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(HANSARD)

Monday, November 26, 2007

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, November 26, 2007

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

● (1100)

[*English*]

OLD AGE SECURITY ACT

The House resumed from October 23 consideration of the motion that Bill C-362, An Act to amend the Old Age Security Act (residency requirement), be read the second time and referred to a committee.

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Mr. Speaker, I am pleased to have the opportunity to speak to Bill C-362 today.

Canada's public pension system is generally regarded as one of the best in the world and is recognized internationally for the quality and generosity of the financial assistance available to Canadian seniors. This is something that the government takes great pride in. Canadians believe in sharing the benefits of our economic prosperity with our fellow citizens and this government shares that belief. The government recognizes the important role seniors have played and continue to play in strengthening our communities and the hard work they have done to make our country the greatest in the world.

This is why this government has, first of all, delivered more than $1 billion in tax relief to Canadian seniors and pensioners. Second, it is why we passed Bill C-36, so that seniors apply only once and do not have to reapply year after year to receive the GIS. This change is helping more than 1.5 million low income Canadian seniors every year. Third, it is why we have put in place a $1,000 increase in the age credit amount, which will provide significant tax relief to low income and modest income seniors.

This government's record speaks for itself. It is one that I would put up against the Liberal record any day.

As members of this House, we have a responsibility to maintain the quality and integrity of our country's public pension program. It is up to us to make sure the laws that govern our social programs are the right ones. That means making sure the legislation we pass in this House is prudent and that it will maintain the integrity and long term sustainability of our social programs.

The opposition has been reticent to consider the long term ramifications of many of their private members' bills during this Parliament. The opposition has not been forthcoming on the true costs of this bill and what these proposals would mean for the long term viability of the OAS program.

We have estimates that put the cost of this bill at more than $700 million per year, a cost that will rise dramatically with the changing demographics facing the Canadian population in the next 20 years.

It is the goal of this government to preserve this program for future generations, including the children and grandchildren of new Canadians.

● (1105)

As we have seen, bills being brought forward by members of the opposition are lacking in due diligence. Many provincial social assistance programs are tied to the OAS, yet the opposition has not spoken with any provincial governments.

This government believes in consulting with the provinces, not imposing things upon them, especially when the proposed changes will cost hundreds of millions, if not billions, of dollars per year.

Clearly the bill was proposed in the spirit of trying to win votes rather than sincerely helping the seniors of Canada. It is also surprising to hear my colleagues from across the aisle stand up today and pretend to be the protectors of seniors and new Canadians when their record speaks otherwise.

The hon. member for Brampton West said during debate at a previous stage of the bill that “to demand a residency requirement any longer than three years is unreasonable”.

It was not unreasonable when she and her party had consecutive majority governments to deal with this issue and did nothing. It was not unreasonable when her government fought and won two separate cases in court on this issue. It was not unreasonable when the Supreme Court of Canada affirmed that fact.

It appears it was unreasonable only when we were elected to government and the hon. members across the way no longer had to concern themselves with the consequences of their proposed changes. The members across the way continue to say today that the current OAS program discriminates against immigrants, but when the Liberal Party was in power it fought against this in two high profile cases which proposed the very changes outlined in the bill.

I am referring to Pawar v. Canada in the Federal Court of Canada in 1999 and Shergill v. Canada in the Federal Court of Appeal in 2003. In both cases, the Liberals believed that the residence requirement to qualify for OAS did not discriminate against the applicants on the basis of national or ethnic origin. The Liberals felt that the current OAS program was fair then, and it continues to be fair today.

This hasty turnaround now that the Liberals are in opposition should cause a severe case of party-wide whiplash. We have even more instances of Liberal hypocrisy on this issue. When the issue was raised in the House during the last Parliament, it was the Liberals who voted against Bloc amendments that would rectify this so-called historical injustice that my colleague bemoans today.

That is the Liberal record. As much as the hon. member for Brampton West would like to run away from it, she simply cannot move that fast.

The opposition has been creating a lot of white noise on this issue by pretending that theirs is the party that stands up for the interests of new Canadians. As we have seen time and again, their record contradicts the Liberals' rhetoric.

For 13 years the Liberals froze settlement funding and saw the success rates of new Canadians drop to alarming levels. It was our government that within months of being elected increased settlement funds to new Canadians by $307 million. These funds will help immigrants, both old and young, adjust to a new home, learn a new language and get the help they need.

It is this government that moved on the issue of foreign credentials recognition, an issue the Liberals managed to hide under a barrel for 13 years.

The Liberals have opposed these advances for new Canadians at every turn, but they cannot have it both ways. They cannot sit on their hands for 13 years and then claim to be the ones standing up for immigrant communities. They cannot oppose the changes to the bill when in government and then support them in opposition, but this is just what they have done.

It is hypocrisy in the raw and new Canadians can see through this ruse.

In order to be eligible to receive any OAS benefits, applicants must meet the specific residency requirements, a minimum of 10 years of residence. It has nothing to do with citizenship or immigration status. All that is needed is residency. It is really quite simple. The Liberal Party recognized that when it was in government, but it appears to have forgotten this now.

However, none of this is to say that the government should not be open to making changes to seniors' benefits. In fact, the government is open to change and has already acted to get results for seniors and new Canadians alike.

The government supports change when change is needed, but Bill C-362 simply does not fly. I believe the existing OAS legislation represents a fair balance between providing a taxpayer-financed pension to our seniors and recognizing their past contribution as residents of Canadian society.

It would appear that my Liberal colleagues believe it, too, which is why they did not address this during their 13 years in power. I challenge them to stop using new Canadians as pawns in their political chess game and vote against this bill.

● (1110)

[*Translation*]

SPEAKER'S RULING

The Acting Speaker (Mr. Royal Galipeau): I am now prepared to rule on the point of order raised by the hon. Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform concerning the need for a royal recommendation for Bill C-362, An Act to amend the Old Age Security Act (residency requirement), standing in the name of the hon. member for Brampton West.

[*English*]

On October 18, the hon. Parliamentary Secretary to the Government House Leader and Minister for Democratic Reform drew attention to the fact that Bill C-362 would increase old age pension security and guaranteed income supplement benefits by lowering the threshold for residency requirement from the current 10 years to three years, thus resulting in significant new expenditures for the government.

The hon. parliamentary secretary argued that precedents clearly establish that bills which create new expenditures for benefits by modifying eligibility criteria or changing the terms of a program require a royal recommendation.

In support of this view, he cited rulings on Bills C-265, C-278, C-284 and C-269 from the previous session.

I would like to thank the hon. Parliamentary Secretary to the Government House Leader and Minister for Democratic Reform for having raised this issue.

[*Translation*]

The Chair has examined Bill C-362, An Act to amend the Old Age Security Act (residency requirement), to determine whether its provisions would require a royal recommendation and thus prevent the Chair from putting the question at third reading.

[*English*]

As has been pointed out, Bill C-362 amends the Old Age Security Act to reduce from 10 years to three years the residency requirement for entitlements to a monthly pension.

The parallel made by the hon. Parliamentary Secretary to the Government House Leader and Minister for Democratic Reform between Bills C-362 and Bill C-269, An Act to amend the Employment Insurance Act (improvement of the employment insurance system), is a pertinent one.

Although Bill C-269 contains several elements that involve new expenditures, one particular element sought, much like the provisions of Bill C-362, to reduce the qualifying period for benefits.

[*Translation*]

As the Chair pointed out on November 6, 2006, in a ruling on Bill C-269, "...all of these elements [contained in the bill] would indeed require expenditures from the EI Account which are not currently authorized".

It went on to say, "Such increased spending is not covered by the terms of any existing appropriation".

[*English*]

By reducing from 10 years to three years the residency requirement for entitlements to a monthly pension under the old age security act, Bill C-362 would reduce the requirements currently authorized for payment of benefits. In doing so, the bill would authorize an inevitable increase in the amount of expenditure of public funds and therefore requires a royal recommendation.

Consequently, I will decline to put the question on third reading of this bill in its present form unless a royal recommendation is received; however, the debate is currently on the motion for second reading, and this motion shall be put to a vote at the close of the second reading debate.

Resuming debate, the hon. member for Laval.

● (1115)

[*Translation*]

SECOND READING

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, everyone knows how much pleasure it always gives me to speak in support of our seniors. I was responsible for these issues for a while. My colleague from Repentigny is now doing a fine job dealing with them.

I believe that the bill before us is perfectly suited to the new realities we are facing in both Quebec and Canada. Many seniors have come to Canada to live with their children since the legislation was amended to allow family reunification. In amending the legislation, it must have been obvious that allowing family reunification also entailed other responsibilities. When a decision is made to allow seniors to come and live with their children, efforts have to be made to ensure that these seniors will be treated well and will have everything they need.

Unfortunately, the society in Quebec and Canada is going through some tough times in the forestry and manufacturing sectors. Numerous people are losing their jobs and many of them are immigrants. And as immigrants, they also...

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Gaspésie—Îles-de-la-Madeleine on a point of order.

Mr. Raynald Blais: Mr. Speaker, I would like you to recognize that my colleague's speech is extremely important, like all the speeches given here. I would therefore like you to call to order some of our colleagues, who engage in loud discussions when someone is speaking near them. This makes no sense. They have no discipline or no respect or both.

The Acting Speaker (Mr. Royal Galipeau): I thank the hon. member for his comment. I am certain that all the members of the House will listen attentively to the speech by the hon. member for Laval, just as I am doing.

Ms. Nicole Demers: Mr. Speaker, you usually listen carefully when we speak. That is why we appreciate that you are here when we have a speech to make. However, my colleague was quite right, and I hope the member who spoke previously and whom we listened to respectfully will also go behind the curtains. No, here he comes back again. He did not think it was important enough. I hoped that our Conservative colleague would get the message, but it would seem that some people are having a hard time understanding it.

I was saying that because of the financial difficulties people are experiencing, it is sometimes very difficult to discharge the responsibilities we thought we could discharge when we accepted them. I will give an example of a woman in my constituency, whom I will not name out of respect for her, because her situation is humiliating. Her son, who had a good job and was able to provide for her, brought her here a few years ago. When she arrived, she spoke neither English nor French, but the language of her country. She stayed home and looked after her son and daughter-in-law's children while they grew. As our Conservative colleagues are well aware, it is sometimes important to have a parent in the home to take care of the children. These people had chosen to have their mother in the home to care for their children, and they looked after her very well.

By the way, Mr. Speaker, I want to thank you very much for taking action. I appreciate it.

As I was saying, the couple brought her here and were able to look after her quite adequately. Unfortunately, a few years ago, the company the man had been working for closed its doors, and that is when the horror story began. Since the employment insurance system was changed, it has become harder for people to get benefits. Moreover, even when a person aged 55 or older can collect benefits, they cannot do so for long. It is hard for older people to find new jobs because by the time they are 55, they may find it harder to adapt to new things.

So having lost his job, this person found himself in a very precarious situation. When the employment insurance benefits ran out, he had to ask for social assistance. His spouse did work a few days a week, but she did not make enough to support the family, which is why her husband was entitled to social assistance to support the family. Since he was having such a hard time supporting his family, his mother ended up being one mouth too many to feed.

● (1120)

If a person has three or four children plus an aging parent who is beginning to have health problems, it can get harder and harder to help that parent.

The bill introduced by my colleague from Brampton West is fair and well thought out. It takes into account people who come here to live. It is the exact opposite of what my other colleague was saying earlier about how immigrants must not be given false hope. On the contrary, we should give them every reason to hope. We should make sure that our society can meet their needs. These people are not always utterly delighted to be here. They are happy to be together with their family members, but they have left behind their history, their country, their culture, and nearly all that they have known their whole lives. Often, they feel very isolated. Clearly, things are difficult enough for them.

A few years ago, a group of women invited me, a Liberal colleague and their NDP MP to attend a seminar in Toronto. The most significant problem facing these older women was the policy whereby they were not entitled to receive any support until they had been here for 10 years—they had to be sponsored for 10 years. This makes no sense.

Of course this costs money. As my colleague said, this can cost up to $700 million, but there are surpluses of $14 billion to $16 billion. The Canada Mortgage and Housing Corporation has a $13 billion surplus. The government is sending money to so-called underdeveloped countries, but often these people come from underdeveloped countries. It is okay to help them at home, but not here? What type of society is this becoming? We should start by helping those who come here to stay, those who want to contribute to building a different and better society. If we cannot help them here, how can we brag about helping them elsewhere? That is not right. Something is wrong in our way of thinking.

This way of thinking in our Conservative colleagues disappoints me a great deal. When there are no profits to be made and it is a matter of giving people dignity and respect, the Conservatives do not give this any thought. However, when it comes to reducing taxes and giving money to oil companies or big business—that already have lots of money—they do not hesitate.

Instead of doing that, why not focus on ensuring that all citizens of Quebec and Canada can live decently until the end of their days? That is what I want to know. Quite honestly, I have a hard time understanding how such a wealthy country can be so reluctant to take care of these older people, these people who choose to come here with their family. I do not know how such a wealthy country can be so reluctant to allow them to live in dignity and respect until they die. I do not understand that.

As far as we are concerned, we will definitely vote in favour of this bill. We hope our colleagues in the other parties will do the same. It is very important to take care of all seniors, but especially the least fortunate. Those we are talking about here are the least fortunate seniors.

[*English*]

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, it is my pleasure today to participate in the debate on Bill C-362, An Act to amend the Old Age Security Act (residency requirement). I want to be clear that I will be supporting the bill.

It has often been said that in politics, all politics are local. While much of what we do in the House is of national importance, most of us elected to this chamber take our responsibilities seriously to give voice to the concerns expressed to us in our ridings.

That is the yardstick against which I measure my parliamentary work. I simply ask myself if I am saying in Parliament what those who sent me here as their representative would like to say themselves if they had this privileged opportunity. Therefore, every time I participate in the deliberations of the House, I reflect on what is happening back at home.

In a discussion on old age security, like the one that is before us today, I begin by noting that in Hamilton the percentage of seniors living in poverty is 24%. That is one in four seniors. It increases to 36% for women over the age of 75. Shocking as those statistics are, the risk of living in poverty is even greater for recent immigrants.

What does that tell us? In broadest terms, it says clearly that seniors do not have the income security that they need to retire with the dignity and respect they deserve.

At the very lowest end of the income scale are those seniors who live on nothing more than the OAS and GIS and, shamefully, those income supports do not suffice to lift them above the poverty line. That is a disgrace in a country that posted a budget surplus of $40 billion in the last year alone.

Instead of giving more tax cuts to the oil and gas industry, the Conservative government should have spent that money on lifting seniors out of poverty, the very seniors who built the country whose coffers are now overflowing.

Under those financial circumstances, I cannot wait to hear the government's excuse for not supporting the bill that is before us today, a bill that addresses the needs of seniors who are not even receiving the basic income support of the OAS. It is those seniors who are at the centre of the legislation that is before the House today.

When one of the NDP forefathers, Stanley Knowles, began the fight for public pensions in this very chamber, he was motivated by a sense of social justice. He was motivated by a genuine concern for the needs and welfare of Canadian citizens.

When the Old Age Security Act was finally adopted in Parliament in 1951, it reflected that motivation in the very way it was set up. It was established as a universal benefit funded out of general tax revenue. Indeed, it is the OAS's universality that gives expression to its social justice roots. When that universality is compromised, it is incumbent upon us to right that wrong. That is what the motion tabled in the House by my colleague from Surrey North is proposing and that is essentially what Bill C-362 purports to do.

● (1125)

When the Liberal government brought forward the Old Age Security Act, it excluded persons from receiving the benefit if they had not lived in Canada for 10 years. Although the OAS was intended to be the cornerstone of Canada's retirement income system, it forced a large number of Canadian citizens to go entirely without benefits for many years.

Contrary to its roots of ensuring universality, the residency requirement actually ended up creating two different classes of Canadian citizens: those who qualify at age 65 and those who do not because they have not lived in Canada for the requisite 10 years.

I fundamentally believe that citizenship must entail the same rights and responsibilities for all Canadians and any act that does otherwise offends that sense of social justice.

The Liberals, of course, had many opportunities to fix that problem while they were in government between 1951 and the present day. It saddens me that they failed to seize those opportunities, especially since they are now so eager to scold the Conservatives for their inaction. I am certain that the double standard will not escape the many Canadians who are watching these deliberations on television.

It makes me wonder why the Liberals did not vote with me in committee to support a Bloc motion on Bill C-36 that would have solved this problem once and for all. In fact, it would have gone even further. It would have lifted the restriction on new citizens' access to the OAS on the basis of the sponsor's obligations under the Immigration and Refugee Protection Act. Between the votes of the Bloc, the Liberals and the NDP, we would have been able to out-vote the government and fix Bill C-36 right then and there. However, the Liberals chose not to vote with us and, as a result, while Bill C-36 has long since passed into law, tens of thousands of Canadians are still not receiving the OAS.

That is a curious position for a party whose leader was recently in Hamilton and said that poverty was his priority. I would suggest that actions speak louder than words.

Organizations that work very closely with immigrant populations have been watching our work here closely. The Seniors Network BC, the Seniors Summit, Women Elders in Action, the Alternative Planning Group, Immigrant Seniors Advocacy Network representing the African Canadian Social Development Council, the Chinese Canadian National Council, the Hispanic Development Council and the Council of Agencies Servicing South Asians have all been advocating for changes to the residency requirement for a very long time. They no longer want to see immigrant seniors condemned to a life poverty. They want to move beyond the patchwork quilt of policies that was the legacy of the Liberal government.

As members of the House will know, some seniors who are newcomers can qualify for old age security even if they have not met the 10-year residency requirement. That is because the Government of Canada has signed reciprocal social security agreements with about 50 countries that make the benefits portable between Canada and that other country. They normally exist because both countries provide social security plans with similar benefits.

The reason for not having secured a reciprocal agreement is because the other country is unwilling or unable to provide comparable social security. This would include some of the most impoverished nations in the world and our government is, therefore, targeting the very people who may need the OAS the most.

If we want to be serious about ensuring that seniors can retire with the dignity and respect they deserve, then we must take every opportunity to walk the talk. That is why I will be supporting Bill C-362. I hope that then collectively we will turn our minds to look once again at the larger picture. We must remember that in Canada today we still have two million seniors living in poverty.

The Liberals and Conservatives supported my seniors charter, which I had the privilege of tabling in the House on behalf of the NDP caucus last year. One of the expressed rights in that charter is the right to income security for all seniors. Just as workers deserve a living wage, so seniors must be lifted out of poverty.

We need to take a holistic approach to this issue, which is why I tabled a motion in the House to undertake a comprehensive review of senior's income security. I would remind members of what that motion says. For those members who are eager to look it up, it is Motion No. 136. It reads:

> That, in the opinion of the House, the government should guarantee to all seniors a stable and secure income by: (a) linking the Canada Pension Plan and the Old Age Security Program to standard of living levels; (b) looking forward ten years to determine the adequacy of income support programs; (c) performing reviews of all income support planning for seniors; and (d) reporting all the above annually to Parliament.

We know that a major demographic shift is just around the corner. In fact, Statistics Canada suggests that between 2006 and 2026 the number of seniors is projected to increase from 4.3 million to 8 million. Their share of the population is expected to increase from 13.2% to 21.1%. A shift of that magnitude requires planning, and both the seniors of today and the seniors of tomorrow are looking to us to take leadership.

As my motion suggests, we need to begin that planning now. If we want to continue to espouse the sense of social justice that Stanley Knowles brought to this House when he worked to ensure that no senior should live in poverty, then we need to recommit ourselves to his vision starting today.

Yes, Bill C-362 is one piece of that puzzle, and I am proud to support it with my vote, but there is so much more yet left to be done. I want to encourage all members of the House to put partisanship aside and work together to ensure that promising a senior the right to retirement with dignity and respect is more than just empty rhetoric.

● (1130)

Hon. Roy Cullen (Etobicoke North, Lib.): Mr. Speaker, I thank the hon. member for Brampton West for her dedicated work on the question of a 10-year residency requirement for old age security benefits for new citizens of Canada. I know she spoken up on this topic on many occasions over the years and I am happy to speak on behalf of her private member's bill today.

Bill C-362 would amend the current Old Age Security Act so that at age 65, one is able to receive a monthly pension after being a resident of Canada for three years after the age of 18, instead of the current residency requirement of 10 years after age 18, to be eligible to receive these benefits.

Unless one has lived in Canada for periods that total at least 40 years following the age of 18, he or she is not entitled to full old age security pension but rather a partial pension. This requirement was introduced in 1977.

Partial pensions are earned at the rate of one-fortieth of the full monthly pension for each year lived in Canada after the age of 18. However, it is important to note that once a partial pension has been awarded, it cannot be increased as a result of added years of residence in Canada.

Currently, as is the case in my riding of Etobicoke North, a constituency where there is a large immigrant population, elderly new Canadians who have worked all their lives are not able to receive these benefits. With Bill C-362, this issue can now be studied and debated in Parliament.

● (1135)

[*Translation*]

Old age security is a monthly retirement benefit paid to the majority of Canadians aged 65 and over. This program, funded by federal government tax revenues, can cause difficulties for immigrants, which was the impetus for this private member's bill, Bill C-362. Immigrant seniors must currently wait years before receiving benefits.

[*English*]

These new residents have left their native countries and have journeyed to Canada in order to settle and to reunite with their families. Some are also working and paying taxes. Their livelihoods presently depend solely upon their families and communities. For many, the lack of funding means the elderly must live without some basic necessities in order to survive. Frankly, the quality of life for these residents is diminished.

I have heard the argument that these elderly immigrants should not receive these benefits until the 10 year residency requirement has elapsed because they are not contributing to the economy. I do not think, however, that this is the case. These individuals typically arrive in Canada with their life savings and thereby are directly inserting these financial resources into the Canadian economy.

In addition, it is typical for these immigrants to immigrate to Canada for the purpose of assisting their family members who have previously immigrated. For example, this might include grandparents assisting with the in home day care of their grandchildren, thus allowing more opportunities for both parents in a household to join the workforce, thereby boosting the labour market.

[*Translation*]

Since Canada does not have reciprocal agreements on income security with countries such as India, which does not currently have broad public pension coverage, a number of Indo-Canadians are not eligible for old age security benefits for a period of 10 years, since the majority of them have little or no work experience in Canada.

According to statistics from Citizenship and Immigration Canada, in 2005, permanent residents originally from Asia and the Pacific Rim accounted for 57.2% of people aged 45 to 64, and 52.7% of people aged 65 and over.

● (1140)

[*English*]

For example, with regard to India, until 1995 India had what is called a provident fund, which only covered people working in establishments that consisted of 20 or more employees. Employers or employees or both would make contributions to this obligatory savings mechanism. Then, whenever someone reached retirement age, became disabled or died, the fund would make a lump sum payment equal to the person's contributions plus any investment earnings derived from these contributions.

The fund, as it differs from a pension plan, did not pay any ongoing periodic benefit. In 1995 India partially converted its employees' provident fund into the employees' pension scheme, which is a defined benefit program paying pensions to contributors when they retire, become disabled, or die.

Of India's 450 million person workforce, as of 2005 only 7% to 8% are covered by the employees' provident fund and the employees' pension scheme. Because India's pension scheme only came into service in 1995 and because of its mediocre coverage of the workforce population, Canada and India have determined that a reciprocal social security agreement is not possible at this time.

For countries that have reciprocal agreements with Canada, these arrangements allow for periods of coverage to be added together to enable each respective country to compensate residents with benefits in accordance with its own legislation. It should be noted that when Canadian citizens who live and work outside Canada in a country without a reciprocal agreement decide to return to Canada, they are subject to the same 10 year residency requirement.

[*Translation*]

The purpose of residency requirements for the old age security program is simply to verify a person's commitment to Canada. However, immigrants have to live in the country only three years to be eligible for citizenship.

If a person is considered sufficiently committed to Canada to be granted citizenship after three years, why does it seem too unreasonable to use that same period of three years to determine whether a person is eligible for old age security benefits?

[*English*]

The Old Age Security Act made its debut in 1952. However, it has been amended many times over the last 55 years. The most important changes include: the reduction in the age of eligibility from 70 to 65 years; the establishment of the guaranteed income supplement; the payment of partial payments based on years of residence in Canada; and the ability for an individual to request that his or her benefits be cancelled. In addition, the minimum residence requirement was initially set at 20 years in 1952 before being reduced to 10 years in the 1960s.

Since this matter has been brought to my attention, I have worked with and consulted with various community groups within my riding to engage in a dialogue on this important issue. These groups include the South Asian Seniors of Rexdale, the Canadian Council of South Asian Seniors, Humber Community Seniors' Services, as well as many others. These organizations are very concerned that the elderly are being denied much needed benefits as they continue their lives in Canada.

I have listened to my constituents' concerns and investigated the possibility of a reciprocal social security agreement with India. Whether or not this treatment of seniors with less than 10 years' residency in Canada constitutes a breach of their rights under Canada's Charter of Rights and Freedoms is another avenue of investigation that I have pursued.

My research findings and investigative work on this topic have been communicated to my constituents, as well as to past ministers of human resources development, citizenship and immigration, finance, and social development. I have also dialogued with the former prime minister, the member for LaSalle—Émard, on this issue.

[*Translation*]

I now ask this new government and the members in this House to examine this issue carefully. Bill C-362 is an excellent tool for doing so.

[*English*]

In closing, this is a very important issue for many of the constituents in my riding, many of whom come from South Asia. I congratulate my colleague for bringing this bill to the House of Commons. It is hoped that the bill will pass at second reading and be sent to committee for further study so that Canadians can be heard on this issue.

I am going to be supporting this bill at second reading so that, as parliamentarians, we can review this policy question and consult with Canadians broadly. Because this issue has evoked strong concern and interest from my constituents, I believe it is imperative that we evaluate and discuss the current policy at the committee level.

Mr. Dave Batters (Palliser, CPC): Mr. Speaker, in case I do not have a chance to speak later on today, I want to take this opportunity to congratulate the Saskatchewan Roughrider organization and loyal Rider fans everywhere on being successful yesterday in winning the 95th Grey Cup. My wife and my family took to the streets. The Batters family certainly celebrated late into the evening and the Lesiuk family did the same. They joined throngs of people on Albert Street in Regina in celebrating a great win yesterday.

I am pleased to join the debate on Bill C-362 and address the proposals put forward in this bill to amend the Old Age Security Act. I appreciate the hon. member's intentions in proposing a reduction in the residence requirement from 10 years down to three to receive OAS. However, there are several reasons why this is not a sound course of action.

First, let us look at the issues of fairness and equality. Length of residence in Canada has been this program's central eligibility requirement since its inception in 1952. The purpose of the 10 year requirement then, as now, is meant to be a measure of partial income security in recognition of a person's attachment and contribution to Canadian society, our economy and our communities.

It is a perfectly reasonable expectation that people live in this country for a minimum period of time before being granted the right to a lifelong public benefit, since this public benefit is paid entirely from general tax revenue and does not require any direct contribution from its recipients.

The Old Age Security Act has withstood the test of time, even over the course of several Liberal governments. Why do the members opposite pretend to care so much about this issue now? In fact, the sponsor of the bill has even admitted that the previous Liberal government fought seniors groups in court until they ran out of money because the Liberal government believed so strongly in the current program.

The current Old Age Security Act does not discriminate between citizens and non-citizens as the sponsor would have us believe. It is based solely on length of residence and not, as some critics have suggested, on citizenship. In fact, the residence requirement makes no distinction between immigrants who have just arrived in Canada and other Canadians who are returning to Canada after being away. In both cases, applicants must meet the same 10 year requirement.

● (1145)

In my mind, the present system of requiring 10 years of residence is the most fair and equitable criterion for receiving OAS. I am certainly not alone in this belief. Twice, the previous Liberal government defended this issue of fairness in court. Twice, the previous Liberal government's view was upheld when the courts found that the current requirements do not discriminate against applicants on the grounds of national or ethnic origin and do not conflict with the charter.

The old age security system is fair and sound. It provides more than four million seniors in Canada with a retirement income. Its benefits are universally allotted. Yet, it is only one program in Canada's social safety net. There are built-in safeguards for those who do not qualify for OAS through many federal and provincial assistance programs.

Within the public pension system itself, many low income seniors also receive the guaranteed income supplement, or GIS, designated to help Canada's poorest seniors. Here, too, citizenship is not a requirement, only a minimum 10 years' residency and an income below a specific threshold.

Under the current system, every senior has the potential to receive OAS and GIS. This is true even if they arrive in Canada at the age of 60 and never work. By the age of 70, they can begin receiving benefits.

Right now, we have a sustainable and robust pension system. Obviously it is in the interest of all Canadians to ensure that our pension system remains healthy. We know that the requirement for pensions will only grow as our senior population continues to expand. In fact, 25 years from now, nearly one-quarter of Canada's population will be 65 years of age or older. It is incumbent upon us to ensure that the polices that we enact today protect our pension plans in the future.

The Liberals believed these same things a few years ago, but now they appear to have changed their minds. Relaxing the OAS eligibility requirements from 10 to 3 years would have significant fiscal implications for Canada. It is estimated that the consequent costs would be more than $700 million annually in combined OAS and GIS benefits, with approximately $600 million of this amount due to an increase in GIS payments. We cannot in good conscience place this financial strain on our pension system.

As well as our domestic concerns, we must almost consider the effect Bill C-362 would have on the international agreements we now have in place and for those we will be negotiating in the coming years. Fifty countries have established agreements with Canada based on the current 10 year residency requirement. Lowering this requirement by seven years could create a disincentive for other countries considering reciprocal agreements with Canada.

Clearly, there are sound reasons for maintaining the current OAS system. It is fair and equitable. It recognizes the contributions seniors have made to our country. OAS pension benefits are based on residence rather than citizenship or national origin. Also, the OAS program is financially sound. Under the current system, OAS is sustainable. It is our duty as our constituents' representatives to ensure that OAS is there for them when they need it.

I can assure this House and all Canadians that this Conservative government intends to take every measure possible to protect our seniors today and in the future.

We have demonstrated our intentions through such measures as those contained in Bill C-36, which simplify and streamline the OAS and GIS application process.

We have also introduced a number of initiatives, such as the National Seniors Council, aimed at improving the lives of seniors. We have introduced a range of measures to reduce the tax burden on seniors.

We will continue to act to protect seniors and Canada's old age security system. I urge my hon. colleagues to vote against the proposals contained in this bill, just as the Liberals did when they were in power.

● (1150)

Mr. Chris Warkentin (Peace River, CPC): Mr. Speaker, I am pleased to have the opportunity to discuss Bill C-362 and its proposed amendments to the old age security program.

All Canadians can be proud of our country's retirement income system. Simply put, it is recognized as one of the best in the world and is emulated by countries looking to set up an effective, long term public pension system.

The old age security program, along with the Canada pension plan, provides all Canadians with a solid foundation upon which to build their retirement income. Together, Canada's public pension delivers about $54 billion in benefits to Canadians every year.

Bill C-362 proposes reducing the minimum residence requirement for OAS benefits from 10 years to 3 years. However, I must respectfully disagree with the hon. member for Brampton West on the premise of the bill.

From a public policy perspective, the old age security program is fair and sound. It is the first tier of Canada's retirement income system, serving over four million Canadian seniors every year.

The OAS pension is designed as a measure of income security for seniors. It recognizes their valuable contribution to Canadian society, our economy and their community over a lifetime. Unlike pension plans in most other countries, Canada offers, as part of a public pension system, a tier that is fully funded by general tax revenues instead of contributions.

Most countries have pension schemes that require years of contributions to qualify for benefits. For example, Japan's seniors must contribute for 25 years to be eligible for a pension. From this standpoint, we can see that Canada's pension plan is exceptionally generous.

In Canada there are none of the restrictions about citizenship or nationality often found in other countries. To gain the right to a lifelong pension, we only ask that seniors make a reasonable contribution of 10 years to Canadian society.

A number of governments have examined the current OAS residence requirement since it was established in 1977 and have kept it intact. In fact, during the last Parliament, the Liberal Party voted against Bloc amendments that would have instituted these very changes. For the Liberals, it has only become an issue of fairness or respect for new Canadians when they no longer are in government and they no longer have to worry about the consequences of their actions.

I believe the 10 year residence requirement is sound and reasonable. It makes no distinction between immigrants who have just arrived in Canada or Canadians who return to Canada after living abroad.

Under current rules, a person must live in Canada, after reaching the age of 18, for a total of 40 years to receive a full pension. A person must live in Canada for a minimum of 10 years to receive a partial pension.

● (1155)

Many seniors who qualify for OAS and who have low incomes also receive a guaranteed income supplement, designed to help Canada's poorest seniors. Once again, the 10 year rule is a reasonable compromise. It strikes a good balance between an individual's contribution to Canadian society and his or her right to receive a lifelong public pension.

This policy is a result of a long-standing dynamic conversation with Canadians. Since 1977, the residence requirement for OAS has served countless new Canadians. This program has been there for generations of immigrants who have built a new life for themselves and their children in Canada, and this government will ensure that it remains that way. Many of these immigrants came from countries that have signed social security agreements with us.

On the world stage, Canada is a leader among countries that have signed social security agreements. To date, 50 agreements have been signed between Canada and foreign countries. Because of these reciprocal agreements, many newcomers to Canada are able to meet the 10 year residence requirement to receive the OAS pension by using years of residence or contribution in both countries. This means that these seniors are able to receive benefits from both Canada and their countries of origin.

In a nutshell, it means that people who have lived or worked abroad can meet the 10 year residence rule by adding these periods to their Canadian residence. These agreements recognize the contributions that people made to their previous country of residence and allows them to qualify for benefits in which they may not otherwise have been entitled.

Canada is continuing to negotiate agreements with countries that share comparable pension plans so we can improve the access of our growing immigrant communities to pension benefits.

The courts have also considered the residency issue that the bill raises. In two landmark cases, they upheld the issue of fairness of our residence provisions for the OAS pension.

One of these legal challenges made it all the way to the Federal Court of Appeal. The 2003 ruling confirmed what most Canadians knew. The 10 year residence rule does not in any way discriminate against Canadians on the grounds of national or ethnic origin, as my hon. colleague across the aisle would have us believe.

I find it interesting that it was the former Liberal government that fought this case in court, yet today the Liberals are claiming the opposite. Only today it has become an issue of discrimination, as far as they are concerned. As my hon. friend from Palliser pointed out a few moments ago, it was the sponsor of the bill who openly admitted that her government believed so strongly in the current model of the bill that it fought seniors' groups in the court until they ran out of money to protect this system and the changes that they now propose. The hypocrisy abounds.

It is no secret that seniors constitute the fastest growing segment in the Canadian population. With baby boomers poised to retire in record numbers, our pension costs will skyrocket in the coming years. In the next 25 years, nearly one in four Canadians will be a senior. With our rapidly aging population, relaxing the residence rule for OAS would have significant fiscal implications for Canada and the public pension program.

In fact, it is now estimated that reducing the 10 year rule for OAS to three years would cost Canadians over $700 million in combined OAS and GIS benefits in the first few years alone. In the long run, these costs would surely rise exponentially.

The government is taking the responsibility to ensure that this program remains for the generations of Canadians to come, including the children and the grandchildren of new Canadians. Canada's retirement income system is a robust, sustainable program, one that is envied around the world. It is hailed for its impact in reducing poverty among Canadian seniors and in preventing a drop in living standards after retirement.

I urge my hon. colleagues to consider these things and vote against the bill.

The Acting Speaker (Mr. Royal Galipeau): It being 12:01 p.m., the time provided for debate has expired.

[*Translation*]

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And five or more members having risen:

The Acting Speaker (Mr. Royal Galipeau): Pursuant to Standing Order 93, a recorded division stands deferred until Wednesday, November 28, 2007, immediately before the time provided for private members' business.

GOVERNMENT ORDERS

● (1200)

[*English*]

TACKLING VIOLENT CRIME ACT

The House resumed from November 23 consideration of Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts, as reported (without amendment) from the committee, and of Motion No. 2.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, it is my pleasure, at report stage of Bill C-2, to deliver some comments to the omnibus crime bill.

I have had the experience of serving on the Standing Committee on Justice and Human Rights and also the legislative committees that were involved with the former Bills C-10, C-22, C-27, C-32, C-35 and C-23, which is not part of the omnibus bill.

I speak with experience at least with respect to the bills and I understand how we came to be here today to speak about what the bill contains. A lot of discussion took place in the debates of the House and in committee with respect to the direction we should take with respect to our criminal justice.

It is important for us, as parliamentarians, to consider what we do when we amend the Criminal Code and its corollary acts. We are dealing with the Criminal Code. It is an organic document. It changes with the times. It is copied and exemplified by one of Canada's justice ministers and prime ministers, Sir John Thompson, from eastern Canada. It has certainly changed with the times as has our society.

In the 1890s the crimes that were top priority might have been things like cattle and horse theft, murder and some common ones. However, with the changing times, we have seen a proliferation of gang related violence, e-crimes, things that would not have existed at the turn of the century.

The point of raising that is as our society changes and the code changes, we owe it to this place, to the committees, to the law enforcement official, which include prosecutors, policemen, probation workers, corrections officers, people in the correction system and judges, quite a fraternity of people involved in the criminal justice system, to say that we looked at these various laws. We looked at how Canada was changing and at the end, we did the very best we could to keep track of what tools would be best to tackle the new problems that exist in society. It is not as if we are inventing new aspects of law. Many of these bills represent an evolution or a progression of laws that already exist.

● (1205)

Just briefly on the guts of the bill, if you like, Mr. Speaker, Bill C-10, which is now part of C-2, was of course dealing with the mandatory minimum provisions which were increased by the introduction of this bill, but they were not increased as much as the government had wanted them to be originally.

I would like to thank the hon. member for Windsor—Tecumseh and the opposition Bloc Québécois critic on the committee as well as the Liberal members on the committee who fought very hard to have some sense reign over the debate with respect to the evidence that was adduced at the committee hearings regarding the efficacy of mandatory minimums in general.

A review is in order. Mandatory minimums existed before the Conservative government was elected. Mandatory minimums were in place for serious crimes with the known aspect of repeat offenders and with some hope, which studies will show one way or the other, that there might be a deterrent and a safety to the public aspect of mandatory minimums.

At least on this side we joined with the Conservatives who, I would say, were very sparse in their acknowledgement that mandatory minimums existed before they came into office, but we joined with them and said that these are good tools for the law enforcement agencies and good tools in the realm of criminal justice.

It is a matter always of how far we go. How far do we go in disciplining our children? Do we take away their favourite toy? Do we ban them from seeing their friends for two weeks? Are we less severe or more severe? Many of us are parents and we deal with this every day. It is our form of the justice system that rules in our own house.

With respect to mandatory minimums, it is a question of calibrating to what extent the mandatory minimums are useful, to what extent do they work, and to what extend should they be increased, if at all.

During the debate process we were very successful in getting the government to get off its basic premise, which is if it is good for the six o'clock news and sounds robust, steady and law and orderish, then it has to be good in the Criminal Code. That is where the slip from the cup to the lip occurred, where it was obvious 90% of the witnesses were saying that the severe mandatory minimums that the government side were proposing would be inefficacious.

We can be as tough as we want, but if it does not work, if it does not make society safer, then we have not posited a good solution to the problems that face our community, and that was the case when we looked at mandatory minimums.

The happy medium that exists in Bill C-2 I think will be borne out, but it is very important to remember that this is an organic process and we could be back here some day soon, perhaps, looking at mandatory minimums in general.

How more timely could it be than in today's *Ottawa Citizen*, a report called “Unlocking America” is reviewed. In this report, it makes it very clear that the mandatory minimums, one of the many tools used by the American government from the 1970s on when it was felt that the rise in criminal activity was abhorrent, was not as effective as the Americans would have hope it would have been. It left the United States with 2.2 million people behind bars, more than China. The nine authors, leading U.S. criminologists, said that they were convinced that they needed a different strategy.

I am happy to report that as a result of the efforts of the NDP, Bloc and the Liberal Party in general at committee, we did not go as far as the Conservative government wanted to, which was close to where the United States had been which now New York State and New York City admits, is ineffective.

The three effects of imprisonment, and emphasis only on imprisonment, at the cost of crime prevention dollars, if you like, Mr. Speaker, is that the heavy, excessive incarceration hits minorities very hard. In the United States, 60% of the prison population is made up of Blacks and Latinos.

We heard evidence at our committee that there is a preponderance, an over-exaggerated percentage, of first nations and aboriginal people in our jail system, according to their population, which is deplorable. It is overwhelming and undisputed that the negative side effects of incarceration outweigh the potential. That is the two bits on Bill C-10,

On the other bill, Bill C-22, the close in age exemption, was never brought up. Despite all the rhetoric from the government, nothing would save Bill C-22. The issue of sexual consent being given by a person of tender years has never been put forward by any member of the opposition while the Liberal Party was in power.

The close in age exemption was never put in there, so for members of the opposite side to say that finally we dealt with the issue of sexual exploitation of 14 year olds is simply not accurate. The close in age exemption, five years between a person of the age specified, will save many relationships that should not be criminalized.

[*Translation*]

Lastly, I noted that Bill C-23 was not included in Bill C-2. I have to wonder why.

I live in Acadia. And Bill C-23 included many improvements with respect to choosing the first language of prosecutors during a trial. French is the language spoken by most people in my province. That element was very important to us in Acadia, but the government overlooked this fact.

Why did the government turn its back on the francophone people of New Brunswick in this country?

● (1210)

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, it was interesting to listen to my colleague's speech on this bill. I personally looked over the bill and we discussed it in caucus. This bill is obviously more of a political move by the Conservatives. The majority of its components were contained in bills presented in the previous session, before the House prorogued.

Several of the bills had even reached the final stage, the Senate. They have now been rolled into one piece of legislation to give the appearance that the Conservatives are leading the charge and know where they are going. In reality, this bill contains many things which, for the most part, had already received a broad-based consensus. In the last session, the Bloc Québécois was in favour of many of the bills and at least three of the five components.

Does my colleague not find that the government's current approach—I am not referring to the substance of each of the components of the bill but the manner in which the government has decided to manage this issue—is designed to serve the interests of the Conservatives rather than to truly serve the interests of justice?

We could have done without the fanfare, brought back most of the bills to the stage they had reached and proceeded with each file, without repeating the whole process again.

Mr. Brian Murphy: Mr. Speaker, I agree almost entirely with the hon. member for Montmagny—L'Islet—Kamouraska—Rivière-du-Loup. Of course, these bills have already been discussed in committee. I do not know why the government decided to bring back Bill C-2. Perhaps it is because the Conservatives need another excuse to get in front of a television camera, as part of their repertoire; who knows?

On the other hand, some improvements have been made to these pieces of legislation. My hon. colleague from Scarborough—Rouge River will talk about the improvements in Bill C-27 a little later. Some of the amendments that were initially rejected by the government now have its support. We worked on these proceedings with all the diligence and hard work worthy of this Parliament and I am proud of our work.

The hon. member for Montmagny—L'Islet—Kamouraska—Rivière-du-Loup was right when he said that this is almost entirely a political exercise on the part of the Conservatives, who are serving their own interests through television, but it is not a political exercise that serves the interests of the Criminal Code, the justice system or the social equity of this country.

[*English*]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I have just a quick question. I was not quite sure of the point the member was making with regard to the age of consent and the fact that other people had not brought forth the issue of the near age defence.

He is correct to some degree. The Conservatives repeatedly, and I do not know how many private members' bills they had, moved those private members' bills on the basis that there would just be a blanket increase in age with no near age defence.

It was a result of questions quite frankly that I put to the former Liberal justice minister and elicited from him a response that showed in writing the number of people who would be exposed to criminal charges, both young men and young women. It would be in the range of 100,000 to 150,000 people per year who would have been exposed to criminal charges as a result of that type of legislation. It was at that point that the issue of the near age defence was raised.

I wonder if the member could comment on whether he was aware of that fact. That issue came up during the bill on child pornography and luring over the Internet.

● (1215)

Mr. Brian Murphy: Mr. Speaker, historically and by footnote I suppose he is correct. What my comments were referring to very clearly were the comments from the Conservative opposition member, particularly from Wild Rose, who said that those private members' bills were never considered by Parliament or the government. In fact, they did not have a close in age exemption, so why would they be considered?

[*Translation*]

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): Mr. Speaker, I am pleased to take part in today's debate at report stage of Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts.

Briefly, on October 18, the Minister of Justice tabled omnibus Bill C-2, which regroups the main "law and order" bills that were introduced by the government, during the first session of the 39th Parliament.

Indeed, Bill C-2 includes defunct Bills C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act, C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act, C-27, An Act to amend the Criminal Code (dangerous offenders and recognizance to keep the peace), C-32, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts, and C-35, An Act to amend the Criminal Code (reverse onus in bail hearings for firearm-related offences).

Those who are listening to us should know that this government bill provides nothing new. During the last session, I had the opportunity to take part in the debate and to express Quebec's vision on justice, as it relates to several of those bills.

In fact, before prorogation, three of those bills were already before the Senate, namely Bills C-10, C-22 and C-35. As for the other two, that is Bills C-27 and C-32, they were in the last stages of the parliamentary process in the House.

However, all these bills died on the order paper, when the Conservative government itself decided, for purely partisan motives, to end the parliamentary session and to present a new Speech from the Throne.

Today, we find ourselves debating again the work that has already been accomplished in the House. This is why, when the government pretends to be the only one going to bat for innocent people through rehashed and amended legislation, I cannot help but wonder about such a preposterous claim.

The people of Quebec deserve that crime be tackled seriously, without playing petty politics with fundamental rights, and, above all, they deserve to be presented with the real picture. For those interested in politics, I point out that the Bloc Québécois was fully involved in the review process for Bill C-2, in spite of the very tight timeframe, to consider all aspects of that bill. My colleagues and myself believe that any bill of such importance, which could have such a significant impact on the people, has to be thoroughly examined.

It would, however, be somewhat tedious to examine again amendments made previously. With respect to former bills C-10, C-22 and C-35, in our opinion, the parliamentary debate has already taken place and the House has already voted in favour of those bills. We therefore respect the democratic choice that has been made. As for former Bill C-32, which died on the order paper before report stage, we had already announced our intention: we would be opposing it. This brings me to the part stemming from former Bill C-27, about which we expressed serious reservations at the time but which we nonetheless examined in committee so that it would be reviewed responsibly.

In short, the provisions in Bill C-2 which stem from former Bill C-27 amend the Criminal Code to provide that the court shall find an offender who has been convicted of three serious crimes to be a dangerous offender, unless the judge is satisfied that the protection of society can be appropriately ensured with a lesser sentence.

At present, the dangerous offender designation is limited to very serious crimes, such as murder, rape and many others, and to individuals who present a substantial risk to reoffend. An individual may be found to be a dangerous offender on a first conviction, when the brutality and circumstances of the offence leave no hope of the individual ever being rehabilitated.

● (1220)

We have some concerns regarding Bill C-27, particularly the impact of designating a greater number of dangerous offenders and reversing the onus of proof, two processes that definitely increase the number of inmates and that are contrary to the wishes of Quebeckers as to how offenders should be controlled.

We are not the only ones who have expressed concerns with regard to this aspect of Bill C-27. My colleague for Windsor—Tecumseh is proposing an amendment today that would remove the reverse onus of proof found in this bill. He believes it would not survive a charter challenge. Even though we realize that this amendment could lead to improvements in Bill C-2, we will reject it because the Conservative government, in attempting to govern with contempt for the majority in the House of Commons, would link this amendment to a confidence vote.

With regard to amendments, I repeat that the Bloc Québécois is aware that many improvements must be made to the current judicial system and that changes to the Criminal Code are required. The government must intervene and use the tools at its disposal enabling citizens to live in peace and safety. In our own meetings with citizens we identified specific concerns as well as the desire to change things by using an original approach. We wanted to make a positive contribution meeting the aspirations of our fellow citizens.

We therefore proposed a number of amendments that my colleague the member for Hochelaga, right here, worked very hard on with the caucus. We prepared a series of amendments to improve the bill and the justice system. These are complementary measures that will strengthen its effectiveness.

We proposed, among other things, realistic amendments to eliminate parole being granted almost automatically after one-sixth of a sentence has been served and statutory release once two-thirds of a sentence has been served, by having a professional formally assess inmates regarding the overall risk of reoffending that they represent to the community.

Another amendment was aimed at attacking the street gang problem—with which my colleague from Hochelaga is very familiar—by giving the police better tools, in particular, by extending the warrants for investigations using GPS tracking.

We put forward many other amendments. Unfortunately, none of them was accepted, even though some amendments are unanimously supported by the public security ministers of Quebec and other provinces. Consequently, Bill C-2 was not amended in any way during committee review. It is a shame that the Conservative government once again preferred an approach based on ideology rather than democracy. It preferred to combine bills that, for the most part, had already been approved by the House of Commons, rather than focusing on some others that deserved very close examination. Above all, it is refusing to improve Bill C-2 with respect to practical priorities.

In putting forward its amendments, the Bloc Québécois has remained consistent with its objective of using effective and appropriate measures to evaluate the relevance of each bill. It has also demonstrated its concern for prevention of crime, which should be high priority. Attacking the deep-rooted causes of delinquency and violence, rather than cracking down when a problem arises is, in our opinion, a more appropriate and, above all, more profitable approach from both a social and financial point of view.

That must be very clear. The first step must be to deal with poverty, inequality and exclusion in all forms. These are the issues that create a fertile breeding ground for frustration and its outlets, which are violence and criminal activity.

However, it is essential that the measures presented should actually make a positive contribution to fighting crime. It must be more than just rhetoric or a campaign based on fear. It must be more than an imitation of the American model and its less than convincing results.

I mention the important fact that for the past 15 years criminal activity has been steadily decreasing in Quebec, as it has elsewhere in Canada. Statistics Canada confirmed just recently that for the year 2006 the overall crime rate in Canada was at its lowest level in more than 25 years. What is more, Quebec recorded the smallest number of homicides since 1962. Indeed, in violent crimes, Quebec ranks second, just behind Prince Edward Island. Quebec also recorded a drop of 4% in the crime rate among young people in 2006, which was better than all other provinces. Those are solid facts which should serve as an example to this government and on which it should base its actions.

I will close by saying that we will be supporting Bill C-2 at third reading, on its way to the Senate. However, I remind the House that we were in favour of four of the five bills that are now included in Bill C-2 and those bills would have already been far advanced in the parliamentary process if the government had not prorogued the House for purely partisan reasons.

● (1225)

[*English*]

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I thank my colleague for her intervention in this debate as I know that she has followed these issues carefully at the committees. I believe she was also on the legislative committee that dealt with Bill C-2.

In looking over the testimony of the various experts that appeared before the committee, one of my concerns with regard to the reverse onus on the presumption of a dangerous offender designation after three serious crimes is that one of the witnesses raised the possibility that the courts might interpret that there would have to be three offences before a dangerous offender designation could be successfully obtained.

Is there a possibility that this legislation might lead the courts to believe that this designation should not happen on a first or second crime and that it would take a third crime before the possibility would kick in? If so, that is a very serious change to the kind of legislation we have now. Also, could she comment on why the legislation looks to a third conviction and does not increase resources or the possibilities of obtaining a dangerous offender designation after a serious first or second crime?

[*Translation*]

Mrs. Carole Freeman: Mr. Speaker, the dangerous offenders bill would make the following amendment. A third primary designated offence would trigger reverse onus, making the accused responsible for proving that he is not a danger to society. The dangerous offender principle remains the same for the other offences. A person may be declared a dangerous offender upon committing a first offence.

This bill would amend the legislation so that after three primary designated offences, onus is reversed. The list comprises 12 offences, so it would be too long to read here. This means that it is no longer up to the Crown to prove that an individual is a dangerous offender; it is up to the offender to prove that he is not.

I would note that this is a perilous undertaking, and a difficult one. Individuals must prove what they are not and must show that they will not pose a risk. Proving that one will not pose a risk in the future is next to impossible. As such, members of the Bloc Québécois find this proposal very unusual.

To get back to my colleague's question, a person can be declared a dangerous offender after the first or second offence. This bill only amends things with respect to the burden of proof. I would note that every step of the way, this Conservative government has been introducing legislation that reverses onus. We have to take a closer look at this because it is getting pretty serious.

Our criminal law system is based on presumption of innocence. It is becoming increasingly clear that with its various bills, this government is using a variety of excuses to constantly reverse onus in its attempt to distort the criminal law system that has been in place since the Constitution.

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Montmagny—L'Islet—Kamouraska—Rivière-du-Loup has one minute for the question and response.

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, I will be quick.

I congratulate my colleague on her speech. She clearly showed us how much the Conservatives are trying to give the impression that they are taking a different approach. Yet, in fact, many bills had already gone through several stages during the last session and are now included in this bill.

I would like to know whether the Conservatives should not also be doing something about prevention and going much further on the whole issue of crime, rather than giving the impression that punishment is the answer. Should we not be paying even more attention to prevention in our approach to justice?

● (1230)

The Acting Speaker (Mr. Royal Galipeau): The hon. member has 10 seconds to respond.

Mrs. Carole Freeman: Mr. Speaker, I thank my colleague for his question.

In fact, as the Bloc Québécois and Quebec society are doing, if the government were to approach—

The Acting Speaker (Mr. Royal Galipeau): I am sorry, but the hon. member for Burnaby—Douglas now has the floor.

[*English*]

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I am pleased to have the opportunity to speak to Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts, also known as the tackling violent crime act.

I have significant problems with this bill and with the Conservative government's approach to crime in general. The Conservatives are adopting a U.S. style crime agenda that says they are tough on crime but begs the question of what measures are actually effective in reducing crime and making Canadians safer. There is a lot of sloganeering but very little that shows these measures would actually make Canadians safer and give us more effective crime legislation.

The measures in Bill C-2 focus on punishment and incarceration. We know this is the least effective part of an approach to reducing crime in our society. Incarceration does not work to reduce crime and more prisons do not reduce crime. The evidence shows that, at best, there is no relationship between increasing incarceration and reducing crime or, at worst, that these approaches increase crime and become counterproductive.

Many U.S. jurisdictions that went down this tough on crime incarceration road have recognized that these measures do not work and have begun to undo them. As has been mentioned already this morning in debate, a recent report titled "Unlocking America" exposes the fact that incarceration has not worked to reduce crime and, in many cases, has increased the violent crime rate.

What does work? We know that more enforcement, more police on the beat, increasing the possibility of being caught and increasing the possibilities for detection and apprehension do work. Unfortunately, this is one place where the Conservatives are breaking a promise to increase the number of police on the beat in our communities.

We know that community policing, increasing the opportunities for police to develop real relationships with members of the community, also reduces crime. We know that prevention measures work. Working to address issues like drug addiction, family dislocation, poverty and providing parenting support, all those measures go toward reducing crime in our society.

● (1235)

We know that parole and release programs work. I was very lucky to have had the opportunity to sit in on a support group for sex offenders in the Vancouver area. I saw the kind of work that happens in that kind of setting. I was very impressed with the way that session proceeded and the kind of support that was being offered. I was also very concerned to hear from those folks that access to psychiatric and psychological support was very limited in the Vancouver area.

We also know that restorative justice programs work. Those programs seek to help offenders assume responsibility for their crime and restore the relationships that have been broken in the community because of that crime. We need more of those programs.

COSA, Circle of Support and Accountability, is a Canadian pioneered post-release program that matches community members with offenders. It is a support and accountability mechanism. Sadly, this program has not received the kind of support it deserves from the government, especially when other countries have adopted it.

Bill C-2 includes provisions in the old Bill C-10 on mandatory minimum sentences for crimes committed with a gun. We know that mandatory minimum sentences, of themselves, do not reduce crime. They do, however, reduce or eliminate judicial discretion, which is the ability of a judge, having reviewed all the evidence and knowing the person involved, to make a decision based on the facts of the case and of the individual involved. This is an important principle. I do not believe there is one judge sitting on the bench who wants to see serious crime go unpunished.

The cost of keeping someone in prison is $94,000 a year. Evidence shows that programs that support someone on parole or a drug treatment program for an addicted criminal are 15 times more effective than incarceration in ensuring he or she does not reoffend.

In testimony before the committee on Bill C-2, the president of the Canadian Association of Elizabeth Fry Societies, said that the government must stop using prisons as a substitute for mental health services, public housing or shelters for women escaping violence.

Bill C-2 also includes a reverse onus on dangerous offenders designation, that it would kick in after a third offence and that there would be a presumption that the person was a dangerous offender. It would be up to the offender to prove he or she was not a dangerous offender. When we are talking about a dangerous offender designation, we are talking about life in prison.

Reverse onus has very serious implications for our criminal justice system. Having reviewed the testimony presented at the standing committee, I am convinced, as were many of the experts who testified, that this section of the bill would not survive a charter challenge.

When the state is seeking to jail someone for life, the burden should be on the state to prove the necessity of that imprisonment. That is the case with the current law. To put this burden on the person who has been convicted is unjust, to put it simply. It would only increase the inequity of our criminal justice system where wealthy people would be able to muster the resources to mount a case and everyone else would be more likely to fail because they would not have the money to do so. Legal aid costs would skyrocket given the huge costs associated with this type of process.

Why does the bill suggest measures of automatic designation of dangerous offenders only after a third conviction? Surely, if someone is a dangerous offender, we should be looking at dealing with them sooner and ensuring the system has the resources to do that sooner.

Reverse onus has other serious problems. Judicial discretion, which I have already spoken about, would be removed. It would eliminate the ability of the accused to remain silent and it would incarcerate people on the basis of what they might do rather than what they have done. Our ability to predict behaviour is notoriously poor. What it boils down to is essentially a measure of preventive detention.

I want to support very strongly the motion put forward by the member for Windsor—Tecumseh to delete the provisions of reverse onus that are included in Bill C-2.

I also want to point out that aboriginal people are already overrepresented among those who have been designated as dangerous offenders in Canada. Twenty per cent of the dangerous offenders are aboriginal and this would increase as a result of the bill. Something is seriously wrong with this measure when 20% of those subject to it represent a group that only represents 3% of the total population of Canada. This legislation would only make this problem worse and it would also increase the family dislocation and social costs that aboriginal communities already experience because of incarceration rates.

Bill C-2 also includes measures on the age of consent, and I have already spoken extensively about this. I believe the existing age of consent legislation is excellent and comprehensive legislation. This bill would criminalize sexual activity for young people, especially those 14 or 15 years of age. No matter what we think of young people being sexually active, I do not believe the criminal justice system is the place to deal with that issue when a consensual, non-exploitive relationship is involved.

We must be smart on crime. We know enforcement, parole, community programs, social programs, addressing inequality and a change in our approach to drugs do work. Drugs are a significant factor in both petty crime and serious violent crime. Alcohol prohibition did not work and it caused exactly the same problems that we now face due to drug prohibition. We need more treatment programs for addictions and more harm reduction measures, not more jail time. That does not work.

Bill C-2 goes in exactly the wrong direction. It buys into a model that has been proven to have failed in the United States where many jurisdictions are already seeking to undo the damage done by this exact approach. I have very serious reservations about this legislation.

● (1240)

Mr. Dean Del Mastro (Peterborough, CPC): Mr. Speaker, I must admit that I am greatly troubled by some of the comments the hon. member just made.

We see in our society the need for the types of protections that are in the tackling violent crimes act. I want to go back to a couple of the things he said, specifically around the reverse onus for dangerous offenders.

We see very few examples of people who deserve a dangerous offender designation but there are times when people should have had that designation but the Crown was not able to achieve it because it was disadvantaged from the get go on that.

I really believe there is no greater role for our Parliament than to ensure the protection of Canadians. A very small number of people in our society are predators and this legislation would protect against them.

This legislation is nothing like anything in the United States. I understand that is popular for the NDP but when we have people like Clifford Olson, who should have a dangerous offender designation but does not, he can still apply under the faint hope clause for parole. Can members imagine Clifford Olson getting parole? That is because that is the way our system works right now.

We need these changes. We need to protect our society against this very small number of individuals who should be labelled as dangerous offenders. I know the constituents in my riding support it.

Mr. Bill Siksay: Mr. Speaker, it is very unlikely that Clifford Olson will ever get out of jail as a result of a parole hearing.

The problem is that if the Crown does not have the resources it needs to declare someone who is a dangerous offender a dangerous offender, then we should be ensuring that the Crown has the resources it needs to get that designation, not changing the onus over to the accused, someone who likely has very little resources to do that kind of job.

We need to ensure that the Crown has the resources it needs to do its job appropriately. Nothing in this bill would allow the Crown to do a better job of that or to make that designation stick if that is the problem with the current situation. That is where we should be addressing this, rather than doing the reverse onus and making it up to the person who has been convicted, who generally will be someone without any resources, to defend themselves against that kind of situation.

The burden on legal aid will be significant in all of this because many of the people who will find themselves in this situation will depend on legal aid and I do not believe we have the resources in those kinds of programs to accommodate the kind of defence that will be necessary. I think there will be a huge cost to our governments to provide those kinds of resources.

The reverse onus on a dangerous offender designation is exactly the wrong way to go. The state should assume responsibility for taking on that designation, rather than putting it on someone who we know is not likely to have the resources to do that effectively.

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I am pleased to see you here this Monday morning. I have two short questions.

The Bloc is not concerned so much about reverse onus on the third offence as about the fact that the government is tackling the wrong priorities. Would the government not have done better, for example, to look at the whole parole system and invest in fighting poverty?

Does my colleague not find it sad that the Minister of the Environment is not inviting his other colleagues to Bali so that there is a very broad coalition and the voice of the people is heard? Is this not a black mark against the Minister of the Environment? This minister hurts me deeply.

[*English*]

Mr. Bill Siksay: Mr. Speaker, I agree that our parole system is one of the most effective aspects of our criminal justice system and that it could be even more effective with better resources, which is something we should be paying attention to in this place.

There is great hope in ensuring that someone can reintegrate into society effectively. We should be doing everything we can to ensure that process takes place and that the necessary supports are there.

As for the minister in Bali, I agree 100%.

● (1245)

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I am pleased to debate at report stage this omnibus criminal law statute. The government made a decision before the session opened that it would package together in one statute approximately half a dozen criminal statute amendments, most of which had already been through the House of Commons and into committee.

As for those parts of the bill that have already been through the House, the justice committee did not spend an undue amount of time in reviewing them, nor did we seek witnesses on them since the parliamentary record deals reasonably adequately with those other components.

The one part of the bill that Parliament has not had an opportunity to look at is the part on the provisions dealing with dangerous offenders. The amendments here tweak or modify the provisions. I want to make three comments in the limited time available so that my views are clear.

Certainly for my constituents I want them to know, and I would like the parliamentary record to show, that are a couple of issues which may be cause for public debate in the future or perhaps in the other place.

First, the name of the bill is slightly pretentious, as it purports to tackle violent crime. I can understand where that thinking has come from, but I suggest that if we as a society are going to tackle violent crime we had better address the causes of crime.

I think most people would accept that the Criminal Code itself is not the cause of crime. The procedures in the code are not the cause of crime. The real causes are societal. They are out there and they are real. This statute really does not do a thing to address the societal causes of crime. It draws the line clearly in the sand and it alters the procedure, but in terms of its impact on the causes of crime, and therefore on crime in the future, the future will have to assess that.

● (1250)

I regard the attempt in this bill to deal with the causes of crime, although I think it does not do it, as being a little like trying to fix a leaky roof from the underside of the roof. It cannot be done. If someone is going to fix a leaky roof, it has to be done from the topside. We have to deal with where the leak is, just as in criminal matters we have to deal with crime and focusing on the causes of crime. It cannot be done at the end of the pipeline. It has to be done at the beginning. I know that most Canadians buy into that.

My second point has to do with the constitutional protections inside the bill. We are dealing with a criminal statute here. While many people will say that we are dealing with criminals so let us just put them in jail and be done with it, the fact is that before these people are convicted they are citizens just like me and everyone else in this chamber. We expect that our citizens will be accorded the fairness and the legal protections that have been inherent in the Canadian justice system and our Constitution virtually forever. Part of our job in this House is to make sure that continues.

The first principle is the principle of "fundamental justice". One of those principles that is protected by section 7 of our Charter of Rights and Freedoms is the right to remain silent. In this particular new provision involving dangerous offenders, imposed in the procedure is a reverse onus, a presumption. It states, and I am paraphrasing, that if a person has been convicted three times of offences which carry a sentence of two years or more, that person will be "presumed" to be a dangerous offender.

If, under our Constitution, a person has the right to remain silent in criminal procedures, the imposition of this presumption effectively takes away that right to remain silent because one cannot rebut the presumption unless one breaks one's right to remain silent.

In this particular case, the new procedure allows the judge some discretion in not finding the person to be a dangerous offender, but is it enough? In my own judgment, it is borderline. I think it comes so very close to breaching the charter protections that I was very cautious about it. In the end, I think I just barely accepted that it withstood scrutiny. I am not so sure that the legal fraternity in Canada or the other place will view it the same way, but they will have the benefit of our parliamentary record and our debate on it.

The second issue is constitutional in nature and also has to do with protection, not protection from criminals but the legal protections that we all have under the Constitution. In regard to imposing the reverse onus on the offender in this case, I should point out that until now it has not been a reverse onus. Every element of showing someone to be a dangerous offender had to be proved by and shown by the Crown. A pretrial assessment and a lot of procedural protections and judgments are brought into the process.

However, until now, the burden has been on the Crown to prove it. If this section reverses the onus and says that the person is presumed to be dangerous and now must disprove it, my question, to which we have to find an answer, is this: how does the person alleged to be a dangerous offender know the particulars that have come to make him or her dangerous, the particulars that allow that person to meet the threshold of the definition that he or she is dangerous?

The new statutory provisions do not take any steps to insist on the provision of particulars by the Crown as to why the person is dangerous. There is simply a presumption that he or she is dangerous. I believe that this does cross the line. If, in the procedure that is out there, the officials involved begin to rely on the presumption, they will fail to meet a standard of disclosure. Disclosure is part of a procedure that will take away, potentially for life, the freedom of the convicted offender. The courts and a fair-minded assessment under our Constitution will find these procedures deficient.

In order to rectify this, I did propose an amendment at committee. It was fairly discussed at committee. In the end, it was not adopted. In my view, this potentially would require an amendment to section 753 or section 754. All it would require is a statement in the code that in relying on the presumption it would be necessary for the Crown to provide a list of particulars, an itemization or a description of the particulars on which the Crown is relying and on which the judgment that the person is a dangerous offender is based. This would cure that particular problem for me.

If we have all been right, and I hope that we are right in this House, that the general presumption meets the charter test of fairness and does not offend the principles of fundamental justice, then this bill will have a chance to see it work itself out, even though I think we can find much better ways to address the causes of crime and I think we should be doing it.

Mr. Dean Del Mastro (Peterborough, CPC): Mr. Speaker, I want to ask the hon. member a couple of questions, because I do think that this comes back to protecting the community, our families and our children.

The sex offender registry in Ontario was enacted by Christopher's law. It resulted from the death of Christopher Stephenson, a young boy who was at a shopping mall with his mother and sister and was abducted by a gentleman who had committed not his first, second, third, fourth, fifth or even his sixth violent offence, but his seventh. He had just been released from a seven year prison sentence and had received parole after a much shorter period of time. He abducted this young boy, violently raped him over a period of days and then killed him.

That offender never should have had the opportunity to abduct this young boy. He never should have had the opportunity to destroy these families' lives. He never should have had the opportunity to impact his community in the way he did.

We all grieved that death, but we could have prevented it. We could have prevented it with laws like reverse onus for dangerous offenders. I ask all members in the House to stand behind this bill, because we need it for people who truly are violent offenders. They are small in number, but we need to ensure they do not endanger our society.

I ask the member why he would not support such a position.

● (1255)

Mr. Derek Lee: Mr. Speaker, I agree with the hon. member and his assessment of the individual in that case, the convicted perpetrator of that horrible crime, but here we are designing a system to respond to the real exigencies across the country.

It is true that in the 1970s and 1980s there were many egregious failures of the criminal justice system in dealing with parole, interim release and bail. I note the number of statutory amendments that have come through this place over time, one of which was to address the circumstances described by my friend involving the victim Stephenson.

We believed we had done a good job of fixing the Criminal Code and process and the sentencing process. By and large, I think, the House, the corrections system, the justice department and provincial counterparts all have done a very good job of making the system work in a much safer way. I once referred to some of these people as the human counterpart of nuclear waste and nuclear fuel when they are out there on our streets and are a danger to the public.

I think we have done it better. This bill is an attempt to improve it. I just am not a loud, vocal supporter of the methods and procedure used in this particular case.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, I rise to ask my friend a question in the proof that in the Liberal Party we sometimes have differences of opinion. My question is with regard to this very aspect and his good suggestion for amendments to sections 753 or 754.

First, does he take some comfort in the comments of the justice officials with respect to the Grayer decision and the right to silence being protected by this legislation we have before us? Second, although probably out of humility he may say no, is he hopeful, because of his strong appearance before the committee and his strong recommendation to DOJ officials, that his amendment will make its way into the Criminal Code some day?

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Scarborough—Rouge River should know that there are 30 seconds left to respond.

Mr. Derek Lee: Mr. Speaker, no, I do not think the Grayer decision cited by my friend adequately deals with the issue that was raised. There is a certain pride in authorship that officials take when they present legislation. Always they are reluctant to accept that there might be a flaw in it.

However, at some point, if my instincts are correct, there may be a need for some amendments. There certainly will be some constitutional challenge, but in the end Canadians will get the laws they deserve and hopefully we all will have done our job in this place.

[*Translation*]

Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ): Mr. Speaker, I am pleased to have this opportunity to address the bill that amends the Criminal Code and makes consequential amendments to other acts. As you know, I come from a region, Saguenay—Lac-Saint-Jean, where the crime rate is very low. Still, I want to take part in today's debate to raise an issue that is a major source of concern for people in my region and in my riding.

It goes without saying that the Bloc Québécois worked actively and positively in committee to improve some of the provisions of Bill C-2. Incidentally, I want to congratulate in particular the hon. member for Hochelaga, who did a great job at the Standing Committee on Justice and Human Rights, and also the hon. member for Châteauguay—Saint-Constant, for her contribution.

Based on what we heard from a large number of witnesses, it is obvious that many Quebeckers and Canadians want some changes to the current justice model.

The committee's consultation process and the message conveyed by our fellow citizens showed two things. First, a large part of the population is concerned about the current justice system and, second, it does not want an American type of justice system.

We believe that the American justice system has produced disastrous results. The Bloc Québécois deemed appropriate to propose a series of amendments to Bill C-2. Unfortunately, the Conservative government kept none of the six amendments that we proposed, even though some of them enjoyed the unanimous support of the public security ministers in Quebec and in the provinces. It is unfortunate that the Conservative government does not take into consideration the fact that this is a minority government.

I would like to briefly mention the six amendments that reflect Quebeckers' values. In my region, the Minister of Labour, who represents the riding next to mine, said that Bill C-2 reflects the public's will. The Minister of Labour should have said, rather, that Bill C-2 reflects the ideology of the minority Conservative government. That is what he should have said first and foremost.

The Bloc suggested, therefore, that parole after one-sixth of the sentence has been served should be abolished. We should also put an end to virtually automatic statutory release after an inmate has served two-thirds of his sentence. The Bloc proposed another amendment as well to the effect that there should be a formal evaluation by a professional of an inmate's overall risk of re-offending.

In addition, the Bloc suggested that onus of proof should be reversed in the case of criminals found guilty of the offences of loan-sharking, procuring, robbery, fraud over $5,000 and counterfeiting in order to facilitate the seizure of assets that are the product of crime.

We also said that the police needed better tools to deal with the problem of street gangs, especially longer warrants for investigations carried out by means of tailing with a GPS.

It should be against the law to wear any symbol, sign or other mark identifying the wearer as a member of a criminal organization that has been recognized as such by the courts.

Finally, we should eliminate the rule that the time spent in pretrial detention counts double when sentences are determined. Sentences should be deemed to have started on the first day of detention, rather than when sentences are passed.

● (1300)

The minister labour thinks that Canadians want new justice legislation. I agree with him to the extent that the Bloc supports the principle of these changes. This does not mean, however, that Quebeckers and Canadians agree with everything in Bill C-2. When bills are introduced, some changes can be made without changing them completely. We need to adapt to the realities of life in Quebec and Canada.

As I said, the Bloc Québécois supports Bill C-2 in principle and takes crime very seriously. However, when five bills are amalgamated into one, it is only to be expected that some doubts will arise. The Conservative minority government has a duty not to play partisan politics with an issue as important as the justice system.

The Bloc Québécois believes that what really needs to be attacked first and foremost are poverty, inequality and exclusion. They aggravate the frustrations and crime in our communities if not dealt with by the government on a priority basis.

The Bloc Québécois knows very well that many changes must be made to the current justice system and that some adjustments to the Criminal Code are essential. The government has a duty to take action and use the tools at its disposal to enable Quebeckers and Canadians to live safely and peacefully.

The measures introduced must have a positive impact on crime. They must be more than rhetoric or a campaign based on fear. We must avoid copying the American model, which yielded much less positive results than anticipated.

Crime has been steadily decreasing in Quebec, as it has in Canada for the last 15 or so years. Statistics Canada recent stated that in 2006, the overall crime rate in this country hit its lowest in 25 years. Quebec had its lowest homicide rate since 1962.

Unfortunately, there will always be crime in our society. We can never fully eradicate all crime. But statistics show that the current approach should not be discarded in favour of the US model. This means that we must look for improvements while keeping an open mind about the realities facing Quebeckers and Canadians.

In the past, Quebeckers have relied on individualized justice based on a judicial process that is flexible and suited to each case, with positive results. The homicide rate in Quebec is one of the lowest in Canada and is four times lower than in the United States.

Bill C-2 brings together old bills that we largely supported, such as Bill C-10, Bill C-22, Bill C-27, Bill C-32 and Bill C-35.

Justice is an important issue, and this model must truly correspond to the realities facing Quebec and Canada.

In conclusion, I would like to say that Quebeckers and my constituents from Chicoutimi—Le Fjord do not want a justice system based on the U.S. system.

● (1305)

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, it is an important area that we have been talking about. The hon. member talked about more than the report stage motion.

A number of bills which were halted on prorogation of the first session of this Parliament had the opportunity to be reinstated at the same stage of the legislative process that they had reached on prorogation. There are five bills which were not reinstated at the relevant stage of the legislative process, and instead, their subject matter has gone into an omnibus bill, Bill C-2, and the process has started all over again.

Would the member care to comment on the apparent rationale of why we should delay these bills from moving forward as swiftly as possible by putting them in a brand new bill? What is the motivation in the member's view?

● (1310)

[*Translation*]

Mr. Robert Bouchard: Mr. Speaker, by combining five bills into one, that is, Bill C-2, the Conservative minority government is clearly pursing an ideological approach that verges on repression, one that is similar to the American model.

The Conservative Party minority should have taken this much more seriously and taken a democratic approach, that is, it should have considered the Bloc Québécois' six amendments, as well as others, all meant to improve such a bill.

[*English*]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I am having some difficulty. We posed this question to the member's party last week, but we did not get much of a satisfactory answer.

What is before us today is an amendment which the NDP moved to take out the most onerous provisions of the dangerous offender part of Bill C-2, which is the provision that has a reverse onus. It flies in the face of the historical way we have done criminal law in this country and in England for centuries and centuries. Yet the Bloc has signalled that it is going to vote against that amendment.

I wonder if the member could attempt once again to explain the rationale for his party's voting against what appears to be a very sensible amendment to the bill.

[*Translation*]

Mr. Robert Bouchard: Mr. Speaker, I thank the hon. member for his question. As I said in my speech, the Bloc Québécois will support Bill C-2 in principle.

However, we would have liked to see Bill C-2 incorporate the six amendments we proposed. The Conservative Party put forward its version, its bill, which is similar to the American model and does not take into account our amendments.

[*English*]

Mr. Paul Szabo: Mr. Speaker, it is important that we are getting into this philosophical thing about let us get the bad people in jail.

Is the member aware of any characteristics of people who may have committed crimes that should not in fact be subject to some of the punitive measures for other circumstances, such as fetal alcohol spectrum disorders?

[*Translation*]

Mr. Robert Bouchard: Mr. Speaker, under our amendments, a convicted criminal must be imprisoned and excluded from a conditional sentence. Of course, it is for theft convictions and other similar offences that these amendments should appear in the legislation. This is why we are calling once again for these six amendments proposed by the Bloc Québécois to be included in Bill C-2.

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am pleased to participate in the debate at report stage motion on Motion No. 2, and generally on Bill C-2, which is an omnibus bill consolidating five previously introduced justice bills.

I would encourage members to look back to the last session to the speech of the member for Windsor—Tecumseh in which he gave his, I think, respected views to the House about the problem with introducing 10 or so bills in sequence, all of which would have to go to the justice committee, which could not possibly deal with them all at once.

It would have to deal with them one at a time. By doing that, the government was basically frustrating the process. We should have had an omnibus bill right from the beginning of the last session in order to include some of these items where the same witnesses could have appeared and the same or similar Criminal Code amendments or whatever might have been introduced.

I want to encourage members to look at that speech because what is happening right now with Bill C-2 is exactly what the member said. I think that is why this House honoured that member as the most knowledgeable member of Parliament in a recent survey. I congratulate him on that. It was well-deserved and earned, and I think his record shows it.

I asked the member earlier about whether or not there were certain conditions or criteria or exceptions that would be taken into account with regard to sentencing and penalties as prescribed under the Criminal Code. I specifically mentioned fetal alcohol spectrum disorder not only because it is a matter that I am interested in, and I have tried to do some work on, but because there is clear evidence and testimonials by lawyers and by judges that as much as half of the people who appear before the criminal courts suffer from alcohol-related birth defects.

People who suffer from alcohol-related birth defects, like some form of fetal alcohol spectrum disorder, have a problem understanding the difference between right and wrong. They have brain damage. They are in a situation where it is a permanent condition. They are in a situation which cannot be rehabilitated, and yet we have a criminal justice system which says that if people do something wrong, they go to jail. They go there, and what do we do? We put them in a program of rehabilitation

● (1315)

I see a tremendous contradiction in suggesting that somehow all persons in Canada who may run afoul of the laws of Canada and be guilty of a criminal offence have to be subject to the same identical sanctions and criteria for those sanctions. There are certain circumstances for which I believe they should not be.

I wanted to put that on the table because it is not good enough to just have a slogan of "Let's get tough on crime". It is not good enough for me. I do not think it is good enough for Canadians. We have to be smart on crime. We need to spend as much time on crime prevention as we do on tough penalties and hope that it is a deterrence.

When we talk about mandatory minimums, we are not touching the prescribed maximums. They are still there. They are a discretion, but when we have mandatory minimums, what we do is in fact impinge on the judicial discretion.

Every case is different. I thought that under the laws of Canada, we would have a system which would be responsive to the facts on a case by case basis, taking into account that a crime has occurred, but what were the circumstances?

We do know if there is mental incompetence, there are certain possibilities. We do know if there is coercion or there is some other problem, that it may be taken into account in sentencing, but when we get into the situation of mandatory minimums, it gives the judge no latitude whatsoever to have sentences which would be lower and prescribe, in lieu of that, some other treatment, rehabilitation or appropriate assistance because this person had some extraordinary circumstances.

I wanted to raise that. The previous Liberal government brought in mandatory minimums. There is a level, but we should not raise them to levels in which the mandatory minimums are so high that we in fact impinge on judicial discretion.

I have given this speech before, but I wanted to reiterate that I have no problem with being firm on crime, to strengthen the dangerous offenders provisions for criminals, for bad people, for repeat offenders. Those are important. Canadians expect that. Our legal system must reflect that. We have to deal with those things and we have to have the tools, but what is being created here is somewhat more rigid and maybe not as effective as it otherwise might be.

I raise it for members to be considering as we do this. I am pretty sure that we are going to have support for the omnibus bill, but I think that we are going to always have to be vigilant about what we have done, and what the implications and results are of taking those steps. We have to make sure that we are vigilant enough to make sure that maybe we have gone too far. It is now going to be up to the legislators to be able to monitor what they have done. Hopefully we have not gone too far, but I am still concerned about the issue of judicial discretion.

Bill C-10, which is part of this omnibus bill, deals with the mandatory minimum penalties. It creates two new offences: an indictable offence for breaking and entering to steal a firearm, and an indictable offence of robbery to steal a firearm.

Since there are five bills here, it is impossible for any member to deal with the entire omnibus bill. It is almost impossible for a committee to properly do some of these things when so much is piled on. Where is the prioritization here? There are certainly things that had to be done. There is no disagreement in this place. It could have been fast-tracked through this place.

There is no reason why some of these bills had to be in this omnibus bill. They should have been brought back at the same stage of legislation, and they should have been passed promptly and swiftly, sent to the Senate, returned here, given royal assent and become law in Canada.

I do not know whether there is other work to do in terms of regulations or other matters, but when we have something that is the right thing to do, let us take the most expeditious and the least litigious route to get there. What we have done is taken the longest route and the most convoluted route to get important legislation through, and I do not understand why. What is the motivation of the government to do this?

It piled on 10 bills in the last Parliament. We could not possibly do it, yet the Prime Minister, in the last press conference I saw him give on this, said the Liberals delayed the bill for 1,000 days. We have not been here 1,000 days. I am pretty sure we have not. That also is calendar days and it includes the five months that the House of Commons was not even sitting and could not hear these bills, although a committee could choose to sit outside of the time. It did not take into account the fact that when the justice committee is sitting and dealing with a bill, the other nine bills are waiting to be dealt with. We have to deal with one at a time.

It appears that there is a strategy simply to keep bills in front of this place, to continue to parrot throwaway lines like "I am tough on crime", but not to deliver effective legislation on a timely basis, which is what we need. That is the issue here.

The Conservatives think Canadians are going to just roll over and say, "Yes, we want to be tough on crime". They better understand what underlies that because we have some issues here. There are not enough of us, I do not believe, to defeat this omnibus bill, but I think that this approach and what the government has done with regard to these bills has been such that the public interest has not been properly served.

I have a lot more to say and I would ask for the unanimous consent of the House to continue on for another 10 minutes.

● (1320)

The Acting Speaker (Mr. Andrew Scheer): Does the hon. member for Mississauga South have the unanimous consent of the House to continue speaking for another 10 minutes?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Dean Del Mastro (Peterborough, CPC): Mr. Speaker, I listened with interest to what the hon. member had to say. Of course, he has been here for more than 1,000 days and during that period of time he has witnessed quite a few things occur, like gun crime in the city of Toronto, which has expanded greatly, and violent youth crime, which expanded greatly under the previous government. The Liberals did not act. They did not do anything about it.

The hon. member talked about allowing the courts the ability to make decisions to give them lots of room, so that they could look at each individual case on its merits, but he knows full well that the issue of precedence weighs large in courts. Lawyers stand up and say, "Yes, but here is a case that was exactly the same where the person only got house arrest for this violent crime", and the court's hands are tied.

What our government is saying, a government that is standing up for safety, safe streets and communities, is that we will not allow these issues of precedence, these of issues of soft on crime decisions, to affect justice in the future. We will give them some guidelines. We will say that this is the minimum that Canadians should expect.

I do not understand why the member would have a problem with that, with supporting this comprehensive legislation and protecting communities, ones, quite frankly, very close to his own.

● (1325)

Mr. Paul Szabo: Mr. Speaker, I will not get the quote right, but what I heard in substance was that a person only got house arrest and that puts the court in a situation where it has no way to deal with the matter.

When we think about it, house arrest would be ordered by the courts. It is not impeding the courts. I do not know where the members is coming from.

Let me try again with regard to the omnibus bill itself. It is not a matter of whether we are soft on crime or tough on crime. The matter is that we are legislators. We had an opportunity to have this legislation passed more quickly. That is not going to happen now. That is justice and legislation delayed. That means justice and legislation denied.

It is extremely important for the member to understand that the government has taken a course where it has delayed five important bills by putting them in an omnibus bill and making them start all over again, when it had the opportunity to have them move forward in an expeditious fashion so we could have good laws in Canada.

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, I am pleased to rise to speak to Bill C-2. The bill, which is an omnibus bill, combines five previously introduced Conservative justice bills into one, Bill C-10, Bill C-22, Bill C-27, Bill C-32 and Bill C-35.

Canadians need to know what exactly this omnibus bill is really about. It is an omnibus bill that tries to combine five pieces of legislation together. Why is it necessary to combine all these bills and how will it affect legislators?

What is the intent of the Conservatives in getting all these bills together when they were fast-tracked previously? They were debated in committee thoroughly, amendments were made, and these amendments strengthened the bill and the legislation.

We, as parliamentarians, have a responsibility, and the responsibility is to be cognizant—

SPEAKER'S RULING

The Acting Speaker (Mr. Andrew Scheer): I apologize for interrupting the hon. member for Don Valley East. We have to deal with a couple of the issues with report stage then the hon. member can continue.

I would like to deliver a revised ruling with respect to the report stage of Bill C-2. It has come to my attention that of the five motions originally received in amendment for the report stage of Bill C-2, Motions Nos. 1 and 5 are in fact consequential to Motion No. 2.

Accordingly I will allow both Motions Nos. 1 and 5 to be selected and moved. However, I note that they will be in the same group as Motion No. 2 and that the vote on Motion No. 2 will apply to these two newly selected motions.

A revised voting pattern is available at the table.

● (1330)

MOTIONS IN AMENDMENT

Mr. Joe Comartin (Windsor—Tecumseh, NDP) moved:

Motion No. 1

That Bill C-2, in Clause 40, be amended by replacing line 6 on page 37 with the following:

"vision ordered under subsection"

Motion No. 5

That Bill C-2, in Clause 56, be amended by replacing line 6 on page 50 with the following:

"vision ordered under subsection"

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, as I was mentioning, as parliamentarians we have to be cognizant and not pass bad legislation. We have to ensure that we do not interfere in the justice process as well.

These bills were thoroughly debated when they came before committee. Bills have to be handled properly if they are to get through Parliament. If they are to be handled properly, they have to be prioritized. It appears the Conservatives have no priorities. They only want to create a hodgepodge of stuff.

On October 26, 2006, the Liberals offered to fast track a package of justice bills through the House. These included Bill C-9, as it had been amended, Bill C-18, the DNA identification legislation, Bill C-19, the street racing legislation, Bill C-22, the age of consent legislation, Bill C-23, the animal cruelty legislation and Bill C-26, respecting payday loans. This offer effectively guaranteed that the Conservatives would have a majority to pass the legislation.

On March 14, the Leader of the Opposition added Bill C-35, the bail reform legislation, to the list of bills the Liberal caucus would fast track. Despite this offer, it took the Conservatives until May 30 to get the bill through committee. If the Conservatives were so keen on being hard on crime, as they have claimed, they should have taken this offer.

According to a report entitled "Unlocking America: Why and How to Reduce America's Prison Population", produced by the JFA Institute, the tough measures, which the government claims it is bringing through its omnibus bills, are costly and pointless. The report says that due largely to tough on crime policies, there are now eight times as many people in U.S. prisons and jails as there were in 1970, yet the crime rate today in the U.S. is about the same as it was in 1973. There is little evidence that the imprisonment binge has had much impact on crime.

As legislators, we are supposed to be here to pass good legislation, not bad legislation. We are here to debate and to amend. Amendments were proposed to the bills and the members of the Conservative Party on the committee did not want to pass them.

● (1335)

It is important that we reflect on what these bills talked about.

Bill C-10 talked about minimum penalties. It proposed five years for a first offence and seven years on a second or subsequent offence for eight specific offences involving the actual use of firearms, attempted murder, discharging a firearm with intent, sexual assault with a weapon, aggravated sexual assault, kidnapping, hostage taking, robbery, extortion and when the offence was gang related or if a restricted or prohibited firearm such as a handgun was used.

The bill was brought to committee and the committee made the necessary amendments. The committee still has very grave concerns that the bill needs to be properly documented and it has to be properly put in place so legislators know the intent of the legislation.

There is the creation of two new offences, an indictable offence of breaking and entering to steal a firearm and an indictable offence of robbery to steal a firearm. There is no difference with the version of Bill C-10, which passed through the House, and the language used in Bill C-2.

The question to be asked is why then group this in an omnibus bill? No one on the government side seems to give us an answer. All the members do is repeat their mantra that they are hard on crime. However, as I pointed out, the U.S. crime policy, which they so desperately want to follow, fails the system. It does nothing right.

Bill C-22, which was the age of protection bill, proposed to raise the age at which youth could consent to non-exploitative sexual activity. The age would be raised from 14 to 16 years of age and the age of protection of 18 years would be maintained for exploitative sexual activities.

Through amendments, the committee brought about a five year close in age. This was not there when it was proposed by the government. Therefore, another question arises. What happened to the good amendments in the mandatory minimum penalties in the age of protection?

What about Bill C-23, which was criminal procedure? According to the Official Languages Act, the committee ensured that there were changes to the bill. We said that a person who was a French-speaking person, if he or she were in court, should get a French counsel. It is important to protect language rights. In a country that has two official languages we have to protect minority rights as well. Why is this bill not mentioned at all?

Bill C-27 deals with dangerous offenders. It would provide that an offender who was serving a long term supervision order in the community and who was violating the conditions of the order would be guilty of an offence and the crown could choose to hold a dangerous offender hearing following convictions.

That was originally proposed by the Liberal justice critic. The bill would expand the possible sentence available to a judge following a finding that an individual would be a dangerous offender. The judge could now impose a long term supervision order or simply impose the sentence for the offence for which the offender had been convicted in addition to the previous option of detention in prison for an indeterminate period, which was previous available.

The Conservatives love to introduce bills. They want to take credit for a lot of things and make it on the six o'clock news. If something does not make the six o'clock news, like Bill C-23 because it was protecting minority language rights, they do not bother.

The last bill I will speak about is Bill C-32, the drug recognition experts to conduct roadside sobriety tests. It is good to promise all sorts of things, but there is no funding. When we do not have funding, how will we get these experts? For example, in Seacow Pond where would we get a person who is an expert?

It is very important that when we prepare bills and we make promises, those promises have to be kept. We have to provide the legislators with enough resources.

Mr. Myron Thompson (Wild Rose, CPC): Mr. Speaker, I have a quick comment. I realize the member was not on the justice committee as I was during that period of time. I listened to all the debates and the witnesses who came forward, et cetera.

I will go back to the year of 2006 during the election. In my riding and in several ridings in my area all parties seemed to agree to the need to pass certain legislation, which we have brought forward in the House since that election. I could not get a debate from the Liberal or the NDP candidates about crime and who would do what. They were quite convincing that they too wanted to see these very stringent things carry on.

The NDP pretty well held its ground when we got back after the election. However, when we got to committee and the bills started coming forward, as discussed during the election and as agreed to by the Liberals, what in the world happen that all of a sudden they wanted to rip Bill C-9 for example to shreds? They could not accept it the way it was written, although that was what we promised to do during the election. My opposition candidate certainly agreed to that.

What happened to these hard on crime people in the Liberal Party? They certainly disappeared since the election of 2006. Where did they go?

● (1340)

Ms. Yasmin Ratansi: Mr. Speaker, it is wonderful to hear the Conservatives constantly repeat their mantra “hard on crime”. I think they are hard on people who cannot defend themselves. They are not hard on crime; they are stupid on crime. U.S. crime policy is what they want. Tough measures, similar to what is in the Tories' omnibus bill, are costly and pointless. That is what the report found. Nobody has disappeared.

Our party's amendments added value to Bill C-9 and Bill C-10. We are respectful of people. We are respectful of understanding a holistic approach. Nobody in our party is soft on crime and the member should understand that.

Mr. Rick Dykstra (St. Catharines, CPC): Mr. Speaker, the member for Don Valley East asked why an omnibus bill. I should clarify for her as she should know and perhaps she does know that this in fact is not an omnibus bill.

An omnibus bill is a piece of legislation that has legislative impacts on various ministries. Based on that, I would have to conclude that an omnibus bill actually has a number of different ministry changes involved in it.

This bill is very specific. It has five very specific points and clauses in it that are specific to the justice ministry. Therefore, she could claim that it is a comprehensive bill, but it certainly does not fall under the term that she uses of an omnibus bill. She may wish to call it that, but technically and in the House she should be referring to it as a comprehensive bill.

She talked about all of the issues the Liberal Party has so much difficulty with. I would remind her that the Liberal Party members that represented her at committee in fact moved one amendment to the entire bill.

My question for her is, how much time is she personally going to spend helping the good senators in the Senate, most of whom are Liberal, so that in fact they will rush this bill through that house and make it legislation? She also should support her members at committee who in fact supported the legislation and only moved one amendment at committee.

Ms. Yasmin Ratansi: Mr. Speaker, if the truth can be stretched, the Conservatives stretch it as much as possible.

Why was there a need to combine all of the bills? Those bills themselves were complex in nature. If the member wants to blame the Senate, in almost every case the Senate dealt with the bills faster than this House did. Of the six justice bills that were not passed before the summer break, only four had even reached the Senate. The two bills that were in the Senate were Bill C-27 and Bill C-32. Of the four bills that were in the Senate, they had all only been sent in May or later.

Let us have some fairness and some truth.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I am pleased to join the debate on Bill C-2. I hope that my colleague from Wild Rose will remain with us so that we can have the kind of discussion that we had during our review of some other bills that have been adopted.

To begin, I wish to pay tribute today to the hon. Antonio Lamer, former chief justice of the Supreme Court of Canada, and probably one of the greatest criminal lawyers that the Canadian legal profession has known. As a criminal lawyer myself, I had the opportunity to get to know Mr. Justice Lamer, not at the Supreme Court, unfortunately, but through studying, analyzing and relying on decisions he had handed down. We know that in the years between 1980 and 2000, Mr. Justice Lamer and the Supreme Court rendered decisions taking into account the Canadian Charter of Rights and Freedoms that came into force in 1982. I pay heartfelt tribute to the hon. Justice Lamer. He played a significant role in the interpretation of the legislation that we must debate here and that will eventually be applied to the people of Canada, and in particular, of Quebec.

To return to Bill C-2, this is a strange bill called an omnibus bill. It brings together Bill C-10, dealing with minimum penalties for offences involving firearms; Bill C-22, which deals with the age of protection; Bill C-27, concerning dangerous offenders and recognizance to keep the peace; Bill C-32, on impaired driving; and Bill C-35, concerning reverse onus in bail hearings for firearm-related offences.

That said, the government wants to put together a package of bills into a single omnibus bill and have it passed. Right away, I should say that several of those bills, three in particular, had already reached the Senate but died on the order paper when the Conservative government decided to produce a new Speech from the Throne.

The Bloc Québécois is in favour and will be in favour of the principle of Bill C-2. We feel that former bills C-10, C-22 and C-35 have already been debated in this House. I myself have spoken against one of those bills. Nonetheless, as a great democrat, I am respecting the decision of this House and we will respect the democratic choice that was made to move forward with these bills.

However, I want to point out that a number of these bills, Bill C-27 on dangerous offenders in particular, deserved and still deserve a more in-depth review. The problem is that when a person commits a third offence from a list of a dozen very serious offences, there will be reverse onus of proof. Personally—I talked about this with my party and here in this House—I have always been against the reverse onus of proof because this implies that the accused has to incriminate himself and provide explanations or be held responsible.

Nonetheless, Bill C-2, and former Bill C-27, resolve part of the problem. Once criminals have to be monitored, there are reasons they have to appear before the court and the court has reasons for asking them why they would not be considered dangerous criminals who have to be monitored for a long time, in light of the offences they committed.

● (1345)

The Bloc Québécois wants to be very clear on this. We need to deal first and foremost with poverty, social inequality and exclusion, a fertile breeding ground for frustration and its outlets, which are violence and criminal activity. There is no point to just passing legislation; one day we will really have to think about how to attack crime. If we do not attack it by dealing with poverty and exclusion, some people will see no other way out except crime. Crime is not a solution of course, but some people see it as one.

The measures we introduce will really have to have a positive impact on crime and go beyond mere rhetoric or campaigns based on fear. They will have to be more than a weak imitation of the American model, which has had less than stellar results.

The crime problem in Canada cannot be solved—and I say this with great respect for the House—by imposing minimum prison terms or reversing the onus of proof but by dealing instead with a problem that has festered for far too long: criminals get out of jail too soon. Canadians are genuinely shocked that people sentenced to 22, 36, 48, or 52 months in jail are released after 5, 6 or 7 months.

Our friends across the aisle will have to understand some day that we cannot reduce crime by passing tougher laws but by ensuring that criminals who have been sentenced actually serve their time. This is the key factor and one of the obvious problems in Canadian society. Tougher laws will not ensure that people serve longer sentences. This is what will happen: the judges and courts will probably revise their decisions thinking that they are too onerous and tough. Contrary to what the Conservatives say, section 2 of the Charter applies and if a law is too harsh or a sentence almost too tough for a criminal, the court can revise this decision.

There are a number of objectives therefore. We know what Bill C-2 is all about. It strengthens the provisions on offences involving firearms by creating two new firearms-related offences and increasing the minimum prison terms. However, even increased minimum prison terms will not solve the problem. People are not frightened off by the possibility of long-term imprisonment but by the likelihood of being caught. We will have to check how judges and the police apply it.

I do not have a lot of time left. I would therefore like to say quickly as well that we need to do something about impaired driving. We hope that the police will find ways of determining the presence of drugs in the bodies of drivers. We still do not know how. When I sat on the Standing Committee on Justice and Human Rights, all the experts who came to testify said that no machine could detect whether someone had consumed cocaine or smoked marijuana and whether it was influencing his driving.

● (1350)

This is an important bill and I hope that when the House passes it, the Senate will also quickly do so. I know that some of the provisions to be amended by Bill C-2 will be studied by the courts and probably the Supreme Court over the next few years.

[*English*]

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, I would draw my colleague's attention to a report in the United States entitled "Unlocking America". The top nine criminologists produced the report and essentially said that the policies of get tough on crime in the United States were totally counterproductive.

The United States has about two million people incarcerated at any particular time and the report shows a racial basis for who is incarcerated. The report says that one-third of all black males and one-sixth of Latino males versus 1 in 17 white males will go to prison during their lives.

Why would the neo-conservative government copy the tactics of another neo-conservative government when it has been clearly shown that they do not work? When the Conservatives talk about producing safety, they actually are making things more unsafe.

● (1355)

[*Translation*]

Mr. Marc Lemay: Mr. Speaker, I thank the hon. member for his question, and I will provide a quick answer. Personally, as a former criminal lawyer—in fact, I am still one, because I can still practice law—I agree with the hon. member that increasing minimum prison sentences will not solve the problem.

The public is not necessarily asking for longer sentences. Rather, it is asking that jailed offenders do serve their sentences. That is the problem.

I have pleaded before judges and, in some cases, the offender was sentenced to 22 months in jail. However, four months later, the judge would see the offender on the street. Yet, when the judge, after a thorough review of the case, decides that so and so will spend 22 months in jail, he expects that the individual will serve at least 12 or 15 months of that sentence. However, that individual is back on the street a mere four months after being sent to jail. This is what the public does not accept.

I do not agree with the Conservatives, who want to impose minimum jail sentences in every case. That is not the solution, and it is not true that it will help reduce crime. Just look at the United States, our next door neighbour. This is the best example of a country that imposes minimum sentences. Yet, the Americans have not solved anything, far from it.

STATEMENTS BY MEMBERS

[*English*]

JUSTICE

Mrs. Patricia Davidson (Sarnia—Lambton, CPC): Mr. Speaker, I recently met with a group from my constituency of Sarnia—Lambton, all members from various Catholic women's leagues in the riding. They presented me with several thousand signatures on white ribbons, representing names of constituents who had participated in the white ribbons against pornography programs.

As Christian women, they realized the strong connection between pornography and other sexual crimes committed each and every day and had collected the signatures to show the strength of their beliefs on the issue.

They asked that I bring the attention of this huge problem to the lawmakers of our country. They referred to the connections between pornography and other crimes, such as trafficking of women and children. They asked that we keep pressure on our members of Parliament to renew and toughen the laws that affect and damage our sense of freedom to come and go on our streets.

I have the greatest admiration for this group of people and applaud them for their efforts to make this a better and safer country to live in.

I challenge all members of this House to show the same respect for law, order and human dignity and support the justice bills that are before this House.

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WORLD UNIVERSITY SERVICE OF CANADA ALUMNI AWARD

Hon. Shawn Murphy (Charlottetown, Lib.): Mr. Speaker, it is my pleasure to stand in the House today to congratulate Leo Cheverie, a resident of Prince Edward Island, who recently won the 2007 World University Service of Canada Alumni Award.

Mr. Cheverie's award recognizes his exceptional contribution to international development through World University Service of Canada. This organization aims to foster human development through education and training. Mr. Cheverie has been active with the UPEI chapter of this organization for in excess of 20 years.

Mr. Cheverie has contributed to many World University Service of Canada initiatives at UPEI. He played a key role in establishing the student refugee sponsorship program, which allows student refugees from developing countries to continue their studies at this university. His years of commitment to this organization have made students more aware of global issues and have promoted international development.

I would ask all members to please join me in offering my congratulations to Mr. Cheverie in this achievement and for his many years of dedicated volunteering.

* * *

[*Translation*]

MANON CORNELLIER

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Mr. Speaker, the Prix Judith-Jasmin is Quebec's most prestigious journalism award. It was created in 1974 and is presented by the Fédération professionnelle des journalistes du Québec to honour the year's best stories in Quebec's print and electronic media.

This year, the recipient of this prestigious award is journalist Manon Cornellier, for her article on the role of women in politics entitled "Femmes en retrait". The article was published in November 2006 and explored the position of women in politics, which is less than outstanding. She looked at the inconspicuous role apparently played by the female ministers, six at the time, in the Prime Minister's cabinet and the fact that he has surrounded himself with a tight circle of advisors, all men. Female ministers tend to be eclipsed by their male colleagues. The article called on the reader to reflect on the role of women in politics, particularly within the Conservative Party.

On behalf of the Bloc Québécois and the women of the Bloc Québécois, I would like to offer my warmest congratulations to Manon Cornellier.

● (1400)

[*English*]

HOLODOMOR

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, it has been 75 years since the terrible Ukrainian genocide called the Holodomor.

As many as one out of four Ukrainians, including millions of children, perished in the period from 1932 to 1933. Ukrainians died of starvation and disease while the Soviet Union ignored their plight and exported grain and other resources abroad. This terrible crime is largely ignored by the world community.

Now, after 75 years, it is long overdue that we pay our respects to the over one million Canadians of Ukrainian heritage, some of whom are survivors and many of whom lost family during the Holodomor.

We need to ensure that Canadians, especially Canadian students, learn about the Holodomor so that we can pledge to learn from the past and to build a better future.

I am proud to represent the riding of Parkdale—High Park with a large Ukrainian community. I want to thank them for educating me about this terrible event in our human history 75 years ago. I stand with them in recognizing the Holodomor and encourage all members to join one of Canada's largest communities as the Ukrainian Canadian Congress launches a year of commemorative events.

* * *

MINING INDUSTRY

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Mr. Speaker, there is uranium in the shield country of northern Frontenac county. Following a sharp rise in the price for this commodity, local residents are getting an unpleasant introduction to Ontario mining law.

The province has sold permits authorizing prospectors to enter any private property where the province owns the mineral rights and to dig trenches and exploratory pits. In the event there is nothing of value under the surface, the landowners will receive no compensation for any damage or inconvenience caused during exploration.

However, if the uranium deposit proves rich enough to warrant a mine, it will be the prospecting company, not the landowners, who will profit from selling the mineral rights. The land itself will be turned into an open pit mine and, in return, landowners will get essentially nothing.

Ontario's mining law dates from the nineteenth century and, frankly, change is well overdue. The Ontario legislature should award all landowners the subsurface rights to their land and end this abuse of private property rights.

Statements by Members

ATLANTIC LIFETIME ACHIEVEMENT AWARD

Hon. Scott Brison (Kings—Hants, Lib.): Mr. Speaker, Graham Dennis, Canada's longest-serving newspaper publisher, was presented with the Ernst and Young Entrepreneur of the Year 2007 Atlantic Lifetime Achievement Award this fall.

Mr. Dennis has served as publisher of the Halifax *Chronicle Herald* for almost 54 years. He leads the largest independently owned newspaper in Canada in a province where Joseph Howe first established freedom of the press in the British colonies in the 1830s.

In 2007, *The Chronicle Herald* was named one of Canada's top 100 employers by *Maclean's* magazine, the only newspaper in Canada to receive this honour.

The Lifetime Achievement Award recognizes Graham Dennis' dedication to maintaining a progressive, modern and independent newspaper serving the people of Nova Scotia. I congratulate Mr. Dennis, a proud Nova Scotian and a great Canadian.

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BARRIE MULTICULTURAL ASSOCIATION

Mr. Patrick Brown (Barrie, CPC): Mr. Speaker, I stand in the House today to congratulate the Barrie Multicultural Association for opening its new office located on Bradford Street, donated by the generosity of Steve Sperling.

This organization provides a support network for newcomers to find homes, jobs and adjust to a new life in Canada.

Barrie's Multicultural Association has over 1,900 members. The different cultures that make up the association are Portuguese, Polish, Jewish, Filipino, Afro Caribbean, Latino, South Asian and Muslim.

I would like to recognize the association's executive and board members, which include: president, Peter Silveira; vice-chairman, Peter Ramsay; treasurer, Elmore Cudanin; secretary, Helena Arouda-Raposo; and directors, Sarfraz Warraich, Nancy Yola, Eben Ikusa and Robert Zober.

I commend those talented individuals for their continuous efforts in making our city a better place for all.

* * *

[*Translation*]

INTERNATIONAL DAY FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, November 25 is the International Day for the Elimination of Violence against Women. It commemorates the three Mirabal sisters, political activists in the Dominican Republic who were brutally assassinated in 1960. These three sisters symbolize women's resistance.

All around the world, thousands of women suffer in silence after being raped, assaulted and beaten. They are frightened and ashamed and afraid they will be punished if they speak out.

Statistics show that 90% of the violence against women is perpetrated by men: a spouse, a relative, a co-worker, a boss, a stranger who wants to humiliate, control, frighten and silence a woman.

We must join together in denouncing the rapes, murders and assaults of all these women, whether they are in Darfur, Congo, Haiti, aboriginal and Innu communities, our cities or our towns.

We must defend women's right to live with respect and dignity and without fear.

* * *

● (1405)

[*English*]

THE GREY CUP

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Mr. Speaker, green is the colour, football is the game, and last night Riders fans from coast to coast to coast celebrated a victory from the greatest football team in Canada.

As I speak, the Grey Cup is on a plane travelling back to Regina where thousands of fans await its arrival at Mosaic Stadium.

I would like to congratulate the Saskatchewan Roughriders players, coaches and the hundreds of thousands of fans throughout the Riders Nation on their championship season.

Head coach, Kent Austin, did a fantastic job throughout the year, and now the Grey Cup is ours.

Riders pride is alive and well, not only in Regina but throughout the province and throughout the country.

The Riders are a community team, supported by virtually everyone who has ever lived in the province. The fans are simply the best around. Riders supporters stayed with their team through the highs and the lows, and now the residents of Saskatchewan can be proud of last night's win knowing that a victory for the province is well deserved for everyone who bleeds green and white.

I would ask all members of this assembly to join with me in saluting the pride of the prairies, Canada's favourite football team, this year's 2007 Grey Cup champions, the Saskatchewan Roughriders.

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PASSPORT SERVICES

Hon. Joe McGuire (Egmont, Lib.): Mr. Speaker, P.E.I. congratulates Saskatchewan.

For years now, Prince Edward Islanders have been putting up with inadequate passport services. With the new rules requiring Canadians to have passports to travel to the United States, the demand far outstrips available services.

It is unacceptable that Prince Edward Island continues to be the only province without a passport office. Receiving agents are not enough. They can only review applications, not process them.

Islanders who need a passport on short notice still have to drive to Halifax or Fredericton. This is not a short trip. It is approximately a 700 to 800 kilometres round trip, and there is the toll cost for the Confederation Bridge.

When the passport requirements extend to land border crossings next summer, the demand for passports will be massive. Opening an office in P.E.I. would reduce the workload in the other regional offices, would make it easier for Islanders to get their passports, and would free up constituency office workers to do constituency office work.

* * *

● (1410)

THE ENVIRONMENT

Mr. Dean Allison (Niagara West—Glanbrook, CPC): Mr. Speaker, at the recent Commonwealth Summit in Uganda there was a lot of misinformation being spread by some countries that were more interested in playing politics than taking real action on climate change.

Some of these countries wanted to let others off the hook when it comes to reductions. The world tried that and it did not work.

The truth is our Prime Minister played a leadership role by working hard with his Commonwealth partners to achieve consensus, especially with the developing world.

Canada's position on global action on climate change has been clear. Any agreement must include targets for everyone, especially the big emitters like China, India and the United States. We will not accept any agreement that does not include all countries, because everyone must do their part to reduce greenhouse gases.

As for the criticism from the Liberal leader, this is coming from a man who let our greenhouse gases rise to 33% above our Kyoto target.

The fact is our government was very clear about its environmental policy in the Speech from the Throne. That policy passed, and that policy has the confidence of the House of Commons.

* * *

ASBESTOS

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, asbestos is the greatest industrial killer the world has ever known, yet Canada remains one of the largest producers and exporters of asbestos in the world.

In contrast, on October 4 the United States senate unanimously passed Senator Patty Murray's bill 742, the ban asbestos bill. In contrast again, Canada in the last year increased its production and its exports.

Canada allows asbestos to be used in construction materials, textile materials and even children's toys.

On November 28 new research will indicate the number of common household products where asbestos is used. It will also list those children's toys.

Our Department of Justice lawyers are acting like international globe-trotting propagandists for the asbestos industry as it pollutes the third world and developing nations with this carcinogen. The Canadian Cancer Society condemns asbestos and calls for its ban, as does the World Health Organization and the ILO.

HEALTH

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, November is health month.

[*Translation*]

Tommy Douglas saw health insurance as a way to keep people healthy, and not only to get them back on their feet again when illness strikes.

November is also the start of flu season.

[*English*]

An estimated 10% to 25% of Canadians may get the flu each year. Although most people recover completely, 4,000 to 8,000 Canadians, mostly seniors, die every year from pneumonia related to flu, and many others die from other serious complications of flu.

[*Translation*]

Rolling up their sleeves to get a flu shot is the simplest and best way people can protect themselves.

[*English*]

I remind my colleagues here in the House of Commons that they can get their flu shots at the clinic being run tomorrow.

I encourage all Canadians across the country this winter to wash their hands, stay home when they are contagious, and roll up their sleeves to win.

* * *

[*Translation*]

ANTONIO LAMER

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, the former Chief Justice of the Supreme Court, Antonio Lamer, passed away on the weekend. This criminal lawyer presided over the highest court of Canada for 10 years, from 1990 to 2000. He was renowned for major contributions to law reform and especially for his interpretation of the Canadian Charter of Rights and Freedoms.

He was involved in the landmark ruling that decriminalized abortion and he handed down decisions on native law that, even today, serve as points of reference. He also presided over some very political cases, for example the reference on Quebec secession in which he recognized the federal obligation to negotiate.

He was a founder of Quebec's Association des avocats de la défense and was the recipient of many awards including the Ordre du mérite from the University of Montreal.

My Bloc Québécois colleagues and I offer our sincere condolences to the family, friends and colleagues of Antonio Lamer.

[*English*]

IDENTITY THEFT

Hon. Albina Guarnieri (Mississauga East—Cooksville, Lib.): Mr. Speaker, last week the government claimed to be addressing identity theft without touching industries that traffic in surreptitiously obtained personal information and credit histories.

There is nothing to prevent retailers from violating the privacy of customers by selling purchase histories, unlisted phone numbers, and credit information to U.S. based telemarketing firms.

Worse, these firms are under no legal obligation to reveal the source of credit histories they purchase to target Canadians for U.S. credit card companies. Regrettably, the same information that makes someone a candidate for pre-approved credit also makes the person a candidate to be a victim of fraud.

I ask the government to take immediate steps to prevent companies from selling personal information without obtaining consent.

If the government is serious about curbing identity theft, it cannot allow a free for all in the possession and sale of the ammunition that makes identity theft possible.

* * *

● (1415)

[*Translation*]

THE ENVIRONMENT

Mr. Luc Harvey (Louis-Hébert, CPC): Mr. Speaker, at the recent Commonwealth summit in Ouganda, a number of countries more preoccupied with politics than with real change have circulated incorrect information.

The Prime Minister took a leadership role in working on achieving a consensus with his Commonwealth partners, especially those from developing countries.

Canada's position on global measures is clear: any agreement on climate change has to set targets for everyone, especially large emitters like China, India and the United States.

Consequently, we will not approve any agreement that does not include all countries, because everyone has to do their part when it comes to reducing greenhouse gas emissions.

As for the criticism from the Liberal leader, it is criticism from a man who has let greenhouse gas emissions exceed by 33% the objectives of the Kyoto protocol.

In its Speech from the Throne, our government was very clear about its environmental policy. That policy has been adopted and it has the confidence of the House.

ORAL QUESTIONS

[*English*]

THE ENVIRONMENT

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, the world agrees that climate change must be fought by firm targets and binding commitments. The world agrees, except for the Prime Minister of Canada and George W. Bush.

At the Commonwealth conference the Prime Minister stood in the way of progress. He sabotaged the conference.

Why is the Prime Minister leading Canadians in a race to the bottom on the worst ecological threat facing humanity?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, what the Prime Minister did is provide real and genuine leadership to try to get all the big emitters to accept binding targets.

Canada believes we have an important leadership role to play. Leadership means going first. That is why we have set aggressive targets: a 20% absolute reduction of greenhouse gases by 2020 and up to 60% and 70% by 2050, something we never saw under the previous Liberal government.

[*Translation*]

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, essentially what the Prime Minister illustrated at the Commonwealth conference is that he does not believe in climate change. He has denied its existence his entire adult life. This time last year he was still talking about "so-called" greenhouse gases.

A person who lacks conviction cannot make courageous decisions for Canada or for the rest of the world.

Is there any chance this government will resist sabotaging the UN conference in Bali as well?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, much more than making good decisions, we have to take action. The previous government never did anything to reduce greenhouse gas emissions. Our government thinks this is very important.

Any agreement on fighting climate change has to include targets for everyone, especially large countries such as the United States, China and India. Why? Because the leader of the opposition never did anything to fight climate change. He owes everyone an explanation.

[*English*]

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, instead of leading by example and agreeing to binding targets, the Prime Minister engaged in sabotage at the Commonwealth conference.

We want all nations to be part of the fight against climate change, but one does not lead by saying to others, "After you, you first", when one is Canada. We lead.

Will the government refrain from sabotaging—

The Speaker: The time has expired.

The hon. Minister of the Environment.

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, that leader had his chance and now he sits back on the opposition benches and wonders what might have been.

We are not prepared to allow the big emitters, the big polluters like the United States, China and India, to get off the hook. We need all the big emitters on board, everyone with an oar in the water rowing together.

The reality is he had his chance to stand up for the environment. The House of Commons gave this government a mandate and that member, as usual, was sitting on his hands.

● (1420)

[*Translation*]

Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Mr. Speaker, the Prime Minister believes that everyone is wrong when it comes to climate change. The Commonwealth is wrong; the UN is wrong; scientists are wrong. However, in Bali, the world will discover that the Conservatives plan will allow greenhouse gas emissions to increase until 2050.

In Bali, will the world tell the Prime Minister that he is the one who is wrong?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, it is imperative that every major country take the real figures and take real action to reduce greenhouse gas emissions.

For 10 long years after the Kyoto protocol was signed, Canada did absolutely nothing while the Liberal Party was in power. The time has come to stop talking and to start doing.

That is why this government is going to regulate the major industries. That is why this government is taking action in many areas. That is something we did not see in 13 long years.

[*English*]

Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Mr. Speaker, it is exactly the action that is missing.

At the Commonwealth summit the Prime Minister's approach was, "I am right and everyone else is wrong". When the Commonwealth turned to Canada and asked to commit to binding targets, Canada looked away.

The government does not want binding targets, because it does not want the world to know that its own made in Canada plan will see emissions rise until 2050. Is that not the truth the government wants to hide at Bali?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, I can see that the Liberal Party knows a lot about rising greenhouse gas emissions in Canada.

Let us look at what *The Globe and Mail* said on November 23: "any regime that would impose binding targets only on some emitters, and specifically exclude other major emitters, would fall well short of the international response that is urgently needed".

This is a crisis of environmental and world proportions. We need all hands on deck. We need all countries to accept binding targets so we can get the job done for our planet, something that this government has committed to do.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, just as Australians were sending John Howard packing because of his anti-Kyoto stance, our Prime Minister had nothing better to do than take advantage of the recent Commonwealth meeting to sabotage an agreement to establish absolute greenhouse gas emissions reduction targets. He even had the nerve to say that the Kyoto accord was a mistake that should not be repeated.

Is the Prime Minister finally showing his true colours as a big oil champion who throws his political weight around to ensure that no inconvenient plan to fight climate change is adopted?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, that is not the case at all. Some countries think it is a good idea for just four of the 50 Commonwealth countries to act. That is not our position. We think that all big countries should take action—that everyone should take action—to solve this serious problem and fight climate change. All the big countries must do their part.

Here in Canada, we are ready to do our part. We will take action to reduce greenhouse gas emissions by 20% by 2020.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, can the minister explain how big countries, such as France, Great Britain and Germany, will achieve the targets set out in the Kyoto accord? Can he explain how some big companies, such as Quebec's aluminum smelters and pulp and paper producers, have brought about major reductions in their greenhouse gas emissions?

Will he finally admit that he is more interested in protecting the interests of pollution-creating oil companies that are not doing a thing to reduce their greenhouse gas emissions?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, the answer is simple. Great Britain, Germany and France began to take action ten years ago. Here in Canada, with the Liberal Party and the Bloc Québécois in Ottawa, emissions increased by 33% over the Kyoto targets.

That is why the time to act is now. All the big countries, such as the European nations, China, India and Canada, must take action, and that is why we are working hard on this very important file.

● (1425)

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, the reality is that the Prime Minister embarrassed us this weekend and acted like an environmental criminal.

The Prime Minister is turning his back on the future and is following the example of countries such as the United States that prefer to ignore the much more serious problems that will result from their failure to take action.

Does the Prime Minister know that in so doing, he is working not only against the best interests of the planet, but also against the economies of Quebec and Canada?

[*English*]

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, 10 years ago in December, the world gathered in Japan to sign the Kyoto protocol. That protocol required countries right across the world to reduce greenhouse gas emissions, but it did one thing badly. It left out 70% of countries with greenhouse gas emissions.

That is why we need to get everyone on board. We need to get the big countries such as China, India and the United States on board, but it is also important that Canada begin to act. That is why this government is moving forward with an aggressive plan to cut greenhouse gas emissions, something that has been absent for the last 10 years.

[*Translation*]

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, the Prime Minister is continuing on his path and actively working to make Bali a failure.

Is his refusal to let the opposition accompany him to Bali not proof that he wants to hide the fact that he is actively working to bury Kyoto once and for all?

[*English*]

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, this government is working to try to see a successful next round of negotiations at Bali. We want to see a regime that would have binding targets on all the big countries. Canada is responsible for 2%, well beyond our share on a per capita basis, and we are prepared to go first to provide real leadership.

We have set aggressive targets, but we also want to get countries such as the United States, China and India on board. I am also going to work hard to get the premier of Ontario, Dalton McGuinty, on board, because we want to help him close all those coal-fired plants, as he promised to by this year.

[*Translation*]

Mr. Thomas Mulcair (Outremont, NDP): Mr. Speaker, the government keeps hiding behind the negligence and incompetence of the Liberals, who, truth be told, did nothing for 10 years. Now it is hiding behind India and China. The Kyoto protocol is enshrined in legislation in Canada.

Where will the Conservative government hide from future generations when global warming has reached dangerous levels on our planet?

[*English*]

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, that is exactly the point. The planet will continue to get dangerously warmer if we continue in the trajectory that we are on. If we want to reduce in absolute terms the greenhouse gases in this world, the developed world and rich countries such as Canada have to lead by example, but we also need big countries such as China and India on board.

That is why we are going to work constructively to bring these countries on board so that we can make meaningful progress in the fight against climate change. Aspirational goals do not cut it. We need solid targets by all major emitters.

Mr. Thomas Mulcair (Outremont, NDP): Mr. Speaker, we do not have hard targets. We do have aspirational goals, as in the void, the vacuum, created by the vacuous statements of that irresponsible government. We are talking about the greatest ecological crisis the world has ever faced. All of the scientists who have looked at this issue agree with it.

The government is going to have to be held to account by future generations. What is its excuse? It cannot hide behind the Liberals any more. It cannot hide behind China and India. What is that government going to do to meet its obligations to the future?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, if we are going to act, we need to act in concert. Leadership means going first. That is why Canada is prepared to accept national binding targets.

If we are to be successful globally in fighting greenhouse gas emissions, that is not enough. We need countries such as the United States, China and India to accept binding targets, just as Canada is prepared to do.

[*Translation*]

Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.): Barely five years ago, the Prime Minister ridiculed the science of global warming. And now, from his pedestal, he dares to tell the 169 countries that signed the Kyoto protocol that they made a serious mistake.

Do they really think that Canadians will believe them? Why does the Prime Minister wish to attack the will of other countries that say they are ready to fight climate change?

● (1430)

[*English*]

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, a large number of countries does not want to accept obligations to reduce greenhouse gas emissions in their own countries. Canada is prepared to act. Canada is prepared to accept binding national targets, but we need everyone aboard. We need countries such as China, India and the United States to join Canada and accept binding targets.

Over the last 10 years greenhouse gas emissions have spiralled out of control, both here in Canada, when that member was in the Liberal cabinet, and around the world. This planet demands better.

[*Translation*]

Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.): Mr. Speaker, if there is a Kyoto mistake it is the Conservative government that has made it. In Uganda, the Prime Minister stood alone. He isolated Canada on the international scene.

Why is the Prime Minister creating a recipe for disaster at the Bali conference? Is he trying to justify his sabotage in advance?

[*English*]

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, that member and her party are saying to "do as I say, not as I did". We had 10 years of Liberals in control of this file. In each and every one of those years, greenhouse gas emissions rose. They were supposed to go down. Those members signed on to an international protocol, sat on their hands for five years before they ratified it and then commenced the same thing.

The member had an opportunity to stand up for the environment when she was in cabinet. She failed. She had an opportunity to stand up and vote for the government's environmental policy and she sat on her hands.

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, for a decade the Prime Minister has showcased his various positions to raise money and rally support to stop any meaningful action on climate change.

First he denounced the science. He called Kyoto a money-sucking socialist scheme. He claimed it would cause economic ruin and called it the worst international agreement that Canada has ever signed.

Now he stands alone, a pariah, a one-man wrecking crew singled out as the roadblock to international progress. Why does he insist on isolating Canada as the sole obstacle in the entire Commonwealth? Just what exactly is he aspiring to?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, as greenhouse gases skyrocketed out of control under 10 years of Liberal government, there was one man at the side of the Liberal leader, one man giving advice to the Prime Minister, and one man in charge of giving advice to the Liberal cabinet. It was the member for Ottawa South. No wonder greenhouse gas emissions went up so much.

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, for the minister's benefit, leadership means leading the world to do more, not less.

Since the government took office, we have seen backsliding at home and backstabbing on the international stage. From Bonn to Nairobi and New York to Kampala, the government has tirelessly led the world in abandoning Kyoto commitments. Now it looks like the knives are out for Bali.

The planet is in trouble and it needs binding targets now, not in 2010. Does the government not realize that this is the way to lead China and India to do the same?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, that member says "leading the world to do more, not less". How about acting in Canada? That would have been nice for a change.

That is why we are taking real action: mandatory regulations for all the large polluters, action on transport, and action on energy efficiency and conservation.

I will tell the House what else leadership is all about. It is about standing up and being counted and that member failed to do it on the throne speech.

[*Translation*]

MANUFACTURING SECTOR

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, last Friday, the Government of Quebec announced a plan to help the manufacturing sector. In making that announcement, Quebec Premier Jean Charest called upon Ottawa, saying, "There is one missing player at the table, who ought to be there, based on commitments made in the throne speech, and that is the federal government".

Will the Minister of Industry hear the call of Quebec's premier, a former Conservative leader, and promptly announce measures for the manufacturing industry, which is experiencing a very serious crisis?

Hon. Jim Prentice (Minister of Industry, CPC): Mr. Speaker, I thank my hon. colleague for this question, but we disagree. Since taking office, we have said already that the manufacturing sector is a pillar of Canada's economy and that our government is continuing to create a climate for that industry. I realize that the current situation is not good. However, the industry, too, has to make investments and create jobs, and each level of government will do its part.

● (1435)

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, shock therapy is sometimes required for terminally ill patients. Not only did Jean Charest deplore the absence of the federal government, René Roy, from the FTQ, complained that the federal government never answers the call. Pierre Patry, from the CSN, denounced the lack of action of the federal government, which has the financial means to act. Finally, the president of the Conseil du patronat du Québec urged the government to act quickly.

In the face of such unanimity, does the minister understand that he needs to act now?

[*English*]

Hon. Jim Prentice (Minister of Industry, CPC): Mr. Speaker, the opinion is by no means unanimous. Our country continues to have a strong and healthy economy. We have the highest growth level in the G-7. We have an unemployment rate that is at a 33 year low of 5.8%. Last year in excess of 345,000 jobs were created in the Canadian economy. This year we are on target for the same sort of job creation.

Everyone acknowledges that there are challenges in the manufacturing sector. We will continue to work with industry leaders and with other governments. However, at this time there is certainly a slowing of demand in the United States economy and we will continue to encourage this industry—

The Speaker: The hon. member for Montmagny—L'Islet—Kamouraska—Rivière-du-Loup.

[*Translation*]

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, with the surplus expected to reach over $11 billion this year, the Conservative government has no reason to refuse to act. It must establish a real assistance plan with loans, loan guarantees, refundable tax credits and a diversification program for the communities affected.

What are the Minister of Finance and the government waiting for to go ahead with the kinds of measures presented in Quebec's plan, as called for by the industry and proposed by the Bloc Québécois?

[*English*]

Hon. Jim Prentice (Minister of Industry, CPC): Mr. Speaker, it is not accurate to say that the government has been waiting for anything. The government has been taking action under the leadership of the Minister of Finance. It has been very concerted action that is helping the manufacturing sector.

There are some workforce reductions, but investments in machinery have been increasing in response to the accelerated capital cost allowance that has been put forward by the government. In addition, the government is moving toward the lowest corporate income tax rates anywhere in the G-7. This will continue to encourage investment.

[*Translation*]

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, this is what the ministers are calling leadership: the loss of 120,000 jobs in the manufacturing sector, including 65,000 in Quebec alone, since the Conservatives came to power.

Following the closure of two plants by Louisiana Pacific in Saint-Michel-des-Saints, two others by Norbord in Val d'Or and La Sarre, and Baronet in Beauce, now Collins and Aikman in Farnham is closing its doors.

In light of such a catastrophic situation, does the Minister of Finance not understand that the manufacturing industry cannot wait until budget time and that he must immediately announce measures to help that sector, out of the $11 billion he has to work with?

[*English*]

Hon. Jim Prentice (Minister of Industry, CPC): Mr. Speaker, the fact remains that in 2006 the Canadian economy created in excess of 345,000 jobs. At this point, 10 months into 2007, the Canadian economy has created even more jobs; in excess of 345,000.

The answer lies, really, in lowering corporate income taxes, being competitive, and making sure that Canadian industry is in a position to compete in worldwide markets. The answer is not Bloc isolationism and protectionism.

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INFRASTRUCTURE

Mr. Paul Zed (Saint John, Lib.): Mr. Speaker, the Federation of Canadian Municipalities estimates a $123 billion infrastructure deficit that is putting our cities on the verge of collapse.

The government's response to this crisis? Insults. What do the finance minister and the transport minister tell our mayors? Stop whining.

The government repackaged $22 billion from Liberal programs but only committed a pittance for our cities over the next seven years.

With bridges collapsing and water plants in jeopardy, when will the government take this crisis seriously?

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, the member for Saint John has in fact managed to get it precisely wrong.

Our government has actively put forward a $33 billion building Canada fund. This is a project and a plan that is going to mean real results in communities across this country. Every region and every community, large and small, is going to see real benefits from this program.

The only question that I have for the member for Saint John is, why did he vote against the largest infrastructure program since the end of the second world war and abandon his constituents in Saint John?

● (1440)

Mr. Paul Zed (Saint John, Lib.): Mr. Speaker, 22 billion of those dollars were in Liberal programs.

Canada's mayors know how to do their jobs and they know dire the situation is. They know that municipal infrastructure in this country is on the verge of utter collapse.

This government does not take mayors seriously. That is disgraceful. That is neglect. It is disdain for all Canadians.

The mayors left Ottawa with a bagful of insults, just as the seniors did with regard to income trusts.

Would the Prime Minister ask his ministers to treat Canadian—

The Speaker: The hon. Parliamentary Secretary to the Minister of Public Works and Government Services.

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, the member puts an actual contradiction in his own question. If the Liberals got the job done, why are the mayors complaining? The mayors are complaining between the Liberals did not get the job done. This government is getting the job done.

There is $33 billion in a building Canada fund. This money is going to be spread across the country and every region will benefit, including his own constituents, even if he will not vote for their benefit. We will get the job done for the people of New Brunswick and his own constituents in Saint John.

FEDERAL-PROVINCIAL RELATIONS

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, the Premier of Ontario just wants Ontario to be treated fairly, with respect to representation in the House of Commons. Nothing more; nothing less. Yet the only responses he gets from this government are small-minded insults.

Does the Minister for Democratic Reform have any argument based on fact to explain why Ontario is treated differently from all others? Or does he have nothing to offer but childish gibberish?

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, if the hon. member would familiarize herself with the current law on the books, she would see that there are actually a lot of accumulated rules that cause all kinds of provinces to be treated differently and they have various grandfathering clauses.

However, one of the consequences is that Ontario, Alberta and B. C. are severely underrepresented in the House of Commons under that existing law. We are looking into correcting that, to give them more seats.

Apparently, they want to either take away those guarantees that other provinces have now or render them meaningless or ensure that Alberta, B.C. and Ontario continue to be underrepresented.

We will not allow that to happen. We will protect the guarantees that small provinces have and we will give fairness for the other provinces as well.

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, what part of representation by population does the minister not understand? This is about fairness. I am astonished that all Conservative MPs from Ontario are missing in action on this file and the NDP has gone into hiding right along with them.

Ontario soundly rejected the Conservative vision in the last provincial election and Ontarians continue to reject the mean-spirited attitude of the federal neo-Conservatives.

Is the government trying to disenfranchise Ontario voters as revenge for their electoral choices?

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, Ontario is disenfranchised today under a law that the Liberal Party never changed when it had two chances.

Liberal members did not do it for Alberta. They did not do it for B.C. They did not do one thing to advance representation by population. We are seeking to correct that and we are doing it in a way that respects the guarantees to smaller provinces without wiping them out.

Perhaps that member wants to eliminate those guarantees, or perhaps she does not want to help out B.C., Alberta, and Ontario. We want to do both of those. We want to ensure they are protected and there is fairness.

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INTERNATIONAL AID

Mr. Gary Goodyear (Cambridge, CPC): Mr. Speaker, it has been estimated that nearly 10 million children under the age of five die from preventable causes every year. Regrettably, half of all the child and maternal deaths in the world occur in Africa.

Canada has been a world leader in terms of aid delivery in the fight against HIV-AIDS, tuberculosis and malaria. In fact, our government continues to work toward the eradication of extreme poverty in developing countries.

Will the Parliamentary Secretary to the Minister of International Cooperation tell the House what the government is doing to combat child mortality rates?

Mr. Brian Pallister (Parliamentary Secretary to the Minister of International Trade and to the Minister of International Cooperation, CPC): Mr. Speaker, I am pleased to tell the House that Canada's government is making a difference and a positive one.

This morning in Tanzania the Prime Minister launched the Canadian-led initiative to save a million lives. This program will deliver basic cost effective and lifesaving health services to mothers and children in countries where the needs are greatest. The Prime Minister said this morning that we will be delivering $105 million and training over 40,000 health care workers.

This government is not sitting on its hands. It is getting positive things done, both at home and for people around the world.

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● (1445)

POVERTY

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, after months of Conservative indifference and years of Liberal inaction more and more Toronto families are slipping into poverty.

Since 1990, the number of Toronto families living in poverty has doubled. Today, 30% of families live in poverty and more than half of Toronto's single parent-led families are poor. The Conservative government, like previous Liberal governments, is letting Canada's largest city fall farther and farther behind.

With today's United Way report, can the government tell us why it has billions of dollars for corporate tax cuts and nothing to help poor families in the city of Toronto?

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, this is a very serious issue and it deserves to be dealt with on the basis of facts.

As Statistics Canada reveals, over the last number of years instances of poverty have actually decreased. That is good news. We need to make sure that we take advantage of that by training people to get into the labour market. We are investing today more money than any government in history in training, in affordable housing, and in child care.

Some people propose raising the GST. It is not an answer to tax people living in poverty.

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, when will the government wake up? Today's United Way report is the third in 18 months that has sounded the alarm of the growing gap that is leaving so many behind in Toronto.

Toronto families are losing ground on every measure: in median incomes, in the percentage of low income families, and in the number of families living in poverty.

There has been a net loss of jobs, with good paying jobs being replaced by temporary, part time, and contract work with no security, no benefits, and thanks to the previous Liberal and now Conservative government, no unemployment insurance.

When can the government—

The Speaker: The hon. Minister of Human Resources and Social Development.

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, this is a serious problem and the member is obliged to stick to the facts.

The truth is, in the last 22 months, 652,000 jobs have been created in this country. We have seen a wage increase of 4.1% as of October. Wages are rising.

That said, we have to do more. That is why we are investing in training to the degree that we are. Today I signed another agreement to provide training for Inuit in this country. These are important initiatives because they not only give people a job, they give people some hope, which they need.

Ms. Ruby Dhalla (Brampton—Springdale, Lib.): Mr. Speaker, today Campaign 2000 condemned this government for failing Canada's children. The report shows almost a million children live in poverty in Canada and over 280,000 children in Canada use food banks.

The Liberal Party has proposed a plan which will help 30% of Canadian families living in poverty get out and will cut child poverty by 50%.

When will the government show some leadership, step up to the plate, and take action with a plan to reduce poverty in Canada?

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, actually the Liberal Party is proposing raising the GST. I do not see how that can possibly help people who are living in poverty today.

The member raises her plan. The Toronto *Star* pointed out that not only has the Liberal Party not costed its initiatives or explained how it would deal with the various contradictions in its platform toward supporting these various initiatives. The *Star* also points out that the Liberal leader has no idea of what it is like to live in poverty.

I know life was tough for professors in the 1950s, especially when they could not get—

The Speaker: The hon. member for Brampton—Springdale.

Ms. Ruby Dhalla (Brampton—Springdale, Lib.): Mr. Speaker, the government needs to stop playing games, rise above partisan politics, and take some action for the children of Canada.

The report shows that single income, first nations and immigrant families are also living in poverty. It confirms what the Liberals have been saying for months. It confirms that we have a leader and we have a party that cares. We have a national action plan to reduce poverty, versus a Prime Minister and a government that simply refuses to listen.

Are Canadians who are living in poverty being ignored because the Conservatives think they have no votes?

● (1450)

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, we have heard a lot about their 30-50 plan, but frankly we cannot wait that long to deal with this issue.

The fact is this government has put in place a working income tax benefit. We have put in place $1.4 billion for affordable housing. Today we are investing more in child care and more in training than any government in history.

How did the Liberals respond to that? They voted against it at every stage. That is their stand on poverty.

* * *

JUSTICE

Hon. Sue Barnes (London West, Lib.): Mr. Speaker, the Minister of Justice and the government has decided that Canada would only seek clemency for Canadians facing the death penalty abroad on a case by case basis, when it suits them.

I would like to ask the government: Will it seek clemency for Chen Naizhi, a Canadian citizen convicted in China, who faces a death sentence for car smuggling?

How can the government have any credibility on this issue after choosing not to seek clemency for a Canadian citizen now facing the death penalty in Montana?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, we were very clear that we would have a look into every case. With respect to the case in China, we will have a close look at that.

Hon. Sue Barnes (London West, Lib.): Mr. Speaker, Bashir Makhtal, a Canadian citizen, has been held in Ethiopia since January. He is potentially facing the death penalty and is allegedly being tortured. His family has received no assistance from the government and has launched a lawsuit against the government of Ethiopia on their own.

The Minister of Justice claims Canada still supports the UN's death penalty moratorium. Will Mr. Makhtal be caught up in the Conservative government's betrayal of the principle of the death penalty?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, if there are any Canadians anywhere in the world potentially in difficulty, I am sure the Canadian consular officials will be in touch with that individual and will certainly look into it.

With respect to human rights and standing up for human rights, this government has a record second to none.

[*Translation*]

GUARANTEED INCOME SUPPLEMENT

Mr. Yves Lessard (Chambly—Borduas, BQ): Mr. Speaker, today, Quebec seniors, including the FADOQ and the FADEQ, are reminding the government of its obligations to them, and are asking for a decent income. They are urging parliamentarians to take action, particularly as regards low income seniors, and are asking them, among other measures, to improve the guaranteed income supplement.

Now that the minister is being called upon by all seniors, will he take this opportunity to announce that he will grant them full retroactivity and indexation, as the Bloc Québécois has been demanding?

[*English*]

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, the member should know that benefits are in fact indexed.

The Canada pension plan, old age security and the guaranteed income supplement are extraordinarily important programs. We have committed in our election platform to ensure their sustainability. In fact, we have enhanced those programs.

In terms of letting people know, we have conducted extensive advertising campaigns to ensure they know. We go on reserve and into homeless shelters to ensure that everyone understands there are benefits available to them.

* * *

[*Translation*]

INTERNATIONAL AID

Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, despite his announcements on aid for Africa, the Prime Minister will not reach the objective set by the UN, that is 0.7% of the GDP in development assistance, by the year 2015. Documents from the Department of Finance show that, at best, Canadian aid will only be at 0.29% by 2010, roughly half of the target set to be on schedule. The aid that was announced not only puts Canada further behind, it also shows that the Prime Minister is engaging in partisanship by rehashing old news, without providing any new money.

Does the Prime Minister realize that not only is he not respecting Canada's commitments, but he is also making our country fall behind?

[*English*]

Mr. Brian Pallister (Parliamentary Secretary to the Minister of International Trade and to the Minister of International Cooperation, CPC): I spoke earlier, Mr. Speaker, about the tremendous difference we are making around the world, and the announcement this morning in Tanzania to assist families there. This government is committed as well to doubling the international aid envelope in Africa by 2010 from 2002 levels.

We are doing everything we can to ensure that effective aid is delivered around the world. We are not sitting on our hands, as some in the chamber are doing all too often. We are going out and making a difference, not just for the people here but for the people who need us around the world.

* * *

● (1455)

[*Translation*]

NATIONAL CAPITAL COMMISSION

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Speaker, the Gréber Plan gave us the greenbelt to create a green, modern and avant-garde capital. The greenbelt contains farms, forests and wetlands, which provide opportunities for recreational and outdoor activities as well as learning. The value of greenbelts in large urban areas has been appreciated in Europe for a long time. Now, the new president of the NCC, Russell Mills, wants to promote urban development in the greenbelt.

Does the government plan on letting Mr. Mills do what he wants and permanently destroy our precious greenbelt?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, as a member from the Ottawa region, from the national capital region, I am well aware that this was a very good policy. I completely agree with the member.

* * *

[*English*]

HEALTH

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, the issue of food safety and product recalls, in particular children's toys, have affected families across Canada and have led to a growing concern about the safety of products entering our country. That is why in the throne speech our government committed to introduce measures on food and product safety to ensure families would have confidence in the quality and safety of what they buy.

Could the Parliamentary Secretary for Health please update the House on what action is being taken to ensure the safety of products entering Canada?

Mr. Steven Fletcher (Parliamentary Secretary for Health, CPC): Mr. Speaker, Canadians deserve to have confidence in the food they eat and the products they buy to ensure they are safe for themselves and their families. That is why the Minister of Health is, right now as we speak, in Beijing meeting with the Chinese minister of health to discuss product safety in terms of sharing information, regulatory requirements and lab testing procedures.

We are taking action to ensure the health and safety of all Canadians. We are getting the job done.

* * *

[*Translation*]

EDUCATION

Ms. Denise Savoie (Victoria, NDP): Mr. Speaker, it is increasingly clear that the government is making a profit at students' expense. In fact, the government charges double what it pays the Bank of Canada. Double!

Given the growing student debt load and rising tuition fees, why is the government still planning to make more than $550 million dollars in profit at students' expense? Why not lower the interest rates on student loans?

[*English*]

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, the member has her facts wrong. In fact, the Canadian student loan program does not make a profit.

However, I can tell the member that the government has undertaken to reform this program to make it more flexible, effective and easier to use. That is in the interest of everyone. We have committed to make our results known in budget 2008.

[*Translation*]

Ms. Denise Savoie (Victoria, NDP): Mr. Speaker, I forgot. The government is generous only when it comes to the oil companies.

[*English*]

Struggling student borrowers need relief now. The government rejects over 10,000 applicants for interest relief per year and two-thirds applicants for permanent disability relief. Then it spends $180 million on private collection pit bulls to hunt down struggling student borrowers.

Why do big banks and big oil get billions in corporate tax cuts when young graduates, who actually drive our economy, get shafted with high interest on their student loans and a—

The Speaker: The hon. Minister of Human Resources and Social Development.

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, rhetoric aside, this is a very important issue. The member is wrong on her facts.

Pretty obvious is the fact that the student loan system is very complicated. We want it to serve students better. We have invested heavily in education, with an $800 million investment in education this year, a 40% increase.

We are committed to trying to make the system more flexible, effective and easier to use. We will have results from that study very soon.

* * *

AIRBUS

Hon. Robert Thibault (West Nova, Lib.): Mr. Speaker, Canadians want answers to some troubling questions in the Mulroney-Schreiber affair, but all they get from the government is deny, delay and distract.

Will Mr. Schreiber be given access to his documents so he can give informed testimony to the committee? Will the justice minister ensure that Mr. Schreiber will be able to appear before the parliamentary ethics committee this week, or is the minister still trying to shut him up?

● (1500)

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I guess he did not speak with the chair of the ethics committee. I received a letter from the chair of the ethics committee on Thursday. I responded with the assurances that he asked on Friday.

* * *

THE ENVIRONMENT

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Mr. Speaker, the Prime Minister was recently in Uganda attending the Commonwealth heads of government meeting, where they were discussing the important issue of climate change. Canada's position on global action on climate change has been clear. Any agreement must include all major emitters like China and India.

Could the Minister of the Environment say how Canada is continuing to demonstrate its environmental leadership on the world stage?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, Canada is providing leadership by going first, by setting some aggressive and strict targets for the next 13 years, and actually acting.

The *Calgary Herald* quotes someone who is known as a great, wise helmsman on these issues. It says, "It makes no sense for Canada, which emits 2% of the world's greenhouse gases, to ratify a treaty forcing deep cuts unless the largest nations sign on".

Who said that? It was the member for Wascana.

* * *

[*Translation*]

SENIORS

Ms. Louise Thibault (Rimouski-Neigette—Témiscouata—Les Basques, Ind.): Mr. Speaker, thousands of seniors who are living in poverty are being deprived of a benefit for which they qualify and are not being notified. They must be found and helped.

This government has chosen to spend millions of dollars on an advertising campaign boasting about how close Service Canada offices are, instead of solving this urgent, specific problem. This is immoral and inhuman. And to think that this money also could have been used to improve the guaranteed income supplement program.

Does the minister really think that, as his ads would have us believe, seniors who are living in poverty are going to stumble on a Service Canada office at a curling rink?

[*English*]

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, this is a serious issue. This is why we have taken a number of steps to ensure that people are more aware of the benefits available to them.

In Bill C-36 we took steps. Once people have filed for GIS, as long as they continue to file their income tax, they will never have to reapply for it again. This is a very important step that will ensure that tens of thousands of people will be saved the paperwork and the hassle, which they have had to face up until now.

* * *

POINTS OF ORDER

ORAL QUESTIONS

Hon. Robert Thibault (West Nova, Lib.): Mr. Speaker, in a question period today I raised a question for the Minister of Justice relating to the ability of Mr. Schreiber to appear at the ethics committee. The Minister of Justice indicated that a letter had been sent to the chair of the ethics committee indicating, and I paraphrase, that Mr. Schreiber would be available to appear at the committee.

Since that letter was sent to the chair and not to members of the committee and was referred to by the minister in his response, I respectfully request that he table a copy of the letter so it becomes available to all members of the committee and all members of Parliament.

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I did not quote from the letter. Why does the hon. member not just talk to his colleague? Why does he need my help?

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, in my question this afternoon, I cited some statistics from a United Way report that was released this morning. The hon. Minister of Human Resources and Social Development challenged my statement, which was a citing from this report.

In the interests of correcting the record, I would welcome the minister to rephrase his statement to show that my facts were not wrong; my facts were taken directly from a report released this morning. I would welcome his action on that.

● (1505)

The Speaker: The hon. member knows that the Chair does not tend to get into arguments about the facts. It may be tabling of documents, but there is often dispute about facts and I do not think it is for the Chair to decide on those matters.

I am not sure the member has raised a valid point, but I am sure the Minister of Human Resources and Social Development will observe her concerns. If an appropriate remedy is at hand and necessary, he will undertake that.

Mr. Richard Harris (Cariboo—Prince George, CPC): Mr. Speaker, this is not the same point of order.

Last week in the questioning by the leader of the official opposition of the government, specifically the Minister of Public Safety, regarding the taser incident in British Columbia, he made a quotation, and I will table these. He quoted the B.C. government as saying the reason that it formed its own taser inquiry was because "there is a vacuum of leadership at the federal government", and he went on with his question.

That was completely erroneous and I believe a deliberate intent to mislead the House. I will table the *Hansard* as well.

In fact, the exact words of the attorney general of B.C., in referring to why British Columbia formed its own inquiry into the taser, were, "There was a huge vacuum of information there". He went on to refer to agencies in British Columbia that were in an ongoing process .

I am quite willing to table those two documents with those quotes. I think it is appropriate, considering that obviously the Leader of the Opposition would surely have known what the real statement was, that he made a deliberate attempt in his question to mislead the House as to what the attorney general of British Columbia said.

I would like to table these two documents.

The Speaker: Does the hon. member have the unanimous consent of the House to table these documents?

Some hon. members: Agreed.

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 22 petitions.

* * *

COMMITTEES OF THE HOUSE

HEALTH

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, I have the honour to present, in both official languages, the first report of the Standing Committee on Health.

I am pleased to report that the committee has considered the supplementary estimates (A) under Health for the fiscal year ending March 31, 2008, and reports the same.

* * *

PETITIONS

HOCKEY

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, I rise to present a petition to the Minister of Canadian Heritage from the community of Deline in the Northwest Territories.

That community is the rightful birthplace of hockey, as in Sir John Franklin's writings in the early 1800s, he indicated the game was being played on the ice on Great Bear Lake in front of the community.

This petition, which carries the names of many of the community's members, is something I am very proud to present. I hope that the Canadian historical record will soon indicate that Deline, Northwest Territories is the home of Canadian hockey.

Government Orders

HUMAN TRAFFICKING

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, it is my honour to present two petitions calling on the government to continue its work to stop human trafficking here in Canada.

This is a growing crime on our shores. We have heard several accounts this past couple of weeks of human trafficking rings being taken down in Halifax and in Alberta. I applaud those people for continuing their good work.

* * *

● (1510)

QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

TACKLING VIOLENT CRIME ACT

The House resumed consideration of Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts, as reported (without amendment) from the committee, and of the motions in Group No. 1.

The Speaker: Is the House ready for the question?

Some hon. members: Question.

The Speaker: The question is on Motion No. 2. A vote on this motion also applies to Motions Nos. 1 and 5. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

And five or more members having risen:

The Speaker: The vote on this motion stands deferred until later this day. The hon. chief government whip is going to defer it. I will hear him first.

Hon. Jay Hill: Mr. Speaker, you were anticipating what I was about to say. I would ask that the vote be deferred until the end of government orders this evening.

The Speaker: Accordingly, the vote is deferred until 6:30 p.m. this evening, or at the conclusion of government orders.

* * *

CANADA-UNITED STATES TAX CONVENTION ACT

Hon. Diane Finley (for the Minister of Finance) moved that Bill S-2, An Act to amend the Canada-United States Tax Convention Act, 1984, be read the second time and referred to a committee.

Mr. Ted Menzies (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, I am pleased to have the opportunity to speak today at second reading of Bill S-2, a bill that proposes to implement a fifth protocol to the tax treaty that we recently signed with the United States. That was an exceptionally exciting day for Canada to see our Minister of Finance and his colleague from the United States come together and sign this treaty that we have been working on for a long time.

With the signing of this treaty last September, we have concluded nearly a decade of negotiations. At the same time we have strengthened the bonds of economic cooperation between our two countries. In doing so, we are modernizing a long-standing instrument for the betterment of individuals, families and businesses on both sides of the border, including manufacturers.

This fifth update or protocol of the Canada-U.S. tax treaty will stimulate further trade and investment between our two countries. As we all know, that is very critical because the U.S. is our largest trading partner on the other side of the 49th parallel and any way we can smooth that path is a tremendous benefit.

In today's highly competitive global economy we need to continually explore ways to grow, to expand and to compete. To that end, further improving and refining our relationship with our neighbours to the south is essential.

Canada is a trading nation. The United States is by far our largest trading partner. Through NAFTA we have come together to create a competitive, open and connected marketplace, the largest marketplace in the world.

This government recognizes the importance of our economic and trading relationship with the United States, so after almost 10 years of negotiations, we have signed an agreement that will provide tremendous value today and for future generations.

The bill we are looking at today represents the final step in this country in implementing that agreement. It also needs to be ratified by the United States before it comes into force.

This protocol will make our tax systems more efficient through initiatives such as eliminating withholding taxes on cross-border interest payments; extending treaty benefits to limited liability companies; allowing taxpayers to require that otherwise insoluble double tax issues be settled through arbitration; ensuring that there is no double taxation on immigrants' gains; giving mutual tax recognition of pension contributions; and clarifying how stock options are taxed.

I will speak in more detail shortly about these proposals, but first let me say a few words about the absolute necessity of tax treaties.

Tax treaties, like the one we are debating today, are key to Canada's competitiveness. One of the most important functions of a tax treaty is to prevent double taxation. Whenever a resident of one country earns income in another country, there is potential for double taxation. This is because both the person's country of residence as well as the country where the income is earned can legitimately assert rights to tax the same income.

Certainly no one wants to pay tax twice on the same income; that is hardly fair, nor is it logical. To prevent double taxation from happening, countries sign bilateral tax treaties, also known as tax conventions. These agreements set out which country gets to tax particular forms of income in a variety of specific situations. These agreements become legally binding once ratified, that is to say, once the proposals are passed into law by Parliament and by the government of the other country.

Tax treaties also help in the enforcement of tax law by providing for exchanges of information between tax authorities. One of the advantages of having tax treaties such as this one is that they include mechanisms for resolving differences of view between countries on such questions as characterizations of a particular item of income or where it was earned.

Within today's increasingly global economy and a more mobile population, tax treaties are increasingly important for Canada.

● (1515)

Those who benefit from tax treaties could be businesses that operate or invest abroad, or perhaps new ventures that are seeking foreign investment. They could even be individuals who may want to work temporarily in another country or own property there. A tax treaty gives all of these parties clear answers as to where they have to pay tax.

Canada's extensive tax treaty network consisting of over 85 countries includes our NAFTA partners, virtually all of the European Union and OECD countries, many members of the Commonwealth and the Francophonie, as well as other rapidly growing economies such as Brazil, Russia and China.

However, Canada's tax treaty with the United States is unique, given our close relationship. While it is similar to our other double taxation agreements in that it is based on an OECD model, the Canada-U.S. treaty has always included some special features that reflect the Canada-U.S. relationship.

As cross-border business and investment practices evolve, the tax treaty has to evolve at the same time to remain current. Canada and the U.S. have a long tradition of tax agreements dating back as far as 1928. However, the current Canada-U.S. income tax convention was first signed in 1980 and has been updated four times, in 1983, 1984, 1995 and again in 1997.

Those four changes to the treaty, or protocols as they are known, covered a wide spectrum of points, but they all have two things in common. First, they all helped to ensure the treaty adopted the latest developments in the two countries' tax policies. Second, they responded to the changing needs of Canadian and U.S. individuals and businesses. That is why it is so important for a government to be open to and aware of those changing needs. As a result, an agreement in principle was reached with the U.S. on a fifth protocol to update the tax treaty.

As I mentioned earlier, this agreement, signed last September by the Minister of Finance and U.S. treasury secretary Paulson will enter into force once it has been given effect by both the Canadian and United States governments.

The proposed legislation contained in Bill S-2 will stimulate further trade and encourage investment between Canada and the United States. This bill delivers significant benefits to Canadian individuals and businesses in a number of ways.

Bill S-2 proposes to eliminate source country withholding tax on cross-border interest payments. With that goal in mind, I would like to mention that originally the government had planned to wait for this protocol to be ratified before this initiative would come into effect. However, that would have left Canadian borrowers in an uncertain position because of the uncertainty of the timing of the ratification.

To provide that certainty, rather than waiting for this treaty protocol to be ratified, the government has decided to specify in advance the date on which the measures will start to apply. Assuming that Parliament agrees, that date will be January 1, 2008. This means that after 2007 any person in Canada who pays interest to an arm's length non-resident will not have to withhold tax regardless of which country is involved.

For example, starting next year a resident of Canada who borrows money from a U.S. lender will no longer have to withhold and remit Canadian tax on the interest payments. This will reduce borrowing costs and will make cross-border investment more efficient.

Bill S-2 also proposes to provide protection against double taxation, for example, in cases where individuals cease to be resident in one country and become resident in the other.

Furthermore, the bill also allows residents of Canada or the United States who face the possibility of double taxation to require the two countries' revenue authorities to resolve the issue through arbitration if they cannot resolve it through negotiation. This proposal is important because it increases taxpayers' confidence that the tax treaty will resolve potential double taxation.

● (1520)

Bill S-2 contains other proposals that will improve the efficiency of the tax system in both countries. One such example is the proposal to extend treaty benefits to what are known as limited liability companies by removing a potential impediment to cross-border investment. Once passed, this legislation will give mutual tax recognition of pension contributions.

In other words, provided certain conditions are met, cross-border commuters, such as those in Windsor and Detroit who work in the automobile industry, may deduct for resident country tax purposes the contributions they make to a plan or arrangement in the country where they work.

As well, someone who moves temporarily from one country to the other for work reasons can get tax recognition in his or her temporary new home country for pension contributions he or she continues to make to the original employer's pension plan, again subject to some conditions. This proposal would facilitate the movement of workers between Canada and the United States by removing a possible disincentive for commuters and temporary work assignments.

Finally, Bill S-2 also clarifies how stock options are taxed and implements a number of technical improvements and updates.

To sum up, as we know, the United States is our closest neighbour and by far our largest trading partner. This tax treaty strengthens our very important economic relations. It promotes growth and investment. It enables Canada to move swiftly in the dynamic global economy. However, more than all of this, this protocol improves and refines our relationship with our friends and neighbours to the south.

For all of that to happen, this agreement must now be ratified by Parliament. I therefore encourage all hon. members to lend their support and pass this bill without delay.

I might add that this bill, as members can see, was tabled in the Senate. The senators, many of whom have business backgrounds, recognized the value of this bill. They understand the amount of trade back and forth and the amount of fluidity, so to speak, of our constituents who travel back and forth and who deal with pension contributions on both sides of the border and all sorts of financial matters.

We encourage our Canadian constituents to invest abroad. We encourage investment to come into this country. The senators looked at this very closely. In very short order, I might add, through one quick presentation, although I will not suggest it had anything to do with the presentation that I provided to them, they passed it entirely in one sitting. I think that is an indication of how important it is to expedite this.

As I said earlier in my speech, we want this done so that its effects can take place as of January 1, 2008. Once again, it is to help facilitate the movement of finance back and forth across this border without having double taxes, so to speak, paid on the two sides of the border.

I do not think any government would object to investments in or out of its country as long as it knows that taxes are being paid either in one jurisdiction or in the other. It is very important to get this legislation in place as quickly as we can. It is an encouragement to the movement and flow of money back and forth.

We see this in many places along this border. Windsor-Detroit is just one example. Another one is the lower mainland in British Columbia, just outside Roberts Bank. Many American citizens travel across that border every day to work in Canada. They work in the lower mainland.

This legislation is very important. There have been four protocols before this one. As the need for the flow of money and finance increases, we have a need for this fifth protocol to come into play.

● (1525)

I would certainly encourage all hon. members to look very seriously at this and to consult with their constituents, but very quickly. I think we have a lot of support in industry. In the financial sector, we have good support for this legislation. Its beginnings go back several years.

This is a very simple and straightforward piece of legislation and a very positive one. It would be a great Christmas present for Canadians if we could get the bill passed through the House as expeditiously as possible.

[*Translation*]

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, I listened to the remarks of my colleague with interest. As a matter of fact, we believe that this bill will generally improve the situation. I noted in particular his comment that we need to take the time to look at it very seriously.

I would remind him that under the previous Liberal government, at one point, the tax treaty with the United States was amended concerning American pensions. The result was that some people who had previously been taxed at a rate of 50% were suddenly being taxed at 85%. It took the intervention of several members from ridings near the U.S. border, and from all the parties in this House, acting in a non-partisan way, to try to bring that situation to a reasonable solution.

I recall that more than a thousand people in my own riding were affected by that measure. I also remember that Herb Gray, a minister in the Liberal government, was dealing with the same problem in his corner of Windsor. Many people worked hard to persuade the Minister of Finance to correct the situation. This kind of proposal gives me cause for caution. Indeed, in the matter of tax treaties, it is often true that "the devil is in the details."

While considering that significant amendments will justify adopting the bill, one measure in the existing tax treaty may cause some difficulty. It is the regulation that now provides that when a Canadian taxpayer borrows money in the United States, Canada can hold back up to 10% of the interest paid to the American bank. To offset the effect of that holdback, the American bank imposes a surcharge on loans granted to Canadians. We would like to eliminate that barrier.

I would like to be sure that the consequences will be positive. That is why it would be worthwhile to examine this matter carefully in committee, without necessarily spending an inordinate amount of time. We must ensure that there are no adverse effects, in spite of initial good intentions, so that the difficulties we encountered with American pensions do not recur.

I would like to hear my colleague's opinion on that question.

● (1530)

[*English*]

Mr. Ted Menzies: Absolutely, Mr. Speaker. I appreciate those good questions from my hon. colleague, who sits on the finance committee with me. Certainly we want to be very clear that nothing in the bill is going to be detrimental to the pension plans that are the future for many Canadians.

The senators had some very good and very serious questions. There were many discussions about pensions to ensure that the same error, so to speak, was not made again. We are very confident that this one has been highlighted and that the error is not going to be repeated.

The withholding tax is certainly an important piece of this legislation. It is just one of the many positives in the bill that are critical to Canadians. As well, the timing is critical. It is critical that we get this legislation in place as soon as we possibly can. Hence the urgency for getting it passed.

Hon. John McCallum (Markham—Unionville, Lib.): Mr. Speaker, I am pleased to rise this afternoon to speak on the second reading of Bill S-2. Just in case there is any suspense in the House, I can say that given that perhaps 90% of the content of this bill was initiated under the previous government, the Liberal Party will be pleased to support this bill.

Canada has signed close to 90 such bilateral conventions with various countries. While each is important in its own right, there is no doubt that a convention with our largest trading partner by a long shot has a particularly important place.

This Canada-U.S. tax convention was last updated in 1997. Negotiations on this round began soon thereafter. They were officially announced in October of 1998.

As one can imagine, these are often extremely complicated and complex negotiations, requiring the utmost attention to detail. When Bill S-2 receives royal assent in the near future, I am sure there will be public servants on both sides of the border preparing to immediately begin negotiation of the next round of talks.

Before I get to the substance of this bill, I thought I might mention in passing a related area of international taxation and that is the Canada-South Korea free trade negotiations that are currently under way. As the leader of my party has pointed out, we are all in favour of free trade, but this deal is not really free trade at all because of the unacceptably high non-tariff barriers that remain in place.

A few days ago, the CEO of Ford Canada, Mr. Bill Osborne, took the unusual step of very publicly chastising the government for this failure. According to Mr. Osborne, the deal "contains no effective measures to ensure the immediate and sustained opening of the Korean market to significant numbers of imported vehicles".

So while the government has some pieces of legislation, like Bill S-2, which seek to improve the investment climate here in Canada and make us more competitive in the global marketplace, it also has the Korean free trade deal, which is doing just the opposite.

At a time when the high dollar and numerous other pressures are casting doubt on the future of the auto sector in this country, the Canadian government is pursuing policies that have the CEO of one our largest auto manufacturers taking strong offence and making the following comment. He stated:

> The question is where's the most efficient jurisdiction for us to invest [our dollars], and where can we be most competitive? We would like to see policies and support from the Canadian government that allows Canada to be one of the most efficient places to invest.

On the one hand, Bill S-2, which was largely inherited from the Liberal government, promotes competitiveness, and we support it. On the other hand, this Canada-South Korea free trade agreement goes in precisely the opposite direction, destroying the competitiveness of Canada, or diminishing it, and causing one of our biggest employers to question whether his company will even continue to invest in this country.

Let me turn now to the more technical elements of Bill S-2. The biggest change in this bill is the elimination of source country withholding tax on cross-border interest payments from arm's-length lenders. That is to say, a borrower on one side of the border will no longer have to remit withholding tax on the interest payments for that loan.

In the last few years, both Australia and Japan have come to similar arrangements with the United States by reducing the withholding tax on interest payments from 10% to zero. When Bill S-2 receives royal assent, Canada will be on a par with these two countries.

What exactly does this mean for Canadian companies? It will mean better access to the United States debt market and an increased ability to finance expansion here and abroad.

Many of our small and medium sized businesses here in Canada struggle to find the capital to take their work from the very early stages of research and development to the point where they are ready to bring the product to market. Often they will find lenders in the United States who are interested in funding their products, but only if the remainder of the research and development takes place in the U.S.

● (1535)

By eliminating the withholding tax on cross-border interest payments, we would be eliminating one of the tax disincentives that prevent these companies from pursuing that work here in Canada. This measure also has implications for individual Canadians who would now have greater access to international lenders.

Another aspect of this bill, which will be of interest to many Canadians, is that it would allow for the mutual tax recognition of pension plan contributions for workers whose employers move to the United States for temporary postings. Currently, there is a problem with the double taxation of these pension plan contributions.

What Bill S-2 aims to do is ensure that if a Canadian is posted to a branch of his company located in the U.S. he would be able to contribute to the U.S. employer's pension plan and make those payments deductible for Canadian income tax purposes.

The bill would go a little way toward offsetting the disastrous impact of another really uncompetitive proposal brought in by the Conservative Party, which is the proposal that would have disallowed interest deductions for loans used to finance foreign acquisitions. This measure would have destroyed competitiveness even more than the South Korean deal would destroy competitiveness. It was described as one of the worst tax measures to come out of Ottawa in 35 years. It would have forced Canadian companies to compete with foreign companies with one hand tied behind their back. It would have weakened our companies relative to foreign companies. Happily, under pressure from the official opposition and from industry, the government withdrew that budget measure, replacing it with something less harmful, but even more foolish, something called double-dipping.

I do not think I will get into that more. It is another example, along with the South Korean free trade deal, of anti-competitive measures that the government has taken. At least here we have one bill that would a positive difference.

The bill would also deal with the stock option benefits that an employee might accrue when he is employed in both countries. Currently, when an employee's stock options are granted while working in one country and he exercises or disposes of the options while working in the other country, both Canada and the U.S. often tax the same benefit.

Under Bill S-2, both countries would continue to be able to tax the benefit of the stock option. The difference, however, would be that each country would be limited to taxing the benefit based on a time spent in country formula.

For instance, if a Canadian spends three months working from his company's office in the U.S. and nine months working on this side of the border, the U.S. would be able to tax one-quarter of the benefit realized between the date of the grant and the date of the realization of his stock option. Canada would be limited to taxing the other three-quarters of that benefit.

This bill could easily be viewed by some as a housecleaning bill that simply updates out tax treaty with the United States. It does, however, deal with our largest trading partner and, therefore, has a place of special significance. While I do not think it will be a matter of great controversy, I do think that the great majority of the members of this House, if not all members, will agree that this is a positive move for Canada.

● (1540)

[*Translation*]

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, we are dealing here today with a very important bill. It implements certain corrections to the current tax convention between Canada and the United States. This is a very technical subject that requires a lot of detailed analysis.

As in the past, Canada and the United States held repeated negotiations to try to find the most operational tax convention possible. As I said earlier in my question for the parliamentary secretary, these revisions have previously had some rather negative consequences.

For example, a change was made to the way in which so-called American pensions were taxed, that is to say, the pensions that Canadians earned while going to work and paying contributions in the United States and then returning to Canada. It was not necessarily in bad faith, but the result the government produced a few years ago was that people whose incomes were 50% taxable in Canada suddenly found them 85% taxable. The amendment intended to correct the tax convention ultimately had the effect of increasing the tax rate. This result was not necessarily very positive. We fought it, though, and succeeded in winning a certain number of points.

This shows that even though a bill is very technical, we need to take the time to examine it. That is what we have started doing in the Bloc Québécois. In general, this is clearly a positive bill that the Bloc will support. However, we would like certain aspects to be studied more closely in committee.

The bill gives cross-border workers the same tax benefits as resident workers. In other words, it tries to standardize the tax treatment so that Canadians who work in the United States will be treated virtually the same as American workers, and the same for Americans who come and work in Canada. It tries to simplify things and treat people as equitably as possible.

The bill also institutes a bipartite tribunal to settle tax disputes. This is a sensible improvement. In the past we found that when a situation was inappropriate and needed to be corrected, the citizen paying the tax did not really have the tools needed to appeal the decision. Even when the citizen was right about something, he could not easily obtain satisfaction because there was no decision-making tribunal. This bill corrects that situation.

As well, the bill contains rules regarding certain kinds of companies, and will make it more difficult to use various tax loopholes. We have to work harder on this issue. We need only consider the Barbados situation. We know that there has been a tax treaty in force with Barbados for several years, which is very much to the advantage of businesses who use that loophole so effectively that some experts are now talking about billions of dollars being taken out of reach of Canada's tax system. Ultimately, the people who pay their taxes are paying for the ones who are using that tax evasion mechanism.

In fact, at the Standing Committee on Finance in May, we realized that we had no idea of the real extent of this phenomenon, in terms of what it is costing. I put some questions to the representatives of the Canada Revenue Agency and the Department of Finance, and no one was able to tell us how much this tax evasion amounted to. At our request, some research was done, and the Canada Revenue Agency was able to confirm that unless there are changes to the tax return that would make it possible to distinguish between interest income from businesses in Canada and interest income from outside Canada, it is impossible to place a value on it.

In my opinion, this is a major flaw. This is a question of fairness. My colleagues and I, and all individuals and businesses in Canada, pay income tax. If there is a tax loophole that allows businesses or individuals not to pay their share of taxes, then ultimately we lose as a society, and this situation must be fixed. And so when we examine an issue like the tax convention between Canada and the United States, we have to be concerned about this.

We support the bill. However, we want to have a little more explanation of certain points, and in particular the proposals for eliminating the withholding tax on foreign interest and the tax treatment of cross-border corporations.

● (1545)

These are complex questions. Negotiations are conducted in good faith and we want to simplify how things are done, but we must be sure we are not creating something that would put Quebec and Canadian corporations at a disadvantage. In the past, with the Free Trade Agreement, for example, we have seen that Quebec and Canada have been winners overall, but that there are aspects that were not dealt with in sufficient detail in the negotiations and we did not come out in the final agreement in the position of strength we wanted. Given that we have a tax convention concerning these points, the elimination of withholding tax on foreign interest and the tax treatment of cross-border corporations, it will be important that we obtain additional information in committee to ensure that the agreement truly reflects what is wanted.

Let us come back briefly to the main aspects. One of them, in this draft tax convention, is advantageous for cross-border workers. It will make their lives easier. Prior to the new convention, Canadian residents who work in the United States could not deduct contributions to their American pension plans from their taxable income. We know that here in Canada, when we make contributions to our pension plan, we receive a corresponding deduction. People who work in the United States have not had the equivalent of that, and the new tax convention will fix that situation.

From now on, those workers would be able to deduct pension contributions from income, in the same way as an American worker living in the United States. Conversely, an American resident working in Canada could also deduct contributions to his or her pension plan for income tax purposes. Thus, we see a significant and desirable improvement that makes good sense and that moves us to support the bill. Numerous workers in border areas in the United States as well as in Canada would enjoy all the tax benefits related to their pension plan, just like resident workers.

It is a bit paradoxical. At the same time as we make progress by trying to simplify the situation related to border areas, we run into a tightening of border-crossing regulations that creates a great deal of complications. A lot of negotiation is necessary. We have seen the effort made by nearly every member of this House to put limits on the American requirement that anyone entering the United States have a passport so that we can find other solutions. Initiatives are underway to promote the use of a driver's licence. There appears to be some interesting work in that regard. However, on the other hand, there is a joint effort at the level of the tax convention to really simplify the situation. In terms of attitude, logic and the economy, that is the direction we should be taking in our relations with the Americans. In fact, we could make real progress that way.

The agreement on the tax convention also provides for a binding arbitration procedure for tax disputes between the two countries. In case of double taxation, a taxpayer who was adversely affected could appeal to the arbitration board for relief. If someone recognizes that his or her income is being taxed by both governments and should not be, there will be an automatic right to recourse through arbitration. There will no longer be the very complicated tax procedure involving submissions to both governments. In future, there will be a tribunal, an arbitration board, made up of an American representative, a Canadian representative and a third representative jointly appointed, which will be able to make determinations on tax matters and which will facilitate the settlement of tax disputes between individuals and the two administrations.

We can see that as an improvement. In refining the manner in which decisions will be made in a dispute, we are improving the settlement of issues. We have seen how that can lead to complications for major issues or when the decision mechanism is not clear; for example, in the softwood lumber agreement. Let us hope that the mechanism introduced to enable taxpayers to obtain satisfaction will improve the situation in the future and simplify the steps involved.

This will also create a body of cases, which could result in future amendments to the tax convention to fix the problems as they are identified. If a citizen complains about double taxation and ends up winning his case, we could then make changes and actually do something about it.

● (1550)

Decisions by this board will be legally binding and will perhaps lead to quicker adjustments to the tax treaty. In any case, we hope that it will truly simplify matters.

Third, the bill clarifies some provisions of the tax treaty in order to eliminate flaws that could be used as tax loopholes. For example, since the income tax laws are different in Canada and the United States, some companies could benefit from both tax laws. There are probably tax experts who earn a living studying these questions to help companies get the maximum deductions. When this is done legally, it is fine. However, when we realize that there are some flaws in the act and they can be fixed, we must correct the situation. This is the aim of the bill to amend the Canada-U.S. Tax Convention, and it is for the best.

Some companies could benefit from both tax laws by being recognized in different forms in both administrations, without having to assume the costs. In real life, we can see that this part is not easy to administer. Earlier, I gave the example of the treaty with Barbados. When we look at the organization charts of companies, it is very clear that some fictitious corporations were developed with this in mind.

Canada was also even a bit complicit in some situations of this kind. For example, a group of 13 OECD countries, including Canada, asked in 2001 that the "no substantial activities" criterion be eliminated from the determination of tax evasion. This reduced the number of countries on the list of non-cooperative tax havens from 35 to seven. Canada turned a blind eye here to a something that costs us plenty. There is a loss of tax revenues for the Canadian government, which adds to the pressures on Canadian citizens, whether natural persons or corporations, that pay taxes on their activities in Canada. There is tax avoidance here as a result of something that the Government of Canada did deliberately.

I want to say again, therefore, that in treaties of this kind, everything is there for a purpose. We have to get to the bottom of everything to ensure that something that was thought to be positive does not end up having some perverse effect. Sometimes as well, the government may well try to put one over on us and we need to correct the situation.

In the current case, therefore, we will see an improvement because companies that were taking advantage of the two tax laws will find it much more difficult to do so. Some of the tax loopholes will be closed and companies will have to pay their fair share. We will have to watch whether it actually works. In addition to eliminating some of the obstacles to cross-border investment, the bill reduces the number of cases of double exemption through greater harmonization of the tax rules of the two countries.

It is going to be a huge job for both countries to ensure that they have finally corrected not only double taxation but also the actual company practice. We need to simplify the way things are done and the costs that this issue can engender.

Finally, in an attempt to stimulate cross-border investment, the bill clarifies the rules to avoid double taxation of cross-border capital gains. This issue needs to be explored in greater depth and the type of transactions checked. Will the Canadian and American governments not end up losing revenues to which they would otherwise be entitled? Will it favour one country or the other? The purpose is to make it as easy as possible to do business, but both countries need to be respected and need to benefit.

From now on, Canadian investors operating in American markets will be required to pay tax in just one jurisdiction. That is a major advantage. We just have to ensure that this positive new way of doing things, this advantage, does not lead to negative effects with respect to legal issues that might arise. We have to make sure that companies pay their taxes.

This bill raises a lot of interesting issues. The Bloc Québécois is in favour of referring this bill to the committee. We intend to study it there. Once things have been clarified and, if necessary, adjusted, we will see what can be done and how we can improve the Canada-U.S. Tax Convention. We hope that the federal government will put just as much energy into closing the Barbados tax loopholes. The Standing Committee on Finance held hearings on the subject, but the government has not yet done anything to fix the situation.

● (1555)

In the meantime, billions of dollars have been flowing unchecked and untaxed out of Canada, at great cost to our society.

I hope that we can count on the cooperation of all parties. Adopting this tax treaty would be a good thing, and the Bloc Québécois will work hard in committee so that we can bring the bill back here quickly and complete the process to amend the Canada-U. S. Tax Convention.

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, I would like to thank my colleague from Montmagny—L'Islet—Kamouraska—Rivière-du-Loup for his very clear presentation.

Does my colleague know how many Canadians work in the United States and how many Americans work in Canada, particularly in Quebec? I am asking because my riding borders the United States. Will this bill affect a lot of people?

Is Canada currently losing a lot of tax revenue to the United States for reasons other than the tax havens he mentioned?

Mr. Paul Crête: Mr. Speaker, I thank my colleague for his question, which is particularly relevant since he, like me, is the member for a border riding.

As I said at the beginning of my speech, border ridings have been having rather a hard time of it for about a decade now. The tax convention with the United States was amended, which led to negative consequences for a lot of workers in Quebec and the rest of Canada, specifically, that their incomes were subject to additional taxes.

Workers in the forestry sector—in my riding, these are people who worked in Maine—were often penalized by the situation, in terms of their pension incomes. We had to work very hard to fix that situation. At that time, we calculated how many people there were working in the United States. Thousands of people earn income in the United States every year. In some cases, it is a substantial income; in other cases, it is extra income that is earned at a particular time of year. That is why this tax convention has to be studied carefully.

As well, there is an impact on people as individuals, on the businesses where those people work and on the economic benefits that flow from improvements to a tax convention like this. There are major complexities in tax practice that can hinder regional economic development.

At the same time, we have to ensure that in fixing the problems we do not standardize things in a way that does not reflect the spirit of the legislation in Quebec and Canada, which is not the same as in the United States.

We will therefore look closely at how this amendment of the tax convention will impact people here. At first glance, and after preliminary study, it seems to us that this bill to amend the tax convention is beneficial. The vast majority of what we see in the bill will benefit the border regions, their people and businesses. There are a few matters that must be considered more closely to ensure that we will ultimately have a better tax convention.

In practice, we realize that once these aspects are corrected, once it is signed and becomes official, it is then very difficult to make corrections. The advantage of the decision-making board will certainly mean that any negative impact can be mitigated. In my opinion, everyone wins when the basic principle of "one tax for one income" can be applied. At the same time, we cannot proceed without ensuring that we have given sufficient consideration to the question of how to avoid tax loopholes, because we are familiar with federal practice.

In the past, the agreement with Barbados was made to the real detriment of Canadian taxpayers and to the benefit of a number of people whom that tax convention, that loophole, has served well. We absolutely must ensure that this model is not repeated in a tax convention with the Americans. Let us hope that the collaboration on the tax convention between Canada and the United States will send a message to the Americans: we have to pursue the same kind of collaboration even further to ensure fluidity at the border. Because in this respect there seems to have been some ground lost in recent years.

● (1600)

[*English*]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I am pleased to have the opportunity to speak to the bill. I have a couple of preliminary points on Bill S-2.

First, as I think most Canadians are aware, the New Democratic Party is opposed to the continued existence of the Senate. We are always concerned when a bill originates from that house when in fact it should originate in this House. The other place is simply not a democratically elected institution whatsoever. When we are dealing with a bill, and this bill is an important one, any bill of any import at all should originate in the House. We draw that to the attention of the government and insist that it consider any important bill always originating in this House.

The second point with regard to the bill is it has a scope that is generally acceptable to our party. We will be supporting it going through second reading and on to committee.

I am advised by our finance critic that some technical points give us some cause for concern but we expect those issues will be addressed, either amended if necessary or more likely explained to our satisfaction in committee. Then the bill can go ahead and come back to the House for third and final reading.

With regard to the bill itself, as we have already heard from some of the other members, it addresses a number of outstanding irritants between ourselves and the United States around tax matters.

I come from a community that has a very large population. For employment purposes, people move back and forth across from the Windsor-Essex County area into Michigan and even other parts of the United States on a daily basis. We also have a reasonable number of Americans who do the same in reverse and work on the Canadian side. Inevitably that produces some inequities in the taxation of the incomes derived by citizens living in one country but working and deriving all or most of their income from another country. The bill addresses a number of those issues.

Again, as I have indicated, with some slight concern on our part, we think it is a step forward. In particular, we are constantly being confronted, and I hear this from some of my constituents, with them being double taxed, being assessed a tax both in Canada and in the United States.

These individuals are Canadian citizens living in Canada, having a full time residence in Canada, but deriving their income from the U. S. side. They face the situation where there is double taxation on that revenue. It may be even a bit more complex, and I know the bill attempts to address this issue.

We have situations with a registered retirement savings plan on our side and the 401(k) on the U.S. side, which is the corresponding plan in the U.S., and not being able to get full credit for those types of deductions. These are pension savings for retirement purposes. The bill goes some distance to address that. Whether it goes far enough is a bit of a concern.

It is also good that the bill has an arbitration provision between the two countries so the two countries can rely on that rather than an individual having to challenge it or perhaps state to state having to challenge each other. If there are unforeseen problems with the arrangement we establish in the bill, it will give us a relatively efficient and hopefully quick mechanism to resolve those. Therefore, we would want to support that.

● (1605)

The largest concern we have with the legislation is what has happened historically with the protocols that have developed under these treaties with the United States. I believe this is either the fifth or sixth protocol starting back in the late eighties.

The one issue that has given us the greatest concern, and it has been a major issue in my riding, in Windsor-Essex county and, to a lesser degree, in a number of other communities across the country, involves the large number of people who have retired to Canada and are receiving social security benefits. Bill S-2 does not address this issue.

Protocol number four set out how these pension benefits would be treated for Canadians in our country and Americans in their country. They were to be taxed at a certain rate in Canada and the United States was to do the same with regard to the taxation of Canada pension benefits received by Americans who had obtained those benefits while working in Canada but who had retired to the United States. It was a sound approach to solving an irritant between the two countries. It made it clear how people who were receiving those respective pension benefits in those respective countries would be treated.

Although the United States has honoured its part of the treaty, both in spirit and in the letter of the law, Canada has not since 1997. This has been a gross injustice to a number of Canadians, a good number of whom live in my riding and in Windsor West and in the riding of Essex. A highly disproportionate number of people living in those three ridings suffer this injustice.

What first happened under the Liberals, but which has not been corrected under the current Conservative government, is that the level of tax has been substantially higher than what it was when these funds were being taxed on the U.S. side and substantially higher than they were supposed to be. The wording of the protocol was that the tax rates would continue as they had before the treaty came into effect but that the funds would be collected by the other country.

Canadian citizens residing in Windsor, who retired in the U.S. but were receiving social security benefits, were supposed to be taxed at the same rate had they retired in the United States and receiving those benefits. In fact, they are being taxed a full 35% higher than if they were residing in the U.S. and being taxed there. Despite comments made by an advocacy organization that has been before committees of both the House and the other chamber on a number of occasions, and in spite of the prior Liberal governments over several administrations, going back to 1996-97 when this became apparent, this continues to be the reality in spite of some very minor changes.

What I now find offensive is that we are now going into another protocol. What is to say that we will not run into the same situation, if the bill goes through, is ratified and the United States signs it, that we will not ignore or breach some of its provisions and our citizens will suffer? It always raises the question of whether the U.S. at some point will do the same thing. The U.S. may decide that since we did not honour one protocol it will not honour one of the new ones. This history is of great concern. I find it particularly offensive right now because there have been a number of private member's bills introduced on this point to correct this injustice.

● (1610)

I want to make this a little personal in terms of the injustice that has occurred here. I have met with a number of people in my riding and in the Windsor-Essex county area generally who have suffered significantly. I think of a couple who were members of our church. They both had worked on the U.S. side and came back to Canada to retire. They bought a house and had only finished the purchase about two months before they were notified that all of a sudden they would be taxed at a 35% increased rate on their pensions. It was a significant financial burden for them, compounded, quite horribly, by the fact that the husband came down with a terminal illness and passed away within about a year. His wife could no longer carry on the mortgage and had to sell the house.

Another instance is about an individual I heard about when I was canvassing in the 2000 election. The brother of this individual told me that his brother had been hit so hard with the increased tax that he had to give up his apartment and move in with him and his wife and never came out of his room. This man had become a total recluse. He usually only came out for meals and the rest of the time he basically stayed in his room. It totally destroyed his life.

This is not something that senior citizens who have contributed to both countries by their endeavours should ever have to face. I could give substantially more stories like that.

It is a situation where quite often people are living on relatively low fixed incomes and then they are hit with this severe tax penalty that they had no reason whatsoever to plan for. As those negotiations went on, as they are with this bill, it was clear that this was the way it would be handled, that it would not change the tax rate in Canada. Then they were hit with this increase after the fact. It significantly destroyed a number of lives and curtailed the ability of many people to enjoy their retirement years in many respects.

What happened later is that on two different occasions, one back in 1998 and again in 2001, the member from Calgary, the current Secretary of State (Multiculturalism and Canadian Identity), presented private members' bills to correct this. The wording in those bills was quite straightforward. It is one or two paragraphs in each case. All they simply said was “change this part of the Income Tax Act to say that the income received in the form of social security pensions will be taxed in this manner”.

We had those private members' bills but they never went to a vote. Two more were presented by the member for Essex, who is a member of the government, one bill in 2004 and another one in this Parliament in May 2006. The final one is still before a committee but I think it may be close to being completed.

However, the reality is that the bill will probably not survive the final vote because it needs a royal proclamation and it will not get it because the government, in spite of those two members from the government who have advocated on it, have not been able to deliver. That is the situation as of today.

We have gone a full 10 years since this injustice has been perpetrated on our retirees. The Liberal government would not do anything about it and now, after two years with the Conservative government, it has not done anything about it. It is not in this bill nor is it in any government legislation. It was not in either of the two budgets that the government brought forward. I have not heard anything that says it will be in the next budget, assuming the government survives that long. When we see something like this it should be corrected. It begs the question, when we come back to Bill S-2, of whether we will see the same type of thing happen because this protocol will not be fully honoured by our government.

It is a shameful set of circumstances. It is a gross injustice that has been perpetrated now for over 10 years. There have been numerous opportunities to correct this.

I will perhaps finish with the fact that we are not talking billions of dollars here. We are not talking about the $10 billion or $12 billion that the government put back into various sources. It is a very small amount of money because so many of these individuals have passed away in the last 10 years, oftentimes simply because of the financial crisis they were facing. We are talking about $20 million to $25 million a year range, a very small tax credit, if one wants to think of it in those terms, to people who are greatly deserving of it because of what they were led to expect would happen and then had the tables turned on them, with no ability to alter how they were to be treated.

● (1615)

The government must fix this problem. It knows it is very simple to do. It would be a one paragraph amendment to the Income Tax Act. It must ensure that it does not repeat the same kind of injustice, assuming that Bill S-2 becomes law at some point.

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, I am pleased to rise today to speak to Bill S-2, which has to do with the tax convention between Canada and the United States. We could see a rather important conclusion reached here today, but this is hardly anything new. This is not the first time that the economy, culture or any other aspect of society has had to be managed between two countries. This is not a recent phenomenon. Significant demographic exchanges have been taking place between Canada and the United States for years.

Naturally, at the time, no one seemed to be too concerned about this overall dynamic. For example, when the United States of America achieved independence, many loyalists left that country and came to settle in Canada, including many in the Kingston area and in the Saint-Jean-sur-le-Richelieu area, where I am from. Many people from Lacolle are close to the American border and are descendants of loyalists. These people wanted to maintain their allegiance to the British crown and therefore came to Canada.

The reverse is also true. At one time, jobs in Canada were very rare and there was a great deal of immigration to the United States. My riding is right next to Burlington, in the state of Vermont. Many Quebeckers crossed the border in search of work on the American side. Furthermore, at present, nearly a third of the population of New England is of francophone descent. It was immigration following difficult working conditions here at home that led these people to cross the border to work and to start their family. Francophone generations have followed one after the other in an interesting manner. Family names often associated with Quebec have been changed slightly on the American side. However, everyone is perfectly aware of this and anyone you talk to who has these names will say that they are of francophone origin and that this carries some importance for them.

One thing leading to another, the economy and culture have developed on both sides of the border. I think that is forcing both governments to come to an agreement on economic practices. We cannot talk about integration, since the tax convention will be signed by two sovereign states, but this is forcing them to adjust to new realities, which are important. Just 60 kilometres or so from here, in Plattsburgh, in the State of New York, the Buy America Act, legislation enacted in the U.S. to encourage foreign investments to maintain a workforce in the U.S., ensures that 700 people work at the Bombardier plant located there.

This goes to show that the economy is stretching and shattering borders, and the situation is becoming increasingly complex. There was a time when the people working across the border fell into a kind of grey zone. They did not know to which side to pay their taxes or how they could claim deductions for a retirement plan. New situations and the new world are forcing countries like Canada and the United States to sign tax treaties to ensure fairness for all workers and industries as well.

I look at the issue of the new generation of workers. For instance, my daughter Geneviève started by working for Deloitte & Touche in Montreal, then was transferred to Toronto, and finally ended up in New York City. Many of our young people do not necessarily feel any particular ties to one country or another anymore. Theirs is almost an international mindset, and they go wherever their work takes them. This forces countries to think about the type of tax measures or tax treaties that should be put in place.

● (1620)

So this is nothing new. It has developed gradually over time. Today, the reality is that we have to adapt and that is the purpose of this piece of legislation.

As I was saying earlier, the pension plans for Canadians working in the United States were problematic, among other things. Those workers could be told they could not contribute to a Canadian pension plan. This had significant consequences. We have to understand that those who want to secure a decent future today have to invest in RRSPs, for example. If they do not, they will fall back on the public plan, which, in a few years, will no longer be able to pay the same level of benefit it does today.

Imagine someone who left Canada to work just across the border. That person could not secure a decent pension plan for himself. The purpose of the legislation before us is to correct that situation. The reverse situation of an American working in Canada was the same. The Americans probably told that person they could not invest in a pension plan because they were not working in the U.S. The bill before us resolves the issue of pension plan contributions for those workers. This allows a migration of workers from one side to the other and that is important.

I want to come back to the Buy American Act in effect in the United States. Earlier I gave the example of the Bombardier plant in Plattsburgh, New York. It employs Quebeckers since its headquarters are not in the United States, but in Quebec. Quebeckers will work there for significant lengths of time. This will allow them to save money in their pension plan as though they were working in Canada. That is important.

There is a second, equally important aspect of this bill that we support and that is the use of an arbitration board. This type of tax convention can leave room for anomalies or be open to interpretation. The bill provides workers with the opportunity to go before an administrative body to argue that they have been treated unfairly under part of this tax convention. This is a good addition because it is important for a worker to have legal recourse when he or she suffers an injustice. Furthermore, the composition of the board seems fair. Naturally, there is a representative from Canada, a representative from the United States and a third person selected by both countries. Understandably there might be alternation. For example, if the chair of the board has been filled by an American for some time, then it will likely be filled by a Canadian the next time around and so forth.

We believe that it is very important to have a board for a true hearing of the problems. We find that smart. We should not fall into the trap of international treaties where there is no recourse in the event of differences. Unfortunately, in our society, this still happens. Individuals suffer an injustice and face a void. Often there is not even an appeal mechanism. Having a board to hear difficult cases and to resolve issues is an important addition.

We are pleased to note efforts to plug certain tax loopholes. Tax law and various laws pertaining to tax treaties could allow companies to have it both ways. We must avoid that. We must avoid tax havens. From our perspective, it is an absolute disgrace. Take Barbados, for example. Canada had tax treaties with about a dozen countries that were tax havens. This allowed large companies to take part of their profits and invest them in these tax havens, where they could not be traced. What is truly ironic is that these big companies paid no taxes as such.

● (1625)

Canada loses hundreds of millions of dollars every year because of this type of tax haven. Thus, it is important that we not repeat the mistake even though tax havens continue to exist. I find fault with the former prime minister of Canada who one day announced that he was setting everything right and shutting down about 11 tax havens. Good for him. Except that in the meantime he did not tell us that his own company had transferred all its assets to Barbados, which was the only tax haven he was not shutting down.

Problems still exist. This part of the bill before us ensures that companies cannot play with two investment systems, two different tax systems and ensures that these companies will pay their due where their head office is located.

There are some amazing statistics on tax havens and offshore financial centres. Between 1990 and 2003, Canadian investment in tax havens and offshore financial centres rose from $11 billion to $88 billion. I would remind hon. members that companies avoid paying tax on this money, which means that Canadians lose. These companies are not doing their part and are poor corporate citizens, because they are not contributing to the public sector of Canada, Quebec or the provinces. These loopholes must be plugged.

The financial sector is another absurd example where investments in tax havens rose from $8 billion in 1990 to $72 billion in 2003. The financial sector is truly a poor corporate citizen, because it is not doing its part to support its country, its province or its municipality. This money is lost to the public coffers, which is totally unacceptable.

Consequently, with regard to the tax treaty covered by the bill that is before us, we are going to make sure companies cannot have it both ways. That will improve this bill.

The bill also clarifies the investment rules. This is more or less what I was just saying. Often, investors can deduct a portion of their fees. From now on, these investment rules will be harmonized, for greater tax fairness. There will be no loopholes, and both countries will come out ahead.

In conclusion, we are fairly satisfied with the bill. It could create a precedent. It would be good if this tax treaty served as a cornerstone for other types of tax treaties elsewhere, so that we get back to basics and big corporations pay their fair share and stop avoiding tax on their profits or setting up shop in tax havens to protect themselves. They need to do their fair share.

Finally, this is a good thing for workers. Regardless of which side of the border they work on, this shows that there is a great union between the United States and Canada and that these workers will be subject to the same rules and will be treated more equitably.

● (1630)

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, I thank the hon. member for Saint-Jean for explaining really clearly the benefits of this bill.

However, I am wondering if he could clarify a point. Double taxation with Canada and the United States is something possible. It is also possible that Canadians who have loans and who want to invest in the United States could be faced with a problem.

What actual measures will this bill provide to avoid double taxation, as it currently exists between Canada and the United States?

Mr. Claude Bachand: Mr. Speaker, there is indeed a problem that we will have to look at.

If a Canadian taxpayer borrows money in the United States to do business, Canada can withhold up to 10% of the interest amount paid to an American bank. As indicated, the American bank will impose an additional charge on loans provided to Canadians, in order to make up for this deduction. So, there are provisions in the tax treaty that will ensure that investors are not unduly penalized.

As regards workers, and also companies for that matter, they cannot take advantage of a tax system, or a permit, that is more beneficial on either side of the border. There is a degree of harmonization. I believe that it results in more fairness under the tax treaty as such. It results in greater justification for the treaty, and it also ensures greater harmonization.

Therefore, I think it is important to reflect on the hon. member's comments.

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, I am pleased to take part in the debate concerning Bill S-2, to implement the tax convention between Canada and the United States.

As my colleague from Saint-Jean observed, the Bloc Québécois clearly supports Bill S-2 in principle, since it will allow cross-border workers to enjoy the same tax advantages as resident workers, it will institute a bipartite board for resolving tax disputes, it provides for rules governing certain types of companies that will make it more difficult to use various tax loopholes, and it will eliminate certain provisions regarding double taxation of capital gains.

As I noted, we support this bill. However, examination of the bill in committee will allow us to clarify certain of its provisions, in particular, the proposals for eliminating withholding tax on foreign interest payments and the tax treatment of cross-border corporations.

As we know, the Bloc Québécois has always supported tax conventions between countries that have taxation levels within the normal range. There are tax conventions between Canada and certain countries that do not tax according to the standards in countries where the government plays a proper role. Those are the tax havens. It is mainly this issue that comes to my mind when I look at this bill.

So we have before us a bill concerning tax conventions between Canada and the United States. As I said, this bill contains extremely positive elements. But at the same time, how is it that the government is not asking itself about some other tax conventions, the ones it in fact denounced when it was in opposition, with countries like Barbados, Bermuda and the Bahamas, where tax rates are ridiculously low? We must not look the other way; there are companies, including Canadian companies, that establish themselves in those three jurisdictions specifically to evade their responsibilities as corporate citizens of Canada and Quebec.

I would point out that tax havens attract everyone who refuses to carry their share of the tax burden. As I said earlier, that can mean both businesses and individuals. I have always said that when it comes to tax evasion or tax avoidance, we are talking about grey money, dirty money. What is extremely disturbing is that this grey money, when we are talking about tax avoidance, and dirty money, when we are talking about tax evasion, is used in large part for money laundering. That fact is recognized internationally.

I would point out that it has been estimated that this involved $6 trillion: $5 trillion in tax avoidance, and $1 trillion that is simply fraud. Still, it is extraordinary that the Conservative government, which has been presenting us with a constant stream of bills to increase sentences for young offenders, for example, or to introduce minimum sentences in a number of areas, has so far not expressed this kind of concern by revising the tax conventions with those countries. We must recall that the money we are talking about comes from crime, drugs, prostitution, arms trafficking, corruption and terrorism.

If this government were serious about wanting to fight crime, and particularly all the crimes that involve money laundering by terrorist networks, it should have announced—yes, this bill will be sent rapidly to the Standing Committee on Finance—that it was initiating a study to review a number of tax conventions with countries that, as I said, have ridiculously low taxation rates.

There are governments, including the Canadian government, that tolerate and even encourage these tax havens. In 1999, Canadians invested $17 billion in Barbados, which is recognized internationally as Canada’s tax haven. In 2001, that figure rose to $23.3 billion.

● (1635)

That was an increase of more than $5 billion in two years. Barbados is the third most popular destination for Canadian direct investment. This is rather troubling, however. Barbados ranks third, after the United States and Great Britain, as a destination for direct foreign investment by Canadian individuals and companies.

I seriously wonder what sort of real economic activity has, to date, required roughly $25 billion in Canadian direct investment—or even more, since the figure has no doubt risen. We are talking about an island that is known as a nice place to live, but that still has a rather small population and where industry centres mainly around recreation and tourism.

So why are Canadians finding ways to invest in Barbados to the tune of $25 billion or $26 billion, making it the third most popular destination, after industrialized nations the size of the United States and Great Britain, if it is not because investing in Barbados makes it easier to evade taxes?

Not only is investment growing, but it is being encouraged by the tax treaties signed between Canada and Barbados. As I mentioned, besides Barbados, only seven countries that have a tax treaty with Canada are or were considered tax havens by the OECD. It is interesting to know that the OECD classified the main tax havens a few years ago but has now completely given up making that list. Barbados was not included in the most recent OECD list. We learned that Barbados was removed in large part because of pressure from Canada—and I imagine from Barbados as well—on the OECD. Once again, in my opinion, this is proof that the Government of Canada, be it Liberal or Conservative, tolerates this sort of tax loophole, whether it serves legitimate purposes or is used to launder money.

When I refer to ridiculous taxation rates, I mean that the taxation rate in Barbados varies from 1% to 2.5%. This would be astonishing in our progressive tax system, although it is true that, at present, with the successive Liberal and Conservative governments, taxes and the Canadian tax system are less and less progressive. However, the concept is still part of Canada's tax philosophy.

In Barbados, the more profit one makes, the less tax one pays. For example, companies or individuals who have made US$15 million or more pay 1% tax. It is crazy to think that this tax rate is equivalent to those in countries where the tax system actually meets the needs of the people. The strangest thing of all is that, as I said, those who make $15 million or more pay 1% tax. As profits go down, the taxes go up, and those making less than $5 million in profits are taxed at 2.5%.

According to Canada's tax treaty with Barbados, Canadian companies and individuals who pay tax in Barbados do not have to pay tax in Canada because they have already discharged their tax obligations under Barbados' ridiculous and regressive tax system. That is totally absurd. Furthermore, year after year, the government is encouraging more and more money to leave Canada for Barbados, and that applies to Bermuda and the Bahamas as well.

● (1640)

In Barbados, not only is the tax rate between 1% and 2.5% for corporations, as I said, but there are no taxes on capital gains and there is no monitoring, which allows criminal organizations to launder money using a system the Canadian government itself put in place.

For example, in Canada, the five largest Canadian banks are operating in 26 tax havens, many of which were blacklisted by the Financial Action Task Force on Money Laundering (FATF) and the OECD when it kept such a list. We have to wonder about this. These banks claim to be doing everything legally, which is true. However, this also means that the Government of Canada—whether Liberal or Conservative—is sanctioning such opportunities to avoid responsibilities to society. In total, 61 branches of Canadian banks are located in tax havens.

I would like to mention that, a few years ago, a citizen wrote to the banks to ask them what they were doing in tax havens, and what they were thinking when investing or transferring their assets in these tax havens. This man received some rather interesting answers. For example, the Royal Bank of Canada, the RBC, provided the following reply to Mr. Gosselin, who had made the request. I am just quoting one paragraph in the reply given by the customer relations centre: RBC Financial Group would be very adversely affected, from a competitive point of view, and its actuarial asset value would be significantly reduced if it decided unilaterally to stop its operations in any of these territories. Unless expressly prohibited to do so by the legislation, RBC Financial Group must be allowed to take advantage of business opportunities in any region, so as to provide its clients with integrated financial services at the international level.

I am just wondering if having branches in some of these 26 tax havens really benefits the vast majority of RBC Financial Group customers, or whether it is only the small minority that has access to high level accounting services that actually can take advantage of that option.

RBC Financial Group also points out that if everyone were prohibited from doing this, it would not take advantage of that opportunity, but that it does for the time being, because if it did not, it would not be competitive. In my opinion, the bank and the government are both responsible for ensuring that these businesses do not benefit from this type of tax avoidance.

A similar reply was received from the CIBC, which essentially said the same thing. The Scotiabank also provided a similar reply. So did the Bank of Montreal. I found the Scotiabank reply particularly amusing, because the bank claimed that, if it were to leave these countries, local populations would suffer from such a move. Indeed, since these poor people would have less to do with Canada, they would not benefit from jobs, from direct and indirect economic benefits. Of course, we know full well that this is not the case. When I read the Scotiabank letter, I really thought we were dealing with a modern day Robin Hood.

It is a well-known fact: tax havens are most beneficial for people who have capital and there are no spinoffs for the tax haven countries themselves. Government action is needed here, on an international scale, to put an end to these loopholes.

Who benefits from these tax havens? First of all, one must recall that a tax haven is a country where there is a kind of free zone that promotes bank secrecy, where the officials are not very inquisitive and where the taxes are light, as I pointed out.

● (1645)

As we all know, the former prime minister, also a former finance minister, had a company operated by his sons called Canada Steamship Lines International and that company took advantage of the provisions set out in the legislation.

This exists among many business leaders and is going too far. The very fact of it is attacking the foundations of our society. The Auditor General reiterated this. Year after year, the use of tax havens by a growing number of people—they are still a minority, a tiny minority, which is why it is important to act quickly—erodes the tax base and threatens our social foundations.

Indeed, people here in Canada are benefiting from the fact that there are collective tools. We have social programs that have unfortunately been attacked quite a lot in recent years. These programs ensured more than one form of security, as the Conservatives are seeking. They provided social calm and social cohesion. These people therefore benefit from the efforts of the entire middle class and some less fortunate members of society. In that sense, there is definitely a problem. The former Auditor General mentioned it and the current Auditor General reiterated the problem. More and more, the upper middle class is entering into that kind of casino operation, thereby jeopardizing our social cohesion, the foundation of our society.

I was also saying that tax havens have greatly benefited Canadian companies and that our banks, in particular, have profited considerably from them. I would simply like to point out, since I found my document, that 61 branches of Canadian banks are in tax havens. There are 23 Bank of Nova Scotia branches in a whole series of tax havens. The Bank of Montreal is in 5 tax havens and the Toronto-Dominion Bank is in 3. The CIBC is in 12 tax havens and Royal Bank is in 17. All of this has allowed the banks to save $2 billion in taxes. These figures are from a few years ago.

When we look at the reports of each of these banks—I had the opportunity to look at them because I was rather incredulous— we see at the bottom of the page how much money the big banks did not have to pay in taxes like everyone else. I mentioned this earlier and, in my opinion, that is what our discussion should have been about.

Although the bill before us corrects a number of inequities and problems cross-border workers have to deal with, it does not really address the problem of tax avoidance and tax evasion that is going to cause major problems in the future.

We strongly believe that all income earned in Quebec, in Canada and by all Canadian companies abroad should be taxed in Canada, even though we entirely agree that countries with similar taxation can have tax conventions to avoid double taxation. Nonetheless, Barbados, Bermuda, and the Bahamas are very clearly not in that category.

I expect the Conservative government, if it is the least bit consistent, but I doubt it, in the coming days and weeks to bring us tax conventions to review and correct once and for all in order to put an end to these heavy losses in tax dollars that are putting our social programs and our way of life at risk.

● (1650)

It is true for Quebec and it is true for Canada. I am calling on my colleagues to help wake the Prime Minister and the Minister of Finance out of their indifference.

[*English*]

The Acting Speaker (Mr. Royal Galipeau): Order. It is my duty pursuant to Standing Order 38 to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Moncton—Riverview—Dieppe, Elections Canada.

Questions and comments. Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Royal Galipeau): The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

An hon. member: On division.

The Acting Speaker (Mr. Royal Galipeau): I declare the motion carried. Accordingly, this bill is referred to the Standing Committee on International Trade.

(Motion agreed to, bill read the second time and referred to a committee)

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● (1655)

YOUTH CRIMINAL JUSTICE ACT

The House resumed from November 22 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, and of the motion that this question be now put.

Ms. Ruby Dhalla (Brampton—Springdale, Lib.): Mr. Speaker, it is a pleasure to stand before you today and speak to Bill C-25, An Act to amend the Youth Criminal Justice Act.

It is an act that is extremely important to many of my constituents in Brampton—Springdale. When we take a look at the recent deaths of youth in my riding, they have caused extreme fear, angst and anguish among those living in our community.

As one of the fastest growing cities in the country, Brampton has become a true symbol of hope for so many. However, the recent deaths of youths across Brampton have left many feeling shocked, dismayed and with a feeling of profound sadness. From youth who have been killed by gangs to people dying as a result of drunk drivers, families not only in Brampton but across Canada are suffering.

Many constituents in my riding have written to me to express their frustration about these senseless acts of violence. They, like many Bramptonians, are calling on the federal government to take a stand against the violence that is plaguing our communities.

What we need is a comprehensive crime strategy, one that commits to putting more police officers on our streets, more prosecutors in the courts, and protecting the most vulnerable, our children and seniors. We must ensure that our police officers have the resources and tools that they need to do their jobs, and we must demand that government bring forward legislation which will make people think twice about their actions.

However, in talking to many of these constituents and Canadians across the country, one realizes that the answer to fighting crime is not the republican or the Bush strategy of locking everyone up and throwing them in jail.

To ensure the safety of all Bramptonians, we need an effective program to fight crime, one that has input and involvement from our young people. Spending money today on skills training and providing youth with opportunities is going to ensure that if we combine that with strategies to fight crime, it will actually prevent it. It will be money that is saved in the future on putting people in prison.

We need to listen to the youth of Canada. To help jump-start this process in my own riding of Brampton—Springdale, I have created a youth advisory council which will provide student representatives from all the schools in Brampton—Springdale an opportunity to speak openly and directly to their elected officials and community organizations on issues that matter to them, on issues of violence, gangs, and drugs in their schools and neighbourhoods.

It is my hope that this youth advisory council will empower students, community members and elected officials to take a stand against violence, the violence which we are discussing in this particular act today. The youth advisory council will work closely with all stakeholders and organizations to discuss strategies that will actually prevent crime, initiatives to create a safe city and rehabilitate criminals.

The Liberal Party has been trying to put an end to violence in our neighbourhoods by offering to fast-track many of the pieces of justice legislation. Unfortunately, many of these bills have not moved forward. In fact, last fall, we offered our support to the government for fast-tracking six of these criminal justice bills, but unfortunately, rather than accepting our offer, it chose to only fast-track one of the bills.

These delay tactics have resulted in Canadians having to live without effective legislation. We need to put aside political gamesmanship. We need to put aside political partisanship and ensure that we get results for the people that we are representing.

We acknowledge that the Youth Criminal Justice Act has been a significant improvement over the old young offenders legislation, and we now see that there are gaps in the legislation, specifically with respect to repeat violent youth offenders. We must address these gaps, but we must ensure that this bill is not undermined by any of these amendments that are being brought forward today.

We have been stating for some time that the Conservatives need to look at the report that was issued by Justice Nunn in Nova Scotia for reasonable reforms to the Youth Criminal Justice Act to address the problem of repeat youth violence. We believe that Justice Nunn, who led a public inquiry on this issue, actually struck the right balance with the recommendations that he provided.

Some of the changes that are being proposed in this particular bill today are actually similar to the recommendations made by Justice Nunn.

● (1700)

However, there are some changes that are contained in the bill which have not been supported by nor come from Justice Nunn. We need to ensure that the changes brought forward actually concern a judge's ability to detain repeat violent offenders pre-trial.

We must ensure that when we talk about this bill and the amendments being brought forward that there is the right balance to achieve the goals to prevent youth violence across the country. In particular we take a look at this bill and realize that the Conservatives are attempting to reintroduce deterrence, a sentencing principle which many experts across the country have warned is a mistake.

Martha Mackinnon of Justice for Children and Youth, a legal aid clinic for low income youth, has stated that the Conservatives are addressing a perception that has actually been exacerbated by politicians and the media. She has criticized the government's move to bring back general deterrence for youth and has pointed out that there is no evidence that deterrence works for young people.

It has been said that this bill ignores many of the important concerns Canadians have about legislation which is going to be fair and adequate and which is actually going to produce results. Canadians and Bramptonians are looking for real leadership when it comes to fighting crime in Canada.

We need to have a comprehensive and integrated strategy that talks about the root causes of crime. We need to have a strategy which is comprehensive and talks about the rehabilitation of those who have committed crimes. We need to ensure that we provide assistance for those who are the victims. It is only going to be by putting aside our partisanship and our gamesmanship that we are going to ensure that we have legislation which is fair and adequate, and ultimately produces results for our end goal, which is to help the children of Canada.

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I thank my hon. colleague for her speech. It brought back fond memories of the time when we were both sitting on the Standing Committee on Health. Unfortunately, I no longer have the pleasure of sharing that experience with her, but I am convinced that the member for Québec does so brilliantly.

Our colleague has concerns, and rightly so, about this being a somewhat isolated bill, about the government's lack of vision and scope when it comes to strategies to fight poverty or help young people.

We in the Bloc Québécois have had longstanding concerns about the whole issue of poverty reduction. On many occasions, we introduced bills or motions on the subject. For example, we have introduced a motion to amend the Canadian Human rights Act to add social condition to the prohibited grounds of discrimination. It is pretty incredible that all the provinces are subject to that prohibition, but not the federal government.

My hon. colleague is right also to be concerned about the bill not being appropriate because it is not respectful of the provinces' demands, and those from Quebec in particular.

I would like her to share with us her views on an eventual anti-poverty strategy. What should such a strategy contain? I imagine that she will not be able to stop herself from referring to the wealth of experience in Quebec, where anti-poverty legislation was passed under Bernard Landry's PQ government.

[*English*]

Ms. Ruby Dhalla: Mr. Speaker, I thank the hon. member for his great question and also for his concern in regard to fighting poverty in this country.

We have had a chance to see the extensive number of poverty levels. In a country such as ours which is probably one of the leading nations in the world in terms of our economic surplus and our economic prosperity, a million children continue to live in poverty.

Research has shown that those children who are living in poverty are perhaps in some way, shape or form going to commit some of the crimes that we are talking about in this very bill.

We need a poverty strategy that talks about targets, which has benchmarks and ultimately has a vision and a plan. That is why it was a great honour for me that the leader of the Liberal Party introduced his poverty plan, the 30:50 plan. This plan would ensure that over a period of five years poverty would be reduced by 30% for Canadian families, and children living in poverty would be reduced by 50%. We need action and we need a game plan. In that regard, Quebec is to be commended for its great policy in regard to early learning and child care which is going to ensure that we not only prevent poverty, but provide the tools and mechanisms for families to succeed.

● (1705)

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, I listened to the hon. member's very thoughtful speech with respect to this bill. I could not agree more with some of her commentary with respect to the need to focus on some of the root causes and some of the programming that has to accompany our youth criminal justice system. That is exactly the essence of what we are trying to accomplish here.

One of the fundamental underpinnings of our justice system is an element of denunciation. The need to send a message of general and specific deterrence is implicit in our justice system. It is used by judges, prosecutors, aid workers and lawyers throughout the justice system.

To that point, I would ask the member whether she acknowledges that the element of deterrence and denunciation which is encompassed in this bill is a necessary part of the approach to reforming and bringing about better behaviour on the part of young people. That, coupled with the necessary programs envisioned, the necessity to help young persons along when it comes to anger management, when it comes to rehabilitations for drugs and alcohol, all of these things are part of a total package, but denunciation has to be at least part of that overall approach. Would she agree with that?

Ms. Ruby Dhalla: Mr. Speaker, the experts across this country have stated that reintroducing deterrence would be a mistake. That is why we on this side of the House are recommending that the bill go to committee and that we ask the experts and the witnesses to put forward solutions which are actually going to achieve results to reduce crimes committed by young people in Canada.

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, in the history of the Bloc Québécois, the question of young offenders has been extremely important. Those who have sat in this House since 1993 or 1997 will recall that we had a colleague by the name of Michel Bellehumeur, who today has been raised to the bench. He was the member for Berthier—Montcalm and was our critic on justice and matters relating to the Attorney General. In 1999 he fought a fine battle on behalf of Bloc Québécois members. The minister at that time was Ms. McLellan, from Alberta. I am not sure whether I am recalling good or bad memories for the House, but she was the justice minister. She was succeeded by Allan Rock and, after that, Martin Cauchon.

At the time, we were examining a bill that was extremely negative concerning practices of the Government of Quebec. The National Assembly had unanimously passed a motion demanding that the bill be withdrawn. The Quebec Minister of Justice at the time was a Quebec City lawyer. We all know how the Quebec City area has always appreciated wisdom in the field of justice. The Quebec City lawyer, now minister, Linda Goupil, formally wrote to the Government of Canada asking for withdrawal of the bill.

What were the issues involved? The Government of Quebec was very resistant to pretrial detention and any kind of measure that had the consequence of prematurely incarcerating people, especially young people. Let us remember that the Liberal bill wanted to refer young people of 14 and 15 to adult courts.

The philosophy of the National Assembly, regardless of government, whether Parti Québécois or Liberal, was to use the right measure at the right time. In some circumstances it could be appropriate to send a youth to a youth centre, while in other cases, the young person should be kept in the community under the guidance of a responsible adult.

There are actually few cases where early incarceration is the appropriate avenue. Of course, it cannot be totally excluded. We can understand that there may be cases of very violent youth, with psychotic behaviour, who have difficulty in controlling their sex drive. Obviously, no one in this House would want that kind of young person to go free in the community. However, that is the exception, rather than the rule.

Minister McLellan's bill nevertheless had one merit. Although it was a badly defined bill that, in far too many cases, would send young people into adult courts, it did address the issue of pretrial detention.

We made the following observation. The federal and provincial ministers and those who analyzed the issue of young people in the justice system recognized that instead of providing meaningful interventions or offering measures of support, they were opting for the most repressive measures by allowing pretrial detention.

The bill that is now before us not only re-opens that debate over pre-trial detention but it would also deal with an extremely unsettling principle, that of including the principle of deterrence among the very objectives of the Youth Criminal Justice Act.

● (1710)

We are well acquainted with the principle of deterrence. It is common knowledge that my colleague from Abitibi—Témiscamingue is a renowned jurist, a progressive spirit in all circumstances. In any case, that is my wish. I believe that my colleague from Quebec City will join me in paying tribute to the member from Abitibi-Témiscamingue and acknowledging his wisdom in the area of law.

Even though we know that the goal of deterrence is found in section 718 of the Criminal Code and that it may be appropriate to resort to it, the fact remains that there is a very specific reason why Parliament did not include it in section 2 of the Youth Criminal Justice Act . In terms of youth criminal justice, deterrence must not be the priority. Naturally, when someone is kept in prison, in detention, the judge will bear these considerations in mind when handing down a sentence; however, this must not be our priority.

I would like to read an excerpt from Supreme Court decision R. *v.* B.W.P.; R. *v.* B.V.N. It deals simultaneously with two appeals. It makes it very clear why it is undesirable for deterrence to be included in the stated objectives in the Youth Criminal Justice Act. It says:

> Unlike some other factors in sentencing, general deterrence has a unilateral effect on the sentence. When it is applied as a factor in sentencing, it will always serve to increase the penalty or make it harsher; its effect is never mitigating. 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 is consistent with Parliament's express intention to reduce the over-reliance of incarceration for non-violent young persons. I am not persuaded by the Crown's argument—

Those are the words of Justice Charron who wrote the decision. She continues:

> 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. The reference in the preamble to the desirability that certain information be available to the public, in and of itself and in context, cannot reasonably support such an interpretation.

So we can see in which direction the government wants to take us. I know that all the Bloc Québécois members will oppose this bill and will ask that it be withdrawn. Furthermore, this bill is not what the National Assembly wants. Again, focusing on deterrence, an objective of criminal law or penology, is not the way to address the issue of youth justice. The exemplary nature of sentences is the deterrent, and that can only be achieved by longer sentences.

I know that other Bloc Québécois members will expand on this, but I am calling on the government to be very careful about the precedents it could set. It would be very irresponsible for members elected by the people of Quebec to support a bill like this one. That does not mean we should not look at the issue of youth crime, but I must remind everyone that youth crime is going down, as is crime in general.

Since my time has expired, I will stop here, but I would like to say that the Bloc Québécois will not support this ill-advised bill, which is legally unsound and does not respect the wishes of the National Assembly.

● (1715)

[*English*]

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, I rise today to address the bill on youth crime. While we believe the bill falls short in many ways, we believe it should be debated and amended in committee.

As previous speakers have said, the bill contains two specific sections, one dealing with youth and pre-trial custody and the other dealing with sentencing provisions. We support the notion that judges should be allowed the discretion to impose pre-trial restrictions on those who pose a serious threat to society. The section dealing with pre-trial detention maintains judicial discretion and simply entrenches principles that are already being practised by most courts, so it is not a huge change.

The sections in the bill dealing with sentencing principles are more problematic. There is no evidence to suggest that the adult principles of deterrence and denunciation will have any positive outcome for public safety. Blurring the differences between adults and youth is something that the courts and surely society does not sanction. Therefore, we believe this part needs to be amended and improved on.

I will take a step back and speak a bit about some of the challenges that youth face today.

I come from the city of Toronto. I was there today when the United Way of greater Toronto released its report called "Losing Ground: The Persistent Growth of Family Poverty in Canada's Largest City". I want to share with the House some of the findings of this very serious report, which I believe ought to ring alarm bells with the government if it is serious about crime prevention and the need for greater safety in our communities.

Let me cite some of the findings from the United Way study.

The study found that the median income of Toronto families with children under 17 had fallen well behind the median income of families throughout the rest of Canada. It found that one in five two-parent families lived in poverty. That is twice the rate of families in the rest of Canada.

The study found that over 50% of single parent families lived in poverty compared with one in three at the beginning of the last decade, in 1990. One in four Toronto families struggled with poverty. Our poverty rate in Toronto is at 28.8% compared with 19.5% in the rest of Canada. Therefore, we are 10 percentage points higher in the city of Toronto for family poverty.

A lot of people are taking on high debt and we are finding bankruptcies. Insolvency rates in Toronto were up 52.3%, between 2000 and 2005, compared with a 16.8% increase nationally. Eviction applications have increased by 26% over the last seven years. Debt management caseloads have increased 50%, between 2001 and 2007. Payday loan and cheque cashing outlets have increased from 39 in 1995 to over 317 in 2007, with most concentrated in high poverty neighbourhoods.

I believe these statistics are even more pressing and compelling than even these numbers show because Toronto is the most expensive city in the country. Therefore, people who are experiencing these greater levels of poverty are trying to live in the most expensive city in the country.

Behind all these statistics, as devastating as they are, are individuals, families and children trying to survive in extremely stressful and hostile circumstances.

● (1720)

How did we get here? We have seen a massive de-industrialization in the city of Toronto. We have lost over 125,000 manufacturing jobs over the last few years. These were jobs in which people made a decent wage with benefits, with some security and stability of hours of work. They were able to support themselves and their families.

The government will say that jobs have been created. Where are those jobs? They are increasingly in the low wage, precarious, part time, contract jobs. Many people working in these jobs, even if they manage to get 40 hours a week, or the equivalent of a full time job, are living below the poverty level. More than one million people working in the city of Toronto make less than the poverty level; that is they make less than $10 an hour, which is disgraceful. We have these precarious jobs.

Then the previous Liberal government abolished our national minimum wage. We have no national minimum standard that would protect these workers from falling below the poverty line, which is why I introduced a bill to re-establish a national minimum wage and set it at $10 an hour. This would help workers get out of poverty.

One of the major challenges for families in the city of Toronto is to find affordable housing. The previous government got out of providing affordable housing. We have no national housing strategy. The real estate market in Toronto is sky-high. People trying to pay rent or maintain a mortgage are finding the costs really unsustainable.

I hear from many people in my community who tell me, especially single parents trying to pay $1,000 a month in rent when they are working in a fairly low wage job, that it is simply untenable.

What does it mean for children growing up in this environment? It means their parents are working longer hours. The parents are often away from home. The children do not have supervision when they need it, or the guidance and the resources that are needed.

If we truly want to prevent crime among young people, if we truly want to make alternatives to negative activity in society, if we want to make those more attractive, then we have to invest in families. The government has to invest in a city such as Toronto, which ought to be the engine of our national economy.

A situation that I find quite shocking is the rise of payday loan companies. They charge outrageous and exorbitant levels of interest. These companies are blossoming in poor neighbourhoods. People become locked into debt perhaps to get an advance on a paycheque. Suddenly they are into these spiralling loans that can charge hundreds of percentage points on a very small loan and suck people in.

Another problem that people in Toronto face and that affects young people is when a parent loses a job or they are between jobs. They cannot access employment insurance. Almost 80% of unemployed workers in the city of Toronto do not receive benefits from employment insurance. Therefore, they are denied the benefits they pay into.

The challenges are huge. I believe the best way to deal with youth crime is to invest in prevention. We need to invest in affordable housing. We need to get the loan sharks and the payday loan people out of the communities. We need to provide clear banking alternatives for people. We need to invest in good paying jobs that allow people to support themselves and their families. We ought to invest in programs for young people that help them succeed in school, develop leadership qualities and prepare them for the world of further education or the world of work.

Clearly, we are failing our young people and our families. I believe the report today from the United Way is a national shame. Every Canadian ought to hear an alarm bell. We ought to take action on this report immediately.

● (1725)

[*Translation*]

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, I wish to commend the hon. member on her clear presentation on poverty issues.

I would like her to get into the problems in connection with housing in particular, because we very recently received a new report from the Co-operative Housing Federation of Canada on the number of households in difficulty. If I am not mistaken, 1.85 million Canadian households, or more than 3 million people, are in core housing need.

The hon. member talked about the situation in Toronto. In this report, I notice that the situation is pretty much the same across Canada and very poorly addressed.

I would like the hon. member to explain how important housing is in connection with the poverty of households, particularly single parent ones.

Ms. Peggy Nash: Mr. Speaker, I thank my hon. colleague for his question.

Affordable housing does play an important part in the rise in poverty. In Toronto, housing is expensive, especially for single parent families. These families cannot afford the housing they need. The problem is that the federal government has abandoned Canadian families, as we can still see in Toronto, and in Quebec as well.

This is a matter of real urgency because we live in a northern country. Living and surviving on the streets is not an option. To promote successful families and prevent crime, we must invest in families and affordable housing. This is an urgent matter across the country.

In light of this report today, and the one released last week about affordable housing, this is indeed an urgent matter. It is truly a national disgrace that no immediate action was taken. It is a disgrace that the federal government is not acting.

● (1730)

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I listened carefully to what my colleague had to say. I have a specific question for her. There is talk of repression and deterrence with young offenders.

I would like my colleague to explain something. I heard her say that she was from the greater Toronto area. Our Conservative friends tell us that Toronto has a street gang problem, and I would like to understand. Has my colleague experienced this problem? Does she think Bill C-25 could solve the problem of street gangs in the Toronto area?

Ms. Peggy Nash: Mr. Speaker, I thank my colleague for his question.

Yes, there are problems related to street gangs in Toronto, as there are in other cities in this country. However, I do not see anything in this bill that would prevent young people from joining street gangs.

I already spoke about the issues of poverty in Toronto, but much could be done in terms of training young people and investing in youth leadership programs. We must invest in youth so that they can have a secure future and can aspire to success, instead of seeing street gangs as the only alternative.

[*English*]

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, it is a pleasure to rise today and take part in this debate on Bill C-25. Some excellent points have been brought up through the course of this debate. I hope to add to them.

I bring to the debate 25 years of experience in coaching and working with young people through recreational activities as a former recreation professional. I am comfortable in speaking to the fact that the vast majority of the young people I had an opportunity to work with were very good young individuals. They were fairly focused. They understood the difference between right and wrong. For the most part, they just wanted to make their way in this world and find their own place and in some way try to contribute to whatever they were involved in at the time.

Unfortunately, a lot of these average young Canadians might make a bad decision on occasion. They could be with the wrong group on a particular night or in the wrong place at the wrong time, or whatever the circumstances might be, and sometimes the results are not great. However, I have known a number who have benefited from the current approach to dealing with youth crime.

The Young Offenders Act was improved upon by the legislation brought forward through the Youth Criminal Justice Act, but again we stand here tonight to try to improve it. I am comfortable in saying that the Youth Criminal Justice Act was an improvement over the Young Offenders Act, but there are gaps. There are aspects that certainly deserve to be looked at again and improved upon so we can better deal with these particular issues.

I think crime changes from community to community. Some of my colleagues from urban areas have spoken about their experiences. There is not as much gang related crime in rural areas, not that this is a youth crime, but we do see our share.

We have been very active in my own community in Cape Breton—Canso. The Cape Breton Regional Municipality and the police services board, under the direction of Dave Wilson and Myles Burke, have done an excellent job.

The past chief, Edgar MacLeod, just recently stepped down. He was a leading advocate in this country for community based policing. He did a tremendous amount of work in community based policing and had a very solid line in with the youth of our community. I know that went a long way toward finding out the needs, the wants and the concerns of the youth in our community. I think that is at least the beginning of communication with young people at risk. It is a positive step.

These individuals are to be commended for their efforts.

Our justice critic, the member for Notre-Dame-de-Grâce—Lachine, joined us in Cape Breton, where we sat down with a number of different stakeholders to talk about some of the issues around youth criminal justice and other justice activities. What we heard from most of the stakeholders is that when we are talking about youth, the Nunn report, which has been referred to during the course of the debate, has very significant measures that can go a long way toward ratifying some of the gaps in the Youth Criminal Justice Act.

All of us here in the House know of the terrible tragedy of Theresa McEvoy, a 52 year old mother who lost her life when a 16 year old offender drove his car into hers. It was a terrible tragedy and it was significant because just two days before it happened he had been released from custody.

● (1735)

The young offender had 36 charges against him at the time, but the courts could not hold him. There was miscommunication on the part of those doing the administering, but nonetheless, the officials did not believe they had the power to keep this young person incarcerated, so he was on the streets and that terrible tragedy occurred.

In June 2005 the Nunn commission was struck. Eighteen months later, it delivered its report. I want to read from the report for members. As I have said, the Youth Criminal Justice Act does serve the vast majority of young people in this country very well. Those young people who come in contact with our legal system are very well served by the act. Mr. Justice Nunn said in the report that the 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.

Much credence was given to this report. It was an excellent report as it was tabled, but also, there was input from those who deal with those issues on a day to day basis. I want to put this on the record as well. This is a comment from Mr. Justice Nunn's report:

> —I must make it absolutely clear and not open to question that all the witnesses I heard—police, prosecutors, defence counsel, and experts—agree with and support the aims and the intent of the act. They accept it as a vast improvement over the previous legislation. All are convinced it is working well for the vast majority of young offenders, though it needs to be fine-tuned to provide effective means to handle the smaller, but regular number of repeat young offenders.

The two issues that are identified more specifically and which we hear about the majority of time when we speak with stakeholders are violent offences and of course repeat offences.

With regard to the violent offences, Justice Nunn boiled it down. His concern was pretrial detention. His concern was that the Youth Criminal Justice Act went too far in restricting any pretrial detention. In order to strike a balance between the rights of young offenders and public safety, he recommended that the definition of "violent offence" be changed to include "endangerment to the public". That is significant. I am sure that we on this side can support that. His recommendation was the change in that context.

The other issue was repeat offenders. I want to talk about repeat offenders because again we go back to the classic adage that a few apples spoil the whole bunch. I do not think that is uncommon, but the recommendation that came from Justice Nunn, and I know that we on this side can support it, is:

> —that the federal government should amend the Youth Criminal Justice Act so that the requirement for a demonstrated "pattern of findings of guilt" is changed to "a pattern of offences"....

In this case, I believe the young man who was involved in the McEvoy tragedy probably would not have been out had that change already been made to the legislation. I hope we will see that as this goes forward.

I believe this legislation as put forward today should go to the justice committee. We should hear expert witness testimony and then it should be brought to the House for a vote. We certainly support the movement of the legislation to committee.

● (1740)

[*Translation*]

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, hon. members have been talking about poverty as a cause for youth crime. I would like to ask my colleague how he sees the current role of police.

We now have a police force that we could describe as trying to stop crimes, not prevent them. There used to be constables in the cities and police officers walking a beat. They knew everyone and were close to young people. There is something else going on now. I live in a riding that only has small towns. There were plans this year to bring in people who would play the role police officers used to play and no longer play, and that is to be close to young people to give them advice and to help them. The current government blocked all those plans. It seems to me that it is not just through legislation that the crime rate could be brought down.

My question for the hon. member is the following. Does he think a change in attitude and a different concept of the role of police, which the government could develop, could change the attitude of many young people?

[*English*]

Mr. Rodger Cuzner: Mr. Speaker, as I said in my comments, we have been very fortunate in my own riding that community-based policing has been a priority for the local police department. However, there are also a number of my communities that are policed by the RCMP as well and I know that they make every effort to engage with young people. In one particular community, Cheticamp, a French Acadian community on the west coast of Cape Breton, the officers are very well-engaged with the community.

However, what the member said is exactly right. I think if we were to walk up to a group of young people who were ready to perpetrate an act and asked them whether they knew that would get them three years in jail, or whatever that term might be, I question whether that would be a deterrent. However, if there is a relationship with local law enforcement agencies and local law enforcement officers, I would suggest that out of respect for the law and out of respect for those members, maybe that act would not take place.

● (1745)

Hon. Roy Cullen (Etobicoke North, Lib.): Mr. Speaker, I know my colleague, the member for Cape Breton—Canso, has a lot of experience working with young people and I certainly appreciated what he had to say.

Regrettably, in my riding of Etobicoke North, there has been a lot of youth violence, gangs, and drugs, and it is one of the ridings that the member from the Bloc was asking about. Fortunately, there was a police raid last year where they rounded up 50-odd young people involved with gangs and drugs. So things have been more quiet since. I am hoping that they stay that way because it was a terrible problem.

What is often misunderstood is that our Liberal government made changes to what used to be called the Young Offenders Act. We brought in the Youth Criminal Justice Act and with that, we made a number of changes. I will just cite a couple.

One is that with the legislation we allowed for transfer of information back and forth between the schools and the police, which is an important thing, and the police are using that information with good effect.

A second change is that under the Youth Criminal Justice Act, and it is often misunderstood, a judge, at his or her discretion, can try a 14-year-old as an adult if this is, in the wisdom of the judge, the appropriate way to proceed.

I think those are some additional teeth we put into the act. However, ultimately, I think it comes back to the young people. What do we do with them at a certain young age? We cannot lock them up forever. They are going—

The Acting Speaker (Mr. Andrew Scheer): Order, please. I do not like to cut off the hon. member, but I do have to leave enough time for the hon. member for Cape Breton—Canso to respond. So we will have to end the question there and I will hand it over to the hon. member for Cape Breton—Canso.

Mr. Rodger Cuzner: Mr. Speaker, I was enjoying the preamble to his question. However, with regard to the points that were being made by the member, obviously, we have to invest with issues of poverty, with issues of keeping our youth active, and investing in infrastructures in local communities, so that we can keep these young people active.

To be fair to the government, too, the minister of defence had mentioned deterrences through this legislation. The vast majority of the old information suggests that deterrence is not a significant factor. I know that there is some new information that we have access to now that might suggest otherwise. I think that is why it is important to bring this forward to committee, so that we can hash this out, have the experts present their information, and go forward from there.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I am pleased to speak to this very important debate. What we are talking about is the future of our young people in our communities. From the outset I want to say that I am against this bill and that the Bloc Québécois is also against it. There need to be very specific examples. People need to realize, and I hope the members opposite will realize, that rehabilitation and reintegration exist and are working. What is more, this works much better than repression and deterrence.

In 32 years of practising criminal law, I spent a number of years working with young offenders. We saw the Young Offenders Act, the Youth Criminal Justice Act and all sorts of legislation to try to deal with youth crime. I can assure you that in Quebec, this works. I do not understand why it does not work elsewhere.

In the 1970s, my colleague from Hochelaga will remember, there was the hippie culture. In the 1990s, it was something else and now we have street gangs. I guess the purpose of this bill is to try to address these street gangs that very quickly recruit our young people and incite them to commit crime. We are going down the wrong path.

There are plenty of examples. I attended meetings of the Standing Committee on Justice and Human Rights for several months. Experts who appeared before the committee said that cracking down on crime is working in the United States. That is not true. All kinds of evidence and statistics were provided. The Conservatives are basing their bill on false data from the United States. Cracking down has not reduced the crime rate. That is simply not true. The homicide rate in the United States has not dropped despite the fact that they put more people in jail than anyone else and even though they have the death penalty. Are the Conservatives trying to reopen the debate on the death penalty with this bill? I would not be surprised if that was what they wanted. I hope that is not the case and that they will provide some reassurance to that effect.

A basic tenet of law states that onus must not be placed on the accused when seeking interim release if doing so would violate the presumption of innocence. Therein lies the problem. That is a fundamental principle. Why reverse the onus? There are articles in the Criminal Code that cover this, and they have applied until now. Young people who committed repeat offences were not released. That is not the problem; the problem is reintegration.

I do not know what has gotten into the Conservatives. They need to understand, once and for all, that putting people in jail as often as possible and for as long as possible does not stop crime. The real causes of crime—as they themselves will say—are poverty, poor social environment and so on. It seems strange that even though they know this, they have never put forward any solutions to these problems.

When I was with clients in court, sentences were decided case by case. The judge had to explain the sentence to the individual. It is hard enough for a judge to determine an appropriate sentence for individuals over 18.

● (1750)

Now imagine the problem they have with those under 18. The closer a person is to 14, the harder it is.

A young, 14-year-old person, whether the Conservatives like it or not, does not think the same as someone who is 18, 20, 22 or 24. Kids should be kids. Yes, crime does exist among young people and it must be dealt with severely. I agree—I am not saying that we should all give them our blessing and trust them implicitly. They must be dealt with by the courts and sanctioned appropriately.

I would point out that, as legislators, we talked about sanctions for young offenders and not sentences. There is a significant difference. The sentence must then be explained, the sanction that is about to be given to an individual. The younger the offender, the more careful we must be, the more we must customize the sanction, and focus on rehabilitation and reintegration. This is what I want to explain to the Conservatives, given that "rehabilitation" and "reintegration" do not seem to be part of their vocabulary.

Someone who commits an offence—and that is what we are talking about—must be given the opportunity to return to society. We must explain to them and make sure they understand the risks, and take steps to ensure they do not reoffend. Among young offenders—dozens of whom I have represented—it is foolish to believe there is any reverence for crime, that they want to return to crime, that they like committing offences, that they like breaking and entering, that they like committing murder. This is all false. It is an urban legend.

Quite often, the young person is put in a certain situation. Here are some examples. The most common crimes committed by young people are breaking and entering and car theft, or using illegal substances, of course. It does not involve hard drugs, but rather using marijuana and hashish. However, when someone begins using cocaine, certain measures must definitely be taken. I am not saying that we should not intervene, but that we must do so while considering the needs of young people. And what young people need is rehabilitation and, above all, reintegration.

We have to remember that the young person must return to society and become a productive member. Bill C-25 provides for the opposite. Consequently, they will start out slowly by keeping youth in a crime school. They even want to send young people to adult jail more often. I would like my friends opposite to go and see what goes on in a penitentiary. That is no place for a young person. We have to think in terms of rehabilitation and reintegration.

My wise colleague from Hochelaga spoke of Supreme Court decisions where the justices stated:

> Parliament has sought preferably to promote the long-term protection of the public by addressing the circumstances underlying the offending behaviour, by rehabilitating and reintegrating young persons into society and by holding young persons accountable through the imposition of meaningful sanctions related to the harm done.

As I have only one minute left, I will conclude by saying that with this bill we run the risk of going in the wrong direction. We run the risk of being entangled in something very difficult from which we will not be able to extricate ourselves, namely repression and sanction.

● (1755)

What we should be doing is talking to our young people, explaining to them, making them understand and reiterating that crime does not pay, that you must live up to your obligations and that a solution must be found when a sentence is handed down. We have to explain this to the youth so that he accepts the sentence. If he does not, he is headed straight to the school of crime known as prison.

[*English*]

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, in this debate I think one of the greatest dangers we face is the danger of polarizing the differences between rehabilitation and deterrence. We are not talking about an either/or approach.

My colleague mentioned that we were talking about putting people in prison for as long as possible but that is not at all factual. My colleague must have missed the announcement that our government made in terms of the $22 million that we are investing in prevention and rehabilitation programs.

One of the objectives of this bill is to deter and prevent youth from entering deeper and deeper levels of criminal activity. I remember a parent in my riding begging the judge to have her son sentenced to a treatment or jail facility so he would be protected from further criminal activity.

Does my colleague not agree that within the huge spectrum of different treatment options that we have, such as prevention, rehabilitation and restorative justice, which are all important, one of the key factors needs to be the element of deterring behaviour that would end up causing further damage, not only to the victims but to the offender himself or herself?

● (1800)

[*Translation*]

Mr. Marc Lemay: Mr. Speaker, there is a fundamental difference. I do not share the opinion of my hon. colleague across the floor. If he would amend the bill by removing clause 2, I am sure we could agree easily.

However, as soon as anyone says, as it does in clause 2, that the judge should add deterrence to the sentencing criteria, this goes against a Supreme Court ruling. Actually, this would mean setting aside rehabilitation, social reintegration, and the notion of guiding and protecting young people. No!

At some point, what is the judge going to say? That since this is the offender's 15th or 18th break and enter, he or she will be put away for three years. That is what will happen. However, a young person who commits 15 breaking and entering offences must have some sort of a problem. To date, in such a case, questions would be raised, the situation would be looked at, and the family and background would be examined. We would try to understand why this person committed such offences and make decisions accordingly.

Under the proposed amendment, unfortunately, we would lock them up and throw away the key, if possible.

[*English*]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I rose initially to speak to what is in effect a motion before the House to close off debate, a motion moved by the member for Edmonton—Sherwood Park. I actually was rising with mixed feelings. On the one hand, because it is important that the debate on this bill continue for an extended period of time, I was going to be critical of my colleague for Edmonton—Sherwood Park. However, on the other hand, since I already spoke once to this matter, the motion now allows me to speak a second time and make additional points. Therefore, I actually want to thank the member for making the motion.

Hopefully, the motion will also give enough time to other members of this House who are bringing forward good points, as we just heard from my colleague from the Bloc and earlier from my colleague from Parkdale, about how we go about strengthening our youth criminal justice system without impairing the steps forward that we have made over the last 20 or 30 years.

I practised law during that entire period of time before I came to the House and a good deal of my early career was spent dealing with youth crime. It was different legislation at that time. It was much more punitive in nature. The law did not have much emphasis on rehabilitation. It recognized the difference between youth and adult crimes but was much more limited.

Over the years, our society, reflected in the legislation that Parliament passed, has moved forward. As that was going on, we saw a continuing reduction, until very recently, in crimes generally, both by adults and youth, and specifically with regard to youth crime, we saw some very substantial drops in the rates of youth crime. This decline corresponded with us reducing the times that youth spent in correctional facilities and emphasized the amount of time they would spend either in the community receiving treatment and counselling, et cetera, or in facilities that were of a psychiatric and psychological nature where very intensive treatment would be available for them.

What happened, and both the federal government and the provincial governments were at fault for this, is we saw in the middle nineties, in budgets that were passed by the former prime minister when he was finance minister, and we saw it in a number of the provinces, most notably in Ontario under the Mike Harris and Ernie Eves administration, substantial cuts to those treatment programs. We also saw cuts that affected the quality of life for those who are more vulnerable in our society.

There has been the commencement of an analysis by sociologists and criminologists to try to explain the spike in crimes that we have seen, the development, as we heard from some of the other speakers, in many more street gangs forming, noticeably over the last four or five years, but which started even earlier than that. It is interesting to go back and look at the increase in the crime rate, particularly among youth and the spike that we have seen in the last three or four years.

Mr. Speaker, I wonder if we could have some order in the House. It is really very distracting to speak when we have conversations going on.

● (1805)

The Acting Speaker (Mr. Andrew Scheer): I think the hon. member raises a good point. If there are any members who wish to carry on conversations with their colleagues could they please use one of the lobbies on either side of the House so we can all hear the hon. member for Windsor—Tecumseh.

Mr. Joe Comartin: Mr. Speaker, what we have seen is the spike and we have seen it most noticeably in the last three or four years in our crime statistics. We have seen it particularly coming out of crimes committed by youth gangs.

If we go back and study the sociological data, a good number of individuals committing those crimes were in their early to late adolescence or early teens at the time when these financial cuts came about and when the impact of the cuts to those programs, whether it was the treatment programs, affordable housing or basic social assistance, were felt. We saw a 22% cut in social assistance in the province of Ontario in one budget.

Those cuts had a substantial impact on the ability of mostly single parents to provide even the basic necessities. We are seeing this analysis coming at this point, and I think it will be a few more years before we can say whether it is a valid analysis, but at the very least it should say to us that we need to be very careful about how we deal with youth crime. How do we treat it, handle it or reduce it?

A simplistic analysis that we see in the bill, and particularly in the second part of the bill, says that all we need to do is introduce some new sentencing principles, take them from the adult sentencing principles that we have now and say that we need to denunciate these crimes, deter these crimes and use those sentencing principles to do it.

There is overwhelming sociological evidence that deterrence works very little, as does denunciation even in adult crimes. There is even better evidence that it does not work at all in youth crimes.

It is good that we are continuing to have this debate because it allows us to hear more stories and information from other members of the House that this bill is not the way to go or tinker with the youth criminal justice system because it is not effective and, in fact, we may have unintended consequences.

We know that if we put people who are psychologically vulnerable into certain settings they come out more hardened, experienced and better criminals in the sense that they learn while they are in those custodial facilities from other more hardened criminals how to commit crime better. They oftentimes come out more bitter and more vicious. We know those things from all sorts of studies.

This simplistic analysis of simply saying that we need to denunciate, we need to deter and put those principles into our youth criminal justice system flies in the face of overwhelming factual evidence to the contrary.

We hear from the Conservative government that it is spending money on treatment programs. As I said earlier, the analysis we had from across the country was not $10 million or $20 million a year in additional funding. We have some makeup to do for all those programs that got cut, both federally and provincially, all those funds that stopped flowing to help build a better society, whether it is for recreational or treatment programs. We cut those funds and they have not been put back.

I think one of the speakers earlier this evening talked about $22 million going back in. The analysis we made, in assistance with the network of communities across the country that did the analysis, is that at a minimum we needed $100 million a year. If we could find all that money in the budget to give tax breaks to large corporations in the billions of dollars, could we not have found more money for these programs? Even though the government may be spending $22 million, it actually is not since it has not got around to spending it all. However, it could have spent another $80 million if it had not given those billions of dollars in tax breaks to large corporations that did not need them.

● (1810)

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, in his comments, the hon. member referred to words like "denounciate". I have not found that one, but I am sure he means denounce and deter. He said there is an attempt by this bill to import denunciation and deterrence into the Youth Criminal Justice Act. If I understood him correctly, he would be against the importation of the adult concepts to youth criminal justice principles.

I wonder if he thinks that the two references that I know of by the Quebec Court of Appeal and the Ontario Court of Appeal with respect to the imposition of an adult sentence on a youth being unconstitutional and against section 7 of the charter. Does he think those references anew would lead to a similar result with the importation of adult sentencing principles?

I fully realize that an adult sentence is quite a bit more stiff when it comes to section 7 than adult sentencing principles, but does he not think there might be words of warning in the two court of appeal judgments that might assist us in committee at least, if the bill gets that far, in sculpting away some of these adult concepts to make the law in fact constitutional?

Mr. Joe Comartin: Mr. Speaker, I will start by saying that I recognize my friend in particular because of his Irish ancestry is much more eloquent than I am and may have better pronunciation. The principle is denunciation. It is denouncing certain conduct, so he is correct from that perspective.

More seriously, with regard to the question of the constitutionality, both courts of appeal were dealing with the legislation as it is worded now, which does not permit for there to be adult sentencing principles incorporated into the legislation. Both courts of appeal were very clear and, quite frankly, very forceful in the language they used that lower courts could not incorporate those concepts into the legislation.

If this bill were to get through, and certainly the opposition parties are all feeling that it should not as it is worded with these sentencing principles in it, this bill would be challenged under the charter from a couple of perspectives, at least the issue of proportionality, that youth have to be treated differently and the seriousness that we apportion to those crimes. That will come up.

Overall, the right of a country to expect that youth are going to be treated differently from adults would be very much part of that challenge. As opposed to those two court of appeal decisions which did not deal with the charter issues, we will see that—

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

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Mr. Speaker, I would like to begin by simply correcting the record. It was not I, though I could have easily done it, but the member for Lethbridge who made the motion to which the hon. member referred.

I would like to counter some of the comments that have been made, particularly from the Bloc member but also from the member from time to time, though not as strenuously, and that is that we on the government side do not have concern for young people and how to prevent crime. That is a false statement. It is false and I want to set the record straight.

To give an example very quickly, one of the saddest visits I ever made was to the youth detention centre in Edmonton. It is incredibly sad to walk in there and see young people who have been found guilty of crimes, such as knifing fellow students in the school yard or using a weapon to commit crimes, maybe theft at a store or something. I have a great deal of compassion and concern for how we keep those kids out of there in the first place. If I ever had a chance to make a speech, I could enlarge on that.

● (1815)

Mr. Joe Comartin: Mr. Speaker, I want to apologize to the member for Edmonton—Sherwood Park for that misinformation. It was done in all honesty. I understood he had moved the motion.

I have been in those kinds of institutions as well. I sat on the boards of a number of institutions that dealt with individuals. I have also dealt with the victims of youth crime. The bottom line is that simplistic solutions are not the answer and there are parts of this bill that are introducing simplistic solutions that will not move this forward at all.

Back to my basic point, the government needs to be spending more money if we are going to deal with the spike in youth crime in this country.

[*Translation*]

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, I am very happy to rise today to speak on Bill C-25, An Act to amend the Youth Criminal Justice Act. With this debate, I feel as though I am reliving some previous debates we had here in the House of Commons. A few years ago, the Bloc Québécois waged a strong offensive against the then Liberal government regarding the Young Offenders Act. I remember that my colleague from Berthier—Montcalm, Michel Bellehumeur, who was the Bloc Québécois justice critic, voiced what the legal community and the National Assembly were calling for. What is more, my colleague defended the Quebec model against the repressive model put forward by the federal government at the time. We were proposing and defending rehabilitative and preventive approach.

Essentially, quite apart from Bill C-25, the real problem lies there. Before we debate the bills we should adopt in the House of Commons, we need to take a long, hard look at the approach and the model we are using when, in our justice system, some people, groups and governments are trying to shift the burden of proof to adolescents and use pretrial detention, with the effects that can have on adolescents. That is where the problem lies.

Quebec made a choice to work with adolescents. It decided not to simply view detention as the only way to respond to acts that could be criminal, but to bring together social stakeholders who work with our young people and involve educators and families so that young people can have a healthy environment. If adolescents do things that are not acceptable, it is because they are being seriously affected by various social problems. It is because they are in an environment where poverty is a reality for them. It is because young people are having more and more difficulty in finding jobs. It is because they feel they have no future.

When these young people commit a wrongdoing, it is because there is a fundamental problem, a societal problem upstream. What do we have here to deal with this situation? We have a government which is using the stick to deal with these social issues, with the problems relating to youth employment, or with the deadlock that young Quebeckers and Canadians are facing. We must ask ourselves whether this is the proper approach to put young people back on the right track. We, on this side of the House, do not believe it is.

We believe that rehabilitation and prevention must prevail. Inequalities are getting worse. Delinquency is becoming a way of life for an increasing number of young people. The exclusion of young people in the workplace, and in their environment, is becoming a major issue. Rather than coming up with a justice system that uses the stick against young people, we should provide adequate assistance to this generation, whose members often no longer hold any hopes.

What we are promoting today is a model that has proven successful, that has allowed us to have a homicide rate that is three times lower than that of the United States.

● (1820)

Of course, because we read major newspapers, every now and then we see that some young people committed a wrongdoing. In fact, what the federal government is trying to implement here in Canada is an approach similar to the one used in the United States, whose effectiveness has not been demonstrated.

For example, the homicide rate is three times higher in the United States than it is here, in Canada. So, did this approach based on repression help improve the situation? Of course not.

It is the same thing with violent crimes committed by young people. It is true that, in Quebec, the latest figures for 2006 point to an increase in violent crimes committed by young people. However, that is the only such data. All the other available data show that this type of violence is not increasing. Come to think of it, the government's approach is not aimed at the proper group.

What is the purpose of Bill C-25? According to clause 1, a judge must presume that the pretrial detention of a young person is necessary if:

> 1(2)(*a*) the young person is charged with a violent offence or an offence that otherwise endangered the public by creating a substantial likelihood of serious bodily harm to another person;
>
> 1(2)(*b*) the young person has been found guilty of failing to comply with non-custodial sentences or conditions of release; or
>
> 1(2)(*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 guilt—

What is the government trying to accomplish with clause 1? Two things. First, it is trying to use presumption against young people and transfer the burden and the responsibility to them even though the problem is a genuine, social one.

Second, the bill seeks pretrial detention of adolescents even though we know that trials often result in not guilty verdicts. Adolescents would be kept in jail even though the verdict could turn out not to be a guilty one. Imagine the impact of that on adolescents in their formative years.

The battle we are fighting today over Bill C-25 is the same battle my colleague from Berthier—Montcalm fought several years ago over the Young Offenders Act.

In conclusion, we are defending the Quebec model here, a model that promotes prevention and the rehabilitation of our young people, as opposed to the federal government's approach, which is about repression and detention, and which is not at all the approach that should be used when young people need help.

● (1825)

[*English*]

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Mr. Speaker, I mean no bad ideas about this, but I cannot resist asking a question of members of the Bloc, who are always saying they would like us to adopt the Quebec model. I just wonder about the facts. I do not believe that Quebec is crime free. I believe there are substantial problems in Quebec, at least there have been in the past, unless it has changed recently, with organized crime and with biker gangs just like in the rest of the country.

I would like to know why, in the member's opinion, the Quebec model is so superior when the results do not seem to show, to me at least, that things are substantially better.

[*Translation*]

Mr. Bernard Bigras: Mr. Speaker, in this House, we do not claim that the Quebec model is better than another. The Quebec model is simply different. We see how the Conservative member is attempting to standardize the penal approach here in Canada. He confuses motorcycle gangs with youth under 18. That is basically what he has just said, and that is completely different.

Can we allow minors, adolescents—even though they committed reprehensible acts—to be put into the same system as consenting individuals over 18?

We have to work with our youth to put them on the right track, first of all by understanding them, being there for them and helping them develop. We will not help them by throwing them in jail.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, I would like to know whether the Bloc Québécois member will support the first part of this bill.

As you know, the bill has two parts. The second part will not have the support of all opposition members. However, in our opinion, we can come to an agreement on the first part because it results from the recommendation by Justice Nunn from Nova Scotia.

I would quite simply like to ask whether the member and the Bloc Québécois support the first part of the bill.

Mr. Bernard Bigras: Mr. Speaker, I thought I was clear. The problem with this bill is not a few clauses. The problem is the actual principle and basis of this bill, as well as the approach it takes.

For us, it is clear that it is not a question of supporting the principle itself or negotiating based on one part compared to another. We do not agree with the approach taken in this bill. We will defend the Quebec model because it gives the best results and has been proven.

* * *

[*English*]

TACKLING VIOLENT CRIME ACT

The House resumed consideration of Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts, as reported (without amendment) from the committee, and of the motions in Group. No. 1.

The Acting Speaker (Mr. Andrew Scheer): It being 6:30 p.m. the House will now proceed to the taking of the deferred recorded division on Motion No. 2 at report stage of Bill C-2.

Call in the members.

● (1855)

(The House divided on Motion No. 2, which was negatived on the following division:)

(Division No. 14)

YEAS

Members

Atamanenko	Bell (Vancouver Island North)
Bevington	Black
Charlton	Chow
Christopherson	Comartin
Cullen (Skeena—Bulkley Valley)	Dewar
Godin	Julian
Marston	Martin (Winnipeg Centre)
Martin (Sault Ste. Marie)	Masse
Mathyssen	Mulcair
Nash	Priddy
Siksay	Stoffer– — 22

NAYS

Members

Abbott	Ablonczy
Albrecht	Alghabra
Allen	Allison
Ambrose	Anders
Anderson	Bachand
Bains	Baird
Batters	Bell (North Vancouver)
Bellavance	Bennett
Benoit	Bezan
Bigras	Blais
Blaney	Bonin
Bonsant	Bouchard
Boucher	Bourgeois
Breitkreuz	Brison
Brown (Leeds—Grenville)	Brown (Barrie)
Bruinooge	Brunelle
Calkins	Cannan (Kelowna—Lake Country)
Cannis	Cardin
Carrie	Carrier
Casson	Chong
Coderre	Comuzzi
Crête	Cullen (Etobicoke North)
Cuzner	Davidson
Day	Del Mastro
Demers	Deschamps
Devolin	Dhalla
Dion	Dosanjh
Duceppe	Dykstra
Emerson	Epp
Eyking	Fast

Finley	Flaherty
Fletcher	Freeman
Gagnon	Galipeau
Gallant	Godfrey
Goldring	Goodale
Goodyear	Gourde
Grewal	Guarnieri
Guimond	Hanger
Harris	Harvey
Hawn	Hearn
Hiebert	Hill
Hinton	Holland
Hubbard	Ignatieff
Jean	Kadis
Kamp (Pitt Meadows—Maple Ridge—Mission)	Karetak-Lindell
Kenney (Calgary Southeast)	Komarnicki
Kotto	Kramp (Prince Edward—Hastings)
Laforest	Laframboise
Lake	Lauzon
Lavallée	Lee
Lemay	Lemieux
Lessard	Lévesque
Lukiwski	Lunn
Lunney	Lussier
MacKay (Central Nova)	MacKenzie
Maloney	Manning
Marleau	Martin (Esquimalt—Juan de Fuca)
Mayes	McGuinty
McGuire	Ménard (Hochelaga)
Menzies	Merrifield
Miller	Minna
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Murphy (Moncton—Riverview—Dieppe)	Murphy (Charlottetown)
Nadeau	Neville
Nicholson	Norlock
O'Connor	Obhrai
Ouellet	Pallister
Paquette	Paradis
Patry	Pearson
Petit	Plamondon
Poilievre	Prentice
Preston	Proulx
Rajotte	Ratansi
Redman	Regan
Reid	Richardson
Ritz	Robillard
Rodriguez	Rota
Roy	Russell
Savage	Scarpaleggia
Schellenberger	Scott
Sgro	Shipley
Silva	Simms
Skelton	Smith
Solberg	Sorenson
St-Hilaire	St. Amand
St. Denis	Stanton
Steckle	Storseth
Strahl	Sweet
Szabo	Telegdi
Temelkovski	Thibault (Rimouski-Neigette—Témiscouata—Les Basques)
Thibault (West Nova)	Thompson (New Brunswick Southwest)
Thompson (Wild Rose)	Tilson
Tonks	Trost
Turner	Valley
Van Kesteren	Van Loan
Vellacott	Verner
Vincent	Wallace
Warawa	Warkentin
Watson	Wilfert
Williams	Wrzesnewskyj
Yelich	Zed– — 202

PAIRED

Nil

The Acting Speaker (Mr. Andrew Scheer): I declare Motion No. 2 lost. I therefore declare Motions Nos. 1 and 5 lost.

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC) moved that Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts be concurred in.

The Acting Speaker (Mr. Andrew Scheer): The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Acting Speaker (Mr. Andrew Scheer): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Andrew Scheer): In my opinion the yeas have it.

And five or more members having risen:

● (1905)

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

(Division No. 15)

YEAS

Members

Abbott	Ablonczy
Albrecht	Alghabra
Allen	Allison
Ambrose	Anders
Anderson	Atamanenko
Bachand	Bains
Baird	Batters
Bell (Vancouver Island North)	Bell (North Vancouver)
Bellavance	Bennett
Benoit	Bevington
Bezan	Bigras
Black	Blais
Blaney	Bonin
Bonsant	Bouchard
Boucher	Bourgeois
Breitkreuz	Brison
Brown (Leeds—Grenville)	Brown (Barrie)
Bruinooge	Brunelle
Calkins	Cannan (Kelowna—Lake Country)
Cannis	Cardin
Carrie	Carrier
Casson	Charlton
Chong	Chow
Christopherson	Coderre
Comartin	Comuzzi
Crête	Cullen (Skeena—Bulkley Valley)
Cullen (Etobicoke North)	Cuzner
Davidson	Day
Del Mastro	Demers
Deschamps	Devolin
Dewar	Dhalla
Dion	Dosanjh
Duceppe	Dykstra
Emerson	Epp
Eyking	Fast
Finley	Flaherty
Fletcher	Freeman
Gagnon	Galipeau
Gallant	Godfrey
Godin	Goldring
Goodale	Goodyear
Gourde	Grewal
Guarnieri	Guimond

Hanger	Harris
Harvey	Hawn
Hearn	Hiebert
Hill	Hinton
Holland	Hubbard
Ignatieff	Jean
Julian	Kadis
Kamp (Pitt Meadows—Maple Ridge—Mission)	Karetak-Lindell
Kenney (Calgary Southeast)	Komarnicki
Kotto	Kramp (Prince Edward—Hastings)
Laforest	Laframboise
Lake	Lauzon
Lavallée	Lee
Lemay	Lemieux
Lessard	Lévesque
Lukiwski	Lunn
Lunney	Lussier
MacKay (Central Nova)	MacKenzie
Maloney	Manning
Marleau	Marston
Martin (Esquimalt—Juan de Fuca)	Martin (Winnipeg Centre)
Martin (Sault Ste. Marie)	Masse
Mathyssen	Mayes
McGuinty	McGuire
Ménard (Hochelaga)	Menzies
Merrifield	Miller
Minna	Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)	Mulcair
Murphy (Moncton—Riverview—Dieppe)	Murphy (Charlottetown)
Nadeau	Neville
Nicholson	Norlock
O'Connor	Obhrai
Ouellet	Pallister
Paquette	Paradis
Patry	Pearson
Petit	Plamondon
Poilievre	Prentice
Preston	Priddy
Proulx	Rajotte
Ratansi	Redman
Regan	Reid
Richardson	Ritz
Robillard	Rodriguez
Rota	Roy
Russell	Savage
Scarpaleggia	Schellenberger
Scott	Sgro
Shipley	Silva
Simms	Skelton
Smith	Solberg
Sorenson	St-Hilaire
St. Amand	St. Denis
Stanton	Steckle
Stoffer	Storseth
Strahl	Sweet
Szabo	Temelkovski
Thibault (Rimouski-Neigette—Témiscouata—Les Basques)	
Thibault (West Nova)	
Thompson (New Brunswick Southwest)	Thompson (Wild Rose)
Tilson	Tonks
Trost	Turner
Valley	Van Kesteren
Van Loan	Vellacott
Verner	Vincent
Wallace	Warawa
Warkentin	Watson
Wilfert	Williams
Wrzesnewskyj	Yelich

Zed– — 221

NAYS

Members

Siksay– — 1

PAIRED

Nil

The Acting Speaker (Mr. Andrew Scheer): I declare the motion carried.

ADJOURNMENT PROCEEDINGS

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

[*English*]

ELECTIONS CANADA

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, I can understand that there is a lot of commotion in here tonight about the Saskatchewan Roughriders winning the Grey Cup. I rise to my feet amidst all that glorious celebration of Canada's oldest professional sport championship and offer salutations to both sides.

I rise to ask a question in the realm of democratic reform. I was fortunate enough to ask a question of the government. However, I was not fortunate enough to really receive an answer.

My question involved questions regarding Mr. Michael Donison and his imprimatur.

I should go back a little. He was one of the star witnesses for the Conservative government when it brought in its new accountability act, the most comprehensive, et cetera, as I have heard the member for Nepean—Carleton go on about the title. In fact, Mr. Donison was a witness at the Bill C-2 hearings who said that the convention fee expenses were totally legal and totally within the confines of the Elections Act.

However, it turns out that over the summer the Conservative Party defied, I guess, the evidence of Mr. Donison and treated convention fees as contributions, as all parties had, and did a sort of volte-face on their original position.

My question, thoroughly put to the Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, is this: will we see the same turnaround with respect to the colouring of the in and out expense aspect done on most Conservative campaigns and totalling some $2 million? Will we see a change in the position in this very important matter? Was it really necessary for the Conservative Party to sue Elections Canada and to put the taxpayers to the expense of defending Elections Canada when it is very clear that Elections Canada did not allow these expenses in the first place?

Much has been made in court filings about other advertising undertaken by other members across the country, but I hasten to add that Elections Canada has not thrown out any other expense accounts except the numerous expense accounts put in by candidates, successful or not, in the Conservative Party who have participated in the in and out affair.

Local candidates had claimed, many of them in defiance of their party leaders, that it was national advertising. In fact, it was. Much of the advertising that took place, and this is according to Mr. Donison, who is now sort of in the embrace of government and who said it would be no real news to a local campaign: it would be “a transfer in and back out, same day...as agreed”. He said that there would be “no net cost”. It is very close in scheme to money laundering.

I want to know, if everything was done by the letter of the law, why did Elections Canada reject not one not two but a myriad of claims? Also, why was it necessary for the Conservative Party to take the Elections Canada decision to court and not accept Elections Canada findings, as all of us as candidates have? Why are the Conservatives putting the taxpayers to the expense of defending Elections Canada?

● (1910)

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, my colleague's direct question was, why is the Conservative Party taking Elections Canada to court? Quite frankly, we are doing it so that our candidates can get their reimbursements.

We believe that Elections Canada erred. It is that simple. If the member, who I believe in a former life might have been a lawyer by profession, would care to examine the affidavits that we have filed in the Federal Court, he would quickly come to the same conclusion that we have, that there was full compliance with elections law and that our candidates affected should be eligible to get their reimbursement back.

We have given over 100 examples of similar activity from other candidates in different parties which clearly demonstrate that the method we used on our regional advertising purchases were exactly the same as other parties used. I think that at the end of the day we will be able to clearly demonstrate to all Canadians, particularly those naysayers in this House, that we were in full compliance with electoral law.

The examples are many and varied, but clearly it is an indication that each candidate should have the right to determine what kind of advertising would best serve his or her purposes of getting elected.

What we have done in all of these cases is we have used national ads, yes, but they have been authorized by the local candidate. Frankly, I think that is quite a common practice that we have seen not only in federal elections but also in provincial elections.

I have stated in the House on several occasions that in one of my former lives I was responsible for the Progressive Conservative Party of Saskatchewan in working within an all-party committee to make changes to the Saskatchewan elections act. What we did in the changes we made to that act were very similar to the federal Canada Elections Act. In fact, all parties agreed that we would try to mirror the Canada Elections Act in all things that we could. One of those aspects was regional advertising buys. We copied exactly what the federal one allowed and did not allow and embraced that into the Saskatchewan elections act.

Therefore, I know a little bit of what I speak and I can assure members of the House and my hon. colleague that Elections Canada in my opinion certainly erred in its rulings. That is why we are taking it to court. We want our candidates to get their reimbursements, which they are duly owed.

● (1915)

Mr. Brian Murphy: Mr. Speaker, I am glad to hear that the parliamentary secretary has had previous lives. He may need nine of them in a place like this.

I am confused in that the affidavits that have been referred to, which I have gone over in part because I am implicated in one of them, are comparing apples and oranges.

In the New Brunswick case, 10 MPs bought ads with locally raised money for an advertisement that was in all papers of provincial distribution, including the ridings in which each of the 10 MPs were involved.

In the Conservative example in Moncton for instance, Moncton—Riverview—Dieppe, $7,600 came from the national fund, was spent on national advertising which did not have prominence in the riding of Moncton—Riverview—Dieppe and then was paid back. It is completely different.

In short, I understand that the parliamentary secretary is saying that the Elections Canada ruling was wrong. Will he abide by the ruling of the court and undertake not to appeal and waste taxpayers' money?

Mr. Tom Lukiwski: Mr. Speaker, I can assure my hon. colleague that we always abide by rulings of the court. I think he should be aware of that.

I also want to suggest to the hon. member that he is wrong when he says that the examples we have cited in our affidavits were completely different. They are not.

In fact, one example is that of the member for Vancouver East. That affidavit also contained e-mails between the national party, in this case it was the New Democratic Party, and the member for Vancouver East where it says not to worry because the $2,000 transfer which was sent in order to purchase the ads would be completely covered and it is entirely within the electoral act.

If the member chose to examine carefully all the affidavits that we filed in Federal Court, he would come to the same conclusion as we have, that we are on the right side of this issue and Elections Canada erred.

The Acting Speaker (Mr. Andrew Scheer): The motion to adjourn the House is now deemed to have been adopted. Accordingly the House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24.

(The House adjourned at 7:16 p.m.)

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