other provisions of the Canada Evidence Act. This means that these provisions would take precedence over the provisions concerning spousal immunity. They could also overrule the relatively new provisions of the Canada Evidence Act, provisions that give a detailed plan that establishes when it is possible to oppose the disclosure of information on the grounds of a specified public interest or because the disclosure would be injurious to international relations, national defence or national security.

It would be irresponsible for members of the House to study a bill that includes these provisions without a thorough examination of the implications of rescinding recent provisions that were drafted with such care. Such legislative amendments would undoubtedly have very significant operational consequences.

● (1855)

We should at least consult many stakeholders to ensure that the provisions of C-426 do not have a negative impact on other legislative provisions protecting interests that are just as important. I raise these concerns to highlight the crucial strategic and operational difficulties posed by this bill.

I would like to provide a constructive alternative to the immediate study of specific provisions of Bill C-426. It would be in the public interest to return this very important issue of journalistic privilege, as well as the repercussions on the justice system and on all procedures governed by federal legislation, to the Standing Committee on Justice and Human Rights so that it may examine the bill more closely.

This would allow members to hear the comments of experts and to pay particular attention to the various significant issues pertaining to journalistic privilege, most of which are beyond the scope of Bill C-426.

Finally, I would like to thank the members for giving me the opportunity to speak to this issue of vital importance to all individuals.

● (1900)

[*English*]

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, I am pleased to rise today to speak to Bill C-426, An Act to amend the Canada Evidence Act (protection of journalistic sources and search warrants).

[*Translation*]

I want to congratulate the hon. member for Marc-Aurèle-Fortin, for bringing to the attention of the House the issue of journalistic privilege. Obviously, it is not the importance of the freedom of the press, or the hon. member's intentions that I am concerned with.

[*English*]

The issue of concern is with the provisions of the bill itself. I say this with respect to the hon. member and with an understanding of the difficulty of attempting to codify an extremely complex area of the law. However, I am concerned not only with what is in the bill, but also what is not in the bill.

A number of previous speakers have highlighted some of the problems with the provisions of the bill. For example, the definition of "journalist" is far too broad to the point that it would even include bloggers. The provision of the bill supercedes all other federal acts. Many of the provisions of the bill, especially the search warrant provision, should be in the Criminal Code rather than the Canada Evidence Act.

The bill contains tests that are unclear. There are illogical provisions in the bill that appear either to overlap or to contradict each other.

There are other gaps in the bill. For example, there is no waiver provision in respect of the privilege. There is no requirement that the journalist must be an innocent third party. There is no requirement that the information in the possession of a journalist must relate to a journalistic activity. Correction of these deficiencies of the bill would be difficult, and some of them, such as opening up the Criminal Code, would likely be ruled out of order.

I would like to turn my attention to the second concern I have about Bill C-426 and that is what is not in the bill. As indicated previously by another hon. member, the Canada Evidence Act is extremely broad in its application. It pertains to the reception of evidence in all criminal and civil proceedings and in other matters in respect of which Parliament has jurisdiction.

Specifically, the act applies to the judicial proceedings, proceedings from court before court marshals, federal tribunals, administrative bodies, proceedings before federal parliamentary committees, and the federal commissions of an inquiry.

The bill is heavily slanted toward considerations pertinent to criminal proceedings which, as noted, are only one component of the matters governed by the Canada Evidence Act. It is not at all evident that the provisions of the bill have been formulated in contemplation of the breadth of proceedings covered by the Canada Evidence Act. This is a very serious limitation. It will be extremely important to assess the operational impact of such a limitation.

Some of the questions which come to mind are the following: How will the issue of journalistic privilege be resolved when the proceedings do not involve a judge, for example, proceedings before a federal parliamentary committee? Section 37 of the Canada Evidence Act regarding public interest privilege has been carefully crafted to cover that scenario. Bill C-426 has not.

What about the proceedings before federal tribunals or administrative bodies? What procedural processes are to be followed to determine whether journalistic privilege applies in these kinds of proceedings? What, if any, review mechanisms are contemplated? The bill is completely silent on all of these important issues.

There is a clear and pressing public interest and public debate about what the policy of the law should be in respect of the protection of journalistic sources and information.

Fundamental policy and operational questions need to be addressed. For example, as a matter of policy, how should freedom of the press be balanced against other pressing public interest considerations? What procedures should be followed to determine these issues? Should these procedures differ, depending upon the nature of the proceedings, for example, a criminal trial versus a proceeding before a federal tribunal? What procedures should be adopted to protect the confidentiality of sources or information until the issue of journalistic privilege is determined by the decision-maker?

● (1905)

There are precedents in the Criminal Code and the Canada Evidence Act for provisions that have been carefully crafted to determine the important policy and operational questions regarding confidential or protected information.

So rather than proceeding with a bill that would need extensive amendments, some of which are likely to be ruled out of order, I believe that the issue of journalistic privilege should be the subject of careful study by the committee.

[*Translation*]

This study should be based on the review of other privileges, to ensure that protection measures are proportionate to the degree to which this privilege serves the public interest. The study should also take into consideration the numerous types of procedures and contexts under which privileges can be invoked.

[*English*]

The results of this study and the public debate on the issue may lead to very constructive conclusions that go beyond the four corners of the act.

In conclusion, the issue of journalistic privilege raises such fundamental policy and operational issues that the bill should be the subject of further study by the committee rather than being moved forward at this time.

Mr. Art Hanger (Calgary Northeast, CPC): Mr. Speaker, it is a privilege to address this issue. As a former police officer, I had numerous occasions to utilize confidential sources for information that led to maybe lengthy investigations and some major charges, which were only solved through the need to have a source. Those sources were very much protected as well as registered.

In fact, now I think all police departments in the country have a registry for sources. There were many dangers fraught with using sources among the police because the sources began to run the police. They would provide information to one police officer in one jurisdiction. At the same time, they would supply information to another police officer in another jurisdiction. Before the registry and the structure was developed, they were committing criminal acts themselves and getting away with it, sometimes unbeknownst to the handlers of the sources. Therefore, they became rather dangerous to any police officer who managed these sources, even though it was pertinent to the investigation.

I am not quite sure how journalists look at their position in this issue of protection of a source. Yes, they can receive confidential information. I can recall journalists being under substantial scrutiny by the police for obtaining information that was embargoed, even embargoed from the House. A lengthy hearing would pursue and journalists were subject to police scrutiny.

I do not know if it is a good idea to remove the authority of the police when it comes to investigating any kind of activity that may involve a source who has passed information, maybe very sensitive information, on to a journalist.

What does the member define a journalist as? I do not know if the bill clearly defines what a journalist is. Is it someone who carries credentials, or someone who is recognized by the media overall, or someone who temporarily acts in that position, or is the tag "journalist" put on anyone who reports to another new media or another source? It is difficult to understand where this is all going.

The provisions of the bill supercedes all other federal acts. I do not know if that is the intention of the crafter of the bill. Many of the provisions of the bill, especially the search warrant provision, should be in the Criminal Code rather than in the Canada Evidence Act. Throughout my history and knowledge of the Criminal Code, those provisions have always remained in the Criminal Code as opposed to any other act.

There are illogical provisions in the bill that appear either to overlap or to contradict each other. There is no question that there is a substantial amount of clarification needed to make the bill an acceptable instrument.

● (1910)

I will talk about a few other gaps that exist.

For instance, there is no waiver provision in respect of the privilege. What if the handlers, who we will call the journalists, decide that the sources they are using have gone beyond what they are even comfortable with, that they may be going deeper into some kind of other criminal activity, but they are also supplying information to those journalists.

If the source is doing such things, where is the provision for the journalist to waive that provision? There does not seem to be any such provision in the bill. It is something to really pay attention to, given the fact that sources can go on a wild tangent. I personally have experienced that, even on a police investigation. Until a tight rein is put on them and restrictions on how that information is used, journalists could run into serious problems, but the bill does not provide any way out. There is no requirement that the journalist must be an innocent third party.

This is a very touchy area on any investigation. If the police were looking for the source of information that the journalist received and reported on and the source had, for whatever reason, determined some information that was very sensitive in the House, for instance, or even if it were a breach of national security, how would it be handled as far as the evaluation of the police and their relationship with a journalist? Would the journalist be looked at as an innocent third party? It is highly unlikely. If there were an investigation into some major breach of security, journalists would be considered as much of the problem as the sources would be.

I assume this is where the crafter of the bill is going with it. He wants to provide absolute protection to any journalist who may receive that kind of information.

I guess the only absolute protection for any group or any individual would be within the legal community, and there are even some limitations there. I can reflect back to the Karla Homolka trial and a source that one of the lawyers had, and it failed. The police never recovered evidence that was confiscated by a lawyer, but the source provided that information. In here, lawyer-client privileges supercede all.

There are many gaps in the bill. There is no requirement that the information in the possession of a journalist must relate to the journalistic activity. Therefore, it appears a fair amount of study is still required to deal with the issue of the protection of journalistic sources.

I suggest the member address some of those points maybe in the future, because I cannot support the bill the way it is.

● (1915)

Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I am pleased to speak to the bill. I do not support it as it is not at all well thought out because of what it does and, more specific, because of some of the ramifications relating to what would happen if the common law was codified.

I know the member has passion for this issue and has asserted it for some time. Like all members in the House, we are very interested in pursuing our own interests, and that is important. However, we also have to think these things through logically and thoroughly because of public policy considerations.

The codified version in the U.S. is in some sense a very well established principle, but it is not part of the common law, which Canada is guided by, the principles we follow and the different case law that has been decided over hundreds of years. My friend previously discussed some of the public policy considerations. I think he would agree with me that if this legislation were enacted, it would cause some circumstances that would not be in the interests of Canadians.

In particular, I had an opportunity to study media law. I studied it in Australia, so I have background in both the common law version of this type of legislation and codified law, which Australia has some semblance of as well.

What I noticed the most in studying and practising law in northern Alberta for some period of time and dealing with some cases like this, is the common law is a very good base. It takes into consideration hundreds of years of common law, and hundreds of common law cases that deal with this cannot be codified in such a simplistic manner. In essence, it comes down to that.

The idea is to have a new test for journalistic privilege. As I said, we should commend the member for his interest and passion on this subject. I do not believe it is in the interest of Canadians to rush through a bill such as this. We need to deal with this type of law on a case by case basis and journalists must prove a valid privilege before being exempted.

If we examine the case law and what has happened throughout the hundreds of years of history, we would find that it cannot be done logistically by this type of test. Very seldom have courts actually found a privilege worth backing and keeping.

American qualified privilege is a statutory test and has been effective. However, if we examine the case law, we will see that it has not been as effective as the laws in Canada under common law. This leads to uncertainty.

For instance, one of the main concerns I have with the legislation is it would override all other federal legislation. If that is the intent of the member, I suggest it is a disturbing intent and one that has not been very well thought out. It would also override provincial and territorial legislation that incorporates federal legislation.

I know I have never read all the legislation, but there are volumes and volumes of laws. I do not know if the member went through all of them, but if he did, and this is a work of art that has taken some 20 or 30 years, it would take a tremendous amount of time and resources in order to incorporate what is necessary and to review all the legislation, both federal and provincial.

I was just getting into the meat and potatoes, but I see I am out of time, which it too bad.

● (1920)

[*Translation*]

The Acting Speaker (Mr. Royal Galipeau): I am now recognizing the hon. member for Marc-Aurèle-Fortin, for his right to reply.

Mr. Serge Ménard: Mr. Speaker, I would like to get the unanimous consent of the House to allow the member for Portneuf—Jacques-Cartier to use two of the five minutes that I have.

The Acting Speaker (Mr. Royal Galipeau): Does the hon. member have the unanimous consent of the House?

Some hon. members: Agreed.

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Portneuf—Jacques-Cartier.

Mr. André Arthur (Portneuf—Jacques-Cartier, Ind.): Mr. Speaker, after 35 years in the information trenches, I firmly believe that a journalist is only as good as his sources, and these sources can never tell him about the real and significant issues, if they are afraid of being hassled by the police or the courts.

I heard all sorts of technical arguments on specific reasons why we should be suspicious about certain aspects of the bill introduced by the hon. member for Marc-Aurèle-Fortin, but I want to tell all members that there is not a single free country that does not protect journalistic sources in a strong and courageous fashion.

Another important point is that, because of the two Canadian solitudes, we do not always realize that some people enjoy a great deal of credibility in certain areas, even though this may not be readily known in the rest of Canada. That is the case for the hon. member for Marc-Aurèle-Fortin. His credibility as a criminal lawyer, as a president of the Quebec bar and as a Minister of Justice gives him the right to present a major bill as a member of Parliament, and not as a spokesman for a parliamentary group.

I will conclude by asking Conservative members to reconsider their position and to ensure that this bill is unanimously passed, when we will vote on it.

● (1925)

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Marc-Aurèle-Fortin has the floor for his right to reply.

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, since I do not have much time left, I will cut to the chase. First, I would like the members to realize that a great deal of work has been put into this bill. In my view, a well written law is clear and concise and, at the same time, has more to it than meets the eye.

I was struck by the comments of one speaker who seemed to think that journalistic sources are the same as police informants. That is not at all the case. When a confidential source speaks to a journalist, I do not believe they commit an offence. No matter, the journalist investigates on the basis of the information provided by the source. When the story is published, he and his newspaper take responsibility for it on the basis of the evidence collected, independent of the source that pointed them to it. It is not the same issue.

I urge those who criticize the definition of the term "journalist" to read it and then read it again. I could provide thirty definitions taken from all over: they would all provide the same meaning. Journalists do not wish to be members of a professional corporation because they believe they exercise a right that should belong to every individual. Everyone acknowledges that true journalists are defined by their activity, which is to seek out and collect information in order to disseminate it to the public. Thus, it is the best definition we can provide.

I wanted to add the phrase "or anyone who assists such a person"—that is, the journalist—to the legislation because of the experiences in other countries. I would like to point out again that such laws exist in almost every democratic country to which we generally compare ourselves. In some of these countries, the police have hired cleaning ladies or other individuals to obtain information from these journalists about their sources. That is why protection given to the source must be complete and extended to anyone who assists journalists.

There is something odd I would like to mention. I sometimes wonder if the rest of Canada is really listening to us. In Quebec, the profession has almost unanimous support. Both the Fédération professionnelle des journalistes du Québec and the Quebec bar have stated they support this bill. I consulted Quebec experts who told me, among other things, that the bill is great. First of all, rather than the 500 pages of jurisprudence that a judge must consult, we finally have something that provides a good summary—

The Acting Speaker (Mr. Royal Galipeau): Unfortunately, I must interrupt the member.

[*English*]

It being 7:29 p.m., the time provided for debate has expired. 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, the recorded division is deferred until Wednesday, November 28 just before the time provided for private members' business.

ADJOURNMENT PROCEEDINGS

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

● (1930)

[*Translation*]

SEASONAL WORKERS

Ms. Louise Thibault (Rimouski-Neigette—Témiscouata—Les Basques, Ind.): Mr. Speaker, I am glad to have this opportunity to go back to the question I asked on October 29. My question was for the Minister of Human Resources and Social Development and it was about employment for seasonal workers.

I asked the government whether it planned to allocate funds for provincial programs that would enable seasonal workers to increase their weeks of employment and develop complementary skills. The response I received requires clarification. It was far from satisfactory, particularly because this is a critical issue for workers who have been hit hard by the forestry crisis and the rising dollar.

My request was based on the Employment Insurance Act, which provides for two types of insurance for workers who lose their jobs. The first is benefits to help workers bridge the gap between jobs, a reality that, unfortunately, many have to face. The second is transfers to provinces under agreements that provide for the establishment of employment support programs.

I would like to give you an example. In my riding, a pilot project is helping maple syrup producers hire forestry workers whose wages are covered in part by employment insurance because they are taking a pay cut. Everyone knows that the maple syrup industry pays a lot less than forestry, but the two industries are complementary. Maple syrup producers could not hire these skilled workers without timely financial assistance.

The forestry sector is not the only one affected by seasonal work. Yes, that sector is having problems, and good jobs are being lost in our regions. But there is seasonal work in other economic sectors too, such as tourism, agri-food, fisheries and many others that I could name if I had more time.

These people do not always earn enough money to make it through the off season, so sadly called the "dead season" in French. What these workers have in common is the willingness to work as long as possible each year, and we must recognize that they do want to work. Anyone who has experienced unemployment for any length of time knows that it is much more gratifying and fulfilling to work than it is to be forced to rely on EI benefits. Our regions and our economy need these workers, their expertise and their determination.

It is time to stop telling them that they are no longer needed, that they are going to be relocated, that any measure is good, except keeping them employed. More must be done to ensure that they can continue to earn a living using their skills and expertise, while keeping them as close to home as possible.

This is the kind of measure that people from my region and other regions want. I wish I had more examples to give. Yet, to do this, transfers to the provinces must be increased.

Despite their claims, the Conservative government is doing nothing concrete to respond to this legitimate concern, which I have expressed here on behalf of everyone who has been affected.

What was the government's response to this problem? One short sentence in the Speech from the Throne, to which I have already referred and which states, "Our Government will also take measures to improve the governance and management of the employment insurance account." That is not enough. We need to see more substance. We know there is a surplus of $2.3 billion in 2007. Some sort of action is needed to help seasonal workers keep their jobs in their own regions.

● (1935)

[*English*]

Mrs. Lynne Yelich (Parliamentary Secretary to the Minister of Human Resources and Social Development, CPC): Mr. Speaker, as the hon. member across the aisle knows, the Prime Minister promised in the Speech from the Throne that we were committed to improving the governance and the management of the employment insurance account.

I would like to take this opportunity to thank my Liberal colleagues for their support in getting that throne speech passed so quickly through this House.

Before we discuss anything tonight, it is important that we understand Canada's current employment situation, as these facts are integral to any discussion of the EI program.

Since this government was elected almost two years ago, we have seen an astonishing number of new jobs being created, more than 500,000 to be exact. This year's numbers are looking equally good, with almost 200,000 new jobs being created this year alone. More than one-third, or better than 88,000, of those jobs have been created in the province of Quebec.

In addition, the average hourly wage rose by 2.4% in the first quarter of this year alone and the unemployment rate has dropped to the lowest point in 33 years at 5.8%. This is good news. It goes to shows that the hard work the Minister of Finance and the Prime Minister have done to help manage our economy is beginning to pay dividends.

Thankfully, we have a labour market where more Canadians are working than ever before and the demand for labour is strong. Opportunities for work are abundant, especially among the skilled trades that are currently experiencing labour shortages across the country.

We have made clear our intention to consider improvements to the EI financing since we formed the government. The Speech from the Throne confirms that we will now be taking measures to improve the governance and the management of the employment insurance account.

That being said, we are concerned about unemployed Canadians who are having difficulty adjusting to the changes in the local labour markets.

The opposition's approach is to propose a pile of unsustainable EI bills: $3.7 million for one bill; $1.1 billion for another; $1.4 billion for yet another. There are 16 more EI bills to come, 9 of which are too complicated to cost, but it is fair to say that they will not be free. There is another $4.7 billion for the remaining seven bills. The cost of these bills would be astronomical and the opposition has supported them all without giving careful study to any of them.

Those bills represent more than $11 billion in new annual spending for the EI account, which would put this program into a deficit within a year and bankrupt this very vital national program.

Canadians are looking to this government to act responsibly and carefully. They want a government that will ensure that the long term viability of the EI system will be protected from this patchwork of proposals made by the opposition, and that is exactly what we are doing.

That is why we are providing financial transfers to the provinces for training through the existing labour market development agreements. The government provides approximately $2 billion per year to the provinces and territories for the EI part II programming to help train unemployed Canadians. Of this funding, almost $600 million goes directly to Quebec. In total, more than 600,000 Canadians are helped each year.

Budget 2007 provided an additional $500 million a year for labour market training, a commitment—

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Rimouski-Neigette—Témiscouata—Les Basques.

Ms. Louise Thibault: Mr. Speaker, I will speak in English, which is something I do very seldom, but it is necessary because I do not think the parliamentary secretary understood what I said or listened to what I said. I find that, on behalf of the people I represent and the people all across Quebec and Canada, very insulting.

I am talking about people who are having problems and what we are hearing from the person across is that there are 500,000 new jobs and it is very promising. I am not talking about the people who will be able to get those jobs. I am talking about people, for example, in the forestry sector who are looking for a way of getting help to continue to work. She should not talk to me about other bills and other things that other parties have done.

This is a direct question for a number of people. What does the government intend to do for these people in particular?

● (1940)

Mrs. Lynne Yelich: Mr. Speaker, I have her answer. There is more good news. Our government is providing funds to participating provinces and territories for employment programming through the targeted initiative for older workers, a $70 million initiative aimed at helping unemployed older workers in sectors such as forestry and fishing and those living in smaller communities affected by downsizing or closures and ongoing high unemployment.

Let us not let the member tell the House that I am not answering her question. That is the answer.

Of this amount, over $19 million went to her beautiful province of Quebec for projects, 11 of which have been announced so far. Two of these projects will help workers from the hon. member's own riding and represent a joint investment by the Governments of Canada and Quebec. The hon. member did say earlier that she wanted us to work with Quebec. This is it. This is where we have invested. The Governments of Canada and Quebec, with over $1.7 million into—

The Acting Speaker (Mr. Royal Galipeau): The hon. member for West Nova.

AIRBUS

Hon. Robert Thibault (West Nova, Lib.): Mr. Speaker, I am pleased to rise again to ask a question related to the Airbus-Mulroney-Schreiber affair.

Here is what we know. We know that Brian Mulroney accepted $300,000 in cash from Karlheinz Schreiber, who was quite well known to the media at the time, and a notorious figure.

He received that money. Karlheinz Schreiber stated it was negotiated while the Prime Minister was still in office. The former prime minister was driven by the RCMP to Mirabel airport to receive his first $100,000 in cash as an MP. We found that out later.

Then we have Mr. Mulroney telling us in the media lately through a friend of his, Mr. Lavoie, that it is the silliest thing he has ever done.

I do not think it was silly at all. It is one of two things. It is either absolutely stupid or it is crooked.

Even Mr. Mulroney's most ardent detractors have never called him stupid. This was the president of the Iron Ore Company of Canada. This was a prime minister of Canada for two terms. This is the man who brought in the GST and who would have known, if this money received was a fee for service, that he had to remit and charge GST on it.

I do not know if stupid would fit, so that leaves what? That is the question we have to determine here.

That meeting was set up by Fred Doucet. Fred Doucet has been with Mr. Mulroney all through this period. He brought Karlheinz Schreiber into the circle and was part of the gang to remove Joe Clark from office and get Mr. Mulroney the job as prime minister and leader of the Conservative Party.

We have not heard from Mr. Doucet in a while. After 1993, we did not hear not too much. We know he organized a meeting for Schreiber and Mulroney later on, but what we do see is that there has been a resurgence of the man. He is very important now in Ottawa. We do not see very many files touched by the Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency that do not have Fred Doucet's name on them.

Here is what we want to know. What were the links between Mr. Doucet, Mr. Mulroney, Mr. Schreiber and many other people around this from 1980 till 1993?

We also want to know exactly how the government acted, this government, and how this Prime Minister acted when he received a letter from Karlheinz Schreiber highlighting these arrangements. How did he act? Did he turn it over to the RCMP? The leader of the official opposition did. When he got that information, he turned it over to the RCMP. Within 14 days, an investigation was reopened by the RCMP.

The Prime Minister said he had it in his files for seven months and did not look at it. PCO officials, junior people at PCO, dealt with this. They were probably people with one or two weeks' training. They dealt with that letter. They looked at it and said it was unimportant in its suggestion that a former prime minister had done all these mischievous deeds, so it was never given to the PMO. If it was given to the PMO, it would have been very junior people who dealt with it there. The Prime Minister's chief advisers would not have been advised of that.

If the Prime Minister tells me that, I am inclined to believe it, but I do not believe anybody else will. I do not think Canadians can believe that.

When I first started asking questions about this, the Prime Minister said there would be no inquiry. He laughed it off, saying there would not be an inquiry.

After two weeks of media stories and questions being asked by the opposition, he came out with a defensive tactic and said that he would have a third party adviser to tell him how he should deal with it because he did not know. He said he did not know how to deal with it. He does not know how to do his job, so he will have a third party adviser.

Then Brian Mulroney himself called up and called an inquiry, so now we have an inquiry, for which the third party adviser is going to give us the terms of reference.

There are two things we need. We need the terms of reference to be sufficiently wide so that we can look back to 1980—

● (1945)

The Acting Speaker (Mr. Royal Galipeau): The hon. Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform.

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, we never got a question out of the hon. member for West Nova, but I can try to interpret what he was trying to get at.

Let me just backtrack a little bit and go over the history of what the Liberal Party of Canada has been saying on this issue over the course of the last three to four weeks.

We know that the Leader of the Opposition has a position that there should be a wide-ranging public inquiry examining every aspect of this incident, including the 22 months that our government has been in power.

Contrast that with the former leadership candidate of the Liberal Party, Mr. Bob Rae, the want to be leader who will probably be leader one day, who said, "No, it should not be wide ranging; that is just silly. It should be narrowly focused on the $300,000 payment, alleged payment at least, between Mr. Schreiber and Mr. Mulroney. Let us narrow it in because that is the only thing that is truly of concern to Canadians".

Yet a third opinion weighs in from the former prime minister of Canada, the Right Hon. Jean Chrétien, who says that there should be no inquiry, that there should only be an RCMP investigation.

If we want to capsulize what the Liberal Party is all about these days, those three divergent opinions say it all. The Liberal Party is all over the map on this issue. The only thing we can ascertain with any certainty is that the Liberals are desperately trying to do one thing and one thing only when asking these questions. The Liberals are trying desperately to cover their tracks of all of the activities that they have had with Mr. Schreiber over the course of the last 13 years and are trying in a desperate attempt to smear this government.

We cannot connect the dots because we have no dealings with Mr. Schreiber. This is a 15-year-old case.

But I will say this. Should the eminent Canadian whom we have appointed to come through with some terms of reference, Dr. Johnston, determine that the terms of reference should include a full examination of all of the dealings between governments of the day and Mr. Schreiber, we will be able to investigate, I am sure the inquiry will be able to investigate with some certainty, the dealings between the former Liberal government and Mr. Schreiber.

One thing we know again with certainty, Mr. Schreiber is about one thing: access to power. He wants to be close to people in government. For 13 years after the 1993 defeat of the former Conservative government headed up by Mr. Mulroney, it was the Liberals who were in power. I would like to know some things. I am sure Canadians would like to know some things.

My colleague, the hon. member for West Nova has stated publicly that he has had several lunches with Mr. Schreiber. What did they discuss? What information did Mr. Schreiber pass along to my colleague, the member for West Nova, or was it the opposite? Was it information my colleague passed along to Mr. Schreiber?

Those are things that we know happened: direct connections between Mr. Schreiber and many members of the former Liberal government, when in fact there is no connection between Mr. Schreiber and this government.

The Prime Minister has been quite clear. He did not see any letter written by Mr. Schreiber. The only reason that we have a publicly inquiry right now is that after sworn affidavits were filed in the Federal Court, as soon as that happened, the Prime Minister said, "Then let's have a full inquiry".

All of the answers to the sordid case will come out in due course, but it will show one thing and probably only one thing: Relationships between Mr. Schreiber and the Liberals are what we should be examining.

● (1950)

Hon. Robert Thibault: Mr. Speaker, we welcome that examination. We asked for a full investigation.

The member finds it distasteful that I would interview Mr. Schreiber. Mr. Schreiber is the one who told me at the time that the first $100,000 was given to Mr. Mulroney when he was a member of Parliament. That is precise information that I got out of Mr. Schreiber and that is why I was able to ask those questions in the House.

If the member finds it distasteful that I met with Mr. Schreiber, he should find it appalling that the sitting Prime Minister would meet with Mr. Mulroney at Harrington Lake, at an official government residence. If it is improper for an individual to hand $300,000 in cash, in an envelope, negotiated with a gentleman when he was still prime minister of this country. It is certainly worse than just improper to receive it. For a prime minister to negotiate $300,000 in cash, and as a member of Parliament to receive $100,000 in cash, that is the question that should be answered. Why has the government hidden that for the last seven months?

Mr. Tom Lukiwski: Mr. Speaker, we have not hidden anything, of course, but it is interesting to note the solid defence the hon. member for West Nova has on the character of Mr. Schreiber.

Let us talk about Mr. Schreiber, an individual who for the last eight years has been facing extradition proceedings, and who has, quite frankly, a very questionable and dubious character. He is somebody who says now that he has all this information, but he did not choose to release that information for eight years.

There is only one reason Mr. Schreiber is coming forward with these outrageous claims of scandal: he wants to stay in Canada. He does not want to go back to Germany where he is facing charges of fraud, forgery and bribery.

I do not think any Canadian can justifiably say that they believe a word of what Mr. Schreiber says now. Quite frankly, my main concern, and I am sure this will be reflected in Dr. Johnston's concerns as well, is that I do not think he is going to tell the truth before any inquiry, parliamentary or otherwise, if he appears.

[*Translation*]

EMPLOYMENT INSURANCE

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Speaker, I am pleased to speak this evening, at the time of adjournment, on the pilot project to add five weeks of employment insurance, mainly for seasonal workers who need to make sure not that they can live, but that they can survive and support their families during very tough times, often during the winter.

This pilot project allows workers who have exhausted their employment insurance benefits to receive up to five additional weeks of employment insurance, until their next season of work begins.

Hon. members will recall that this pilot project was established in 2004 by the former Liberal government for a very simple reason: we understood the needs of seasonal workers who were faced with extremely difficult situations. The Liberal government understood this at the time. The pilot project was to run for two years, and the government was to re-evaluate the situation and make the right decision.

Today the situation is such that the pilot project is coming to an end and we have absolutely no answer for our seasonal workers. If it wants to help our families, if it wants to reduce poverty in Canada, then the government must take action. The Conservatives are doing absolutely nothing about this and are clearly forgetting that the people who work every day to provide for their families have to pay mortgages or rent, pay for electricity, gasoline—which is becoming more and more expensive—and groceries every day so their families can eat.

When these seasonal workers have to deal with a work shortage and their employment insurance benefits end, the reality is that they must rely on certain measures in order to survive. That is the responsibility of the federal government, which is pocketing $14 billion in surplus today, but is unable to announce any basic measures to help these families survive.

When we look at the situation, we see that the Conservatives are pushing countless individuals and families into uncertainty. When their employment insurance benefits end, those individuals and families do not know if they will still be able to receive the benefits from the wonderful pilot project the Liberals implemented in 2004.

The Conservatives are pushing families into uncertainty. What a nice Christmas present they are delivering to these families. It is a poisoned gift because the Conservatives are unable to officially announce that this pilot project, that extends employment insurance benefits by five weeks, will be renewed.

I hope this time that I will get a clear and detailed answer. Will the government renew the pilot project on the additional five weeks to close the gap—yes or no? Furthermore, will it make this pilot project permanent so that workers can stop begging for the help they need and have earned by working so hard for these employment insurance benefits?

Will the government finally agree to respond by saying that it will renew this pilot project permanently—not just temporarily—so that families and workers can know where they stand before the holiday period?

● (1955)

[*English*]

Mrs. Lynne Yelich (Parliamentary Secretary to the Minister of Human Resources and Social Development, CPC): Mr. Speaker, I am pleased to address the questions asked by the hon. member for Madawaska—Restigouche today because it gives me the opportunity to stand in this House once again and tell Canadians about the good things that this government has done for our economy, our job market and training for workers.

I must start off by pointing out that the hon. member was in government for almost a decade and a half, most of that time in a majority situation, and his party did nothing for seasonal workers. His party did nothing but overcharge the workers with EI and misspent those dollars on boondoggles, sponsorships and scandals. It nothing for the seasonal workers.

He is now asking us to support a pilot project that his government did not implement during its 13 years in power. He does it with a tone of righteous indignation even though it was his party that ignored these same workers for 13 years. Perhaps he has forgotten, but Canadians have not.

This government is proud of its record. We are proud of the supports we provided for the working family that he speaks so passionately about. We are proud to say that this is the government which is providing ever growing opportunities for all Canadians to participate and succeed in Canada's growing economy.

The economy is booming. The Prime Minister and the Minister of Finance have created winning conditions so that more jobs, better wages, and a brighter future can be delivered to all Canadians.

Under the leadership of this government, the unemployment rate is the lowest it has been in more than 30 years, hitting 5.8% in October. Employment rates are at record highs and thousands of jobs are being created every day across this country. In fact, 500,000 new jobs have been created since this government was elected almost two years ago, more than 200,000 new jobs this year alone.

There is no better evidence of our robust labour market than the remarkable decrease in the number of long term unemployed. Ten years ago, under his previous Liberal government, 13.5% of all unemployed people remained unemployed for more than a year.

Today, under the leadership of this government, that figure stands at a low of 4.4%. We have made it clear our intention to consider improvements to EI financing since we formed the government. The Speech from the Throne confirms that we will now be taking measures to improve the governance and management of the EI account.

There are currently an array of 19 EI bills at some stage of the legislative process. They total well over $11 billion in new annual spending which would bankrupt the employment insurance program. The Liberals are supporting all of them. That is the Liberal approach to EI reform.

Bankrupting the EI program at the request of the Liberal Party will not be our approach to employment insurance reform.

[*Translation*]

Mr. Jean-Claude D'Amours: Mr. Speaker, this situation is disgusting.

The Parliamentary Secretary to the Minister of Human Resources and Social Development just told us that 13 working days from now, seasonal workers will no longer have the five additional weeks they need to make ends meet for their families. The Conservatives are basically telling us that they are not interested in renewing it.

That means that 13 working days from now, anyone collecting employment insurance will no longer be eligible for the five additional weeks to cover the black hole. The Parliamentary Secretary to the Minister of Human Resources and Social Development has destroyed all hope that the Conservative government might care even a little bit for families and workers. That is unacceptable. What the Conservative government is telling us tonight is that it does not care at all.

● (2000)

[*English*]

Mrs. Lynne Yelich: Mr. Speaker, our government's approach to EI has been to ensure that specific changes address specific issues. We have a record to be proud of when it comes to supporting unemployed and seasonal workers.

I would like to remind my hon. colleague that it was this government that acted within months of taking office to put in place: an investment of $70 million in the new targeted initiative for older workers which will help unemployed older workers in vulnerable communities; a pilot project that gives seasonal workers in areas of high unemployment up to 37 weeks of benefits with the equivalent of 12 weeks of work; and lowered EI premiums and increased benefits for all Canadian workers including seasonal workers.

This is our record and this is one of which this government is proud.

[*Translation*]

The Acting Speaker (Mr. Royal Galipeau): The motion to adjourn the House is now deemed to have been adopted.

[*English*]

Accordingly, this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 8:01 p.m.)

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