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Monday, April 20, 2009

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, April 20, 2009

The House met at 11 a.m.

Prayers

● (1100)

[*Translation*]

VACANCY

NEW WESTMINSTER—COQUITLAM

The Speaker: It is my duty to inform the House that the following vacancy has occurred in the representation:

[*English*]

Ms. Dawn Black, member for the electoral district of New Westminster—Coquitlam, has resigned effective April 13, 2009. Pursuant to subsection 25(1)(b) of the Parliament of Canada Act, I have addressed my warrant to the Chief Electoral Officer for the issue of a writ for the election of a member to fill this vacancy.

It being 11.02 a.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

IMMIGRATION AND REFUGEE PROTECTION ACT

The House resumed from March 12 consideration of the motion that Bill C-291, An Act to amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171), be read the second time and referred to a committee.

Hon. Maurizio Bevilacqua (Vaughan, Lib.): Mr. Speaker, I rise today to speak to Bill C-291, moved by the hon. member for Jeanne-Le Ber. It is an act to amend the Immigration and Refugee Protection Act, coming into force of sections 110, 111 and 171.

As I read the statements made by the hon. member, I just want to bring to the attention of the House the type of work that is required to address Canada's refugee system and the challenges it faces. What became very evident during the debate, here in this chamber and outside the chamber, was that there are many challenges faced by the refugee system in this country. I want to quickly read some sections from the speech delivered by the hon. member for Jeanne-Le Ber. He said:

> Let us start at the beginning, with the issue of arbitrary decisions. There are quite a few board members at the Immigration and Refugee Board of Canada (IRB), many of whom are undoubtedly competent. However, the problem is that many of these people are not well-suited to this work.

He went on to say:

> There is an obvious problem here: some commissioners do not have what it takes to do the job. We need an appeals division to overturn these decisions. Even if they were all very competent, we would still have a natural justice issue on our hands. Even though we have very competent judges in our other courts, we still have an appeals division. Why do citizens and permanent residents have access to appeals in the regular system, but refugees do not?

The second reason he gave was the lack of consistency in the decisions:

> When there is no appeal division, each IRB member can decide one way or the other. As all immigration lawyers will agree, this makes it impossible to tell someone whether they are eligible or not by simply looking at their file.
>
> Lastly, I think we could even save money in our justice system, since the appeal division, as it is defined in the legislation, is an administrative tribunal. But since this administrative tribunal does not yet exist, claimants who have been refused by the board tend to avail themselves of all kinds of procedures before superior courts to try to obtain justice. In the end, this is more expensive for the system, since those proceedings tend to be much more costly.

The view on the other side, of course, is the government response through the Parliamentary Secretary to the Minister of Citizenship and Immigration. He has a different view on this issue. He said:

> The government opposes this legislation because it is neither necessary in the current system nor is it efficient. It would add considerable delays and costs, both in the start-up and operating costs as well as the prolonged costs for services provided to failed refugees waiting for their fourth level of appeal, which would be this appeal division.
>
> The cost of implementing the refugee appeal division would be in the range of $15 million to $25 million annually in new operating costs, about the same amount in social services costs paid by both the provincial and federal governments for refugees, not to mention start-up costs of approximately $10 million.

He also said he believed there were individuals taking advantage of our compassionate nature in seeking refugee status on dishonest grounds, and on and on.

I thought it was my responsibility, when there are divergent opinions coming from both sides of the House, to promote debate in the House. I listed some of the supporting arguments to implement the refugee appeal division, which means passage of the bill would ensure that the entire design in IRPA would be realized.

Implementation of RAD would increase the efficiency of the system, while still ensuring the humane treatment of those in need of protection. The creation of RAD would allow for greater consistency when reviewing the facts of a decision. RAD would serve as a procedural safeguard to enhance the IRB's credibility and ensure justice is done so that no decision to deny refugee status leads to serious consequences, such as detention, torture or death.

● (1105)

A human decision-making process is subject to potential errors, especially when information is limited, and testimony is usually heard through an interpreter. Judicial review of an IRB decision is more limited in scope than the appeal contemplated in the RAD. The court cannot replace a decision by the IRB with its own judgment and the Federal Court does not specialize in refugee matters whereas advocates for the RAD would have an expertise in refugee determination. That is one side.

The other side says:

> —implementing the Refugee Appeal Division (RAD) at this time would provide very limited benefit at a very high cost...the RAD would only provide a review on the record similar to a federal court review, without the calling of additional evidence or the provision of new or additional facts...an appeal to the RAD...would allow only a paper review of a RPD decision, and that no new evidence would be allowed to be presented at a proceeding before the RAD.
>
> To add another layer of appeals and process would simply make an already extremely lengthy refugee determination process even longer.
>
> Failed refugee claimants can apply for a Federal Court review of their decision. They can also apply for a pre-removal risk assessment and for permanent residence on humanitarian and compassionate grounds, including consideration of possible risk if returned to their home country. As things stand, it can take years to conclude the adjudication of a case. To add additional months and even possibly years to the delays is unfair to refugees and their families who expect a timely resolution and decision with respect to their application for refugee status...Resources would be better directed at seeking ways to improve and streamline the existing refugee determination process as a whole.

I do this research. I meet with people. I talk about the refugee system with those people affected. I speak to the people on the government side. I speak to the hon. member who proposed this private member's bill and I am left with a decision. I think this particular bill requires further study. I want to draw the member's attention to a question that I asked of the Minister of Citizenship, Immigration and Multiculturalism where I quoted the departmental performance report. Under the Conservatives, the backlog of refugee claims has more than doubled. The number of finalized claims has decreased by 50%. The average processing time has increased to 14 months. The average cost per claim has increased by almost $2,000 to nearly $5,000. My question was: Why has the government failed to provide a timely and efficient refugee system to people who desperately need it?

One may think I am being unnecessarily critical. However, in response to my question in question period, the minister basically came back to me and said:

> I am really delighted to hear the interest of the member in hopefully working together to create a more efficient refugee determination system.

I do this with a great deal of sincerity. I see that there are divergent views that exist on this particular issue. When there is a minister who in many ways admits that there are problems in the refugee system and that we need to collectively work together to improve the system, I think it is time to provide this member and members of our immigration committee with further study. There has also been a very critical report by the Auditor General on this particular issue. We need to take the time to study this bill. While we are studying this bill in committee, we should also be looking at all the issues I have raised. Working together to improve Canada's refugee and immigration systems is a commitment that I have made to the House.

I think it would be wise of all members in the House to support the bill so that we can study this particular issue. There are divergent opinions that require time and reflection, so that we may have a more efficient and effective refugee system and protect those individuals who require protection.

● (1110)

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I am pleased to have the opportunity to speak in the debate on private member's Bill C-291, An Act to amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171).

This is not the first time that I have discussed this type of legislation, and I want to thank the member for Jeanne-Le Ber for reintroducing the bill. This legislation was introduced in the last Parliament by another member and the House passed it in the last Parliament. It then went on to the Senate where, with a few amendments, it was also passed. Unfortunately, it did not have an opportunity before the last election to come back to the House to have those amendments approved, and therefore, the bill died without having completed the full parliamentary process. The fact is we are now debating that bill as amended by the Senate in the last Parliament. We are talking about it yet again.

The bill calls for the implementation of legislation that in fact was passed by Parliament back in 2001. It calls for the implementation of the refugee appeal division, which is a feature of the Immigration and Refugee Protection Act that was passed here in the House after a lengthy process back in 2001. When the Liberal government of the day implemented that legislation, it refused to implement the provisions dealing with the refugee appeal division. Those sections that are named in the current bill we are discussing today were never implemented. The Conservative government has also refused to implement the provisions regarding the refugee appeal division.

We are now in this bizarre situation where we are debating a bill to implement legislation that has already been passed by the House of Commons and the Senate. The bill has been largely implemented, except for one part. One of the strange features of my time here in Parliament is that we actually would need to debate legislation to implement legislation that we had already fully debated and passed in this place a number of years ago, but that, in fact, is what this is about, because of the government's refusal to abide by the will of Parliament, by the decisions of parliamentarians, on the Immigration and Refugee Protection Act back in 2001. This is disturbing because the refugee appeal division emerged out of the debate and discourse and the committee hearings in 2001 on the Immigration and Refugee Protection Act.

It emerged as a compromise because the government of the day wanted to reduce Immigration and Refugee Board panels from two members to one member. It was thought that to serve the needs of fairness and justice, a one member panel only represented the interpretation of one person and that increased the likelihood of mistakes, errors and inconsistencies. It was thought that some other appeal process was necessary to balance that reduction in the panel from two members to one member. A compromise was struck. Members of Parliament agreed to the reduction of the panels from two members to one but also insisted that the refugee appeal division, the RAD, be a part of the legislation in order to give people a recourse to appeal a decision made by a panel in a refugee determination case.

That was a very important piece of the process. It showed Parliament perhaps at its best by reviewing legislation, finding the problems, responding to the needs that the government of the day addressed, and finding a compromise and implementing that compromise. Yet after the fact, the government went ahead and reduced the panels from two members to one, but refused to implement the other procedure that would have ensured some fairness and some justice. The government refused to implement the refugee appeal division. That speaks rather badly of the government of the day and its respect for the parliamentary process that we engage in here daily.

If the Conservative government had respect for the kind of process we go through in this place, it would move immediately to implement the refugee appeal division. New Democrats would certainly proceed that way. We have been strong supporters of the implementation of the RAD.

● (1115)

I remember speaking to people at the Canadian Council for Refugees a number of years ago when I was acting as citizenship and immigration critic for the NDP and indulging a fantasy that some day I would be the minister of citizenship and immigration. I gave notice then, and I will do it again, that should I ever become minister of citizenship and immigration, I would expect the folks working in that department and the minister's office to blow the dust off the pile of paper in the corner of the office that is the refugee appeal division file and put it on my desk. One of the first things I would do would be to implement the provisions of the Immigration and Refugee Protection Act without delay because it would bring a measure of fairness that is required. It would also respect the parliamentary process.

This is not an extra piece of process; it is an essential piece of the refugee determination process. There are many concerns about that process. I have mentioned already that in Canada when a person goes before the IRB, that person goes before a one member panel, which means that his or her future is in the hands of a single person.

Many of the folks who serve on the IRB do great diligence in that job and are very concerned about the process and the work they do. However, the reality is that one person can make mistakes. One person can have a blind spot. When there were two members on the panel, through the discourse they engaged in at a hearing, those blind spots could be exposed and could see the light of day, but with a one member panel that is not as possible.

When a single person determines the fate of a refugee claimant, a bad decision can mean that the person is removed from Canada ultimately and sent back to a situation where the person faces danger and threats to his or her life. The basis of the whole refugee process is to protect people from that kind of threat. Therefore, a one person panel is a very serious problem with our current refugee determination process.

We have seen over the years that the IRB process can be very inconsistent. Different panel members make different decisions based on the same facts. There is a huge inconsistency in IRB decisions. This is another reason that a separate refugee appeal division is so important to that process. It would strive for more consistency in the process.

Everyone knows that mistakes are made in any decision-making process. That is why appeals in the refugee appeal division are very important. We also know there are often difficulties finding, and being able to afford, appropriate representation. There are difficulties dealing with a legal process that people may not be familiar with because of cultural and language differences and their newness in Canada. There are often difficulties with the hearing process itself. There are times when not every bit of information is examined and due process does not take place in the course of hearings. That is another reason that a separate appeal in the refugee appeal division is very necessary.

There have been calls from international organizations for Canada to implement an appeal. While Canada is known around the world for having a positive refugee policy, it is also known that the lack of an appeal is one of the significant shortcomings in the refugee process in Canada. We have been criticized by a number of international organizations for the lack of an appeal on the merits of a case.

The Inter-American Commission on Human Rights commented:

> Given that even the best decision-makers may err in passing judgment, and given the potential risk to life which may result from such an error, an appeal on the merits of a negative determination constitutes a necessary element of international protection.

That was its reflection on the lack of an appeal before a refugee appeal division in Canada.

The United Nations High Commissioner for Refugees wrote to the Canadian government to express concern about the non-implementation of the RAD. The UN High Commissioner for Refugees considers an appeal procedure to be a fundamental, necessary part of any refugee status determination process.

● (1120)

This is not frivolous. It is not an expensive proposition. The previous government and the current government have indicated the expenses related to it. It is a necessary provision. I hope that I never have to stand in this House again to call upon the government to implement legislation that was in fact passed here in 2001 and is already part of the Immigration and Refugee Protection Act. We need the refugee appeal division and we need it to be implemented now.

[*Translation*]

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, today I would like to talk about Bill C-291, which seeks to implement an appeal division for refugee claims, introduced by my Bloc Québécois colleague, the member for Jeanne-Le Ber.

It goes without saying that I wholeheartedly support this Bloc Québécois bill. It is a fairly simple bill, but it is important because it would implement the refugee appeal division. Once Bill C-291 has been passed and has received royal assent, three sections of the Immigration and Refugee Protection Act, sections 110, 111 and 171, will come into force. These three sections would come into force one year after this bill receives royal assent.

The Bloc Québécois has decided to introduce a bill to ensure full enforcement of the Immigration and Refugee Protection Act.

A proper appeal process for refugee claimants ought to have been put in place as soon as the Immigration and Refugee Protection Act 2002 took effect in 2002. This is one of the significant changes required to ensure that asylum seekers are treated fairly and equitably.

The creation of the refugee appeal division is a matter of justice. To persist in not making this change, as the two most recent governments have done, is to allow a situation that is unfair to asylum seekers to continue.

When the Immigration and Refugee Protection Act was drafted, the refugee appeal division was seen as a fair compromise to satisfy the desire to move from two board members responsible for examining asylum claims to just one. Yet now we have the worst of both worlds. There is only one board member, not two, to examine the files, and there is no refugee appeal division.

The arbitrary aspect of the system is being magnified by the government's inaction and the piecemeal approach to implementing the new legislation. For four years now, the federal government has been stubbornly postponing the establishment of the refugee appeal division, as called for in the Immigration and Refugee Protection Act. It is time for the Conservative government to comply with the legislation and implement the refugee appeal division.

The federal government claims that a safety net already exists, consisting of the opportunity to request a pre-removal risk assessment—also known as a PRRA—a judicial review by the Federal Court, or permanent resident status on humanitarian grounds. However, unlike a refugee appeal division, they do not offer any protection for refugees. The Federal Court provides only for a judicial review and does not provide for a review of the facts of a case.

There is also a flagrant lack of political will to establish the refugee appeal division, or RAD, which, I would remind the House, is already enshrined in the legislation. After their own legislation came into effect, the Liberals avoided establishing the RAD. Now that the Conservatives are in power, the former immigration minister still has not established the RAD, despite the positions his party took in the past.

In 2004, the Standing Committee on Citizenship and Immigration adopted a motion calling on the then Liberal government to establish the refugee appeal division or rapidly come up with a solution. Yet the government has consistently refused to comply with the committee's motion.

The Bloc Québécois tabled an almost identical bill in the 39th Parliament. Our bill was passed by the House on October 16, 2007 and sent to the Senate to be studied. The bill passed third reading stage in the other chamber. However, because of the elections in the fall of 2008, our bill did not receive royal assent and died on the order paper.

Many groups in civil society in Quebec, Canada and the international community are demanding that a refugee appeal division be established. These include the United Nations High Commissioner for Human Rights, the UN Committee against Torture, the Canadian Council for Refugees, the Canadian Bar Association, Amnesty international, the Civil Liberties Union, and the KAIROS group.

There are four reasons why the refugee appeal division should be established: efficiency, consistency of the law, justice, and political reasons that I will explain.

A specialized refugee appeal division is a much more efficient means of dealing with unsuccessful claimants than the Federal Court, an application for pre-removal risk assessment or requests on humanitarian grounds. The refugee appeals division can do a better job of correcting errors of law or fact.

The second reason is consistency of the law. An appeal division deciding on the merits of the case is the only body able to ensure consistency of jurisprudence both in the analysis of facts and in the interpretations of legal concepts in the largest administrative tribunal in Canada.

● (1125)

In other words, an appeal mechanism helps the system to make decisions by establishing precedents that will be applied to lower court rulings when the facts are exactly the same.

The third reason has to do with justice. The decision to refuse refugee status has extremely serious consequences, including death, torture and detention. As in matters of criminal law, the right to appeal to a higher court is essential for the proper administration of justice. Because human error occurs in any decision-making process, it should be standard practice to have an appeal process, especially to offset the fact that decisions are now made by a single board member.

As I said earlier, the fourth reason is political. By not establishing the refugee appeal division, the federal government is going against the will of Parliament—which is a serious matter—and of the Standing Committee on Citizenship and Immigration, which has called for such an appeal division. As I said, this is a serious matter.

The Bloc Québécois is dismayed by the lack of justice shown by the Department of Citizenship and Immigration when dealing with refugees since the Immigration and Refugee Protection Act came into force in 2001.

Mr. Speaker, I would like to place this bill in context.

In 2001, during the first session of the 37th Parliament, the Minister of Immigration introduced Bill C-11 in this House, concerning persons who are displaced, persecuted or in danger who apply to enter Canada and receive refugee protection.

Bill C-11 was designed to update the former Immigration Act, which had been passed in 1976 and amended more than 30 times.

Unlike Bill C-11, which was passed in 2002, the Immigration Act, 1976, did not provide for a refugee appeal division. To make up for the fact that there was no refugee appeal division, two board members examined refugee claims.

Claims were granted if one of the two board members ruled in favour of the claimant. However, the Immigration and Refugee Protection Act cut the number of board members from two to one.

The refugee appeal division makes up for the absence of one board member and offsets the arbitrary power the remaining board member has in ruling on refugee claims. The Bloc Québécois considered this an acceptable compromise under the new act.

Why was the number of board members reduced from two to one? It would seem it was for the sake of efficiency.

On March 20, 2001, the former chair of the IRB, the Immigration and Refugee Board, Peter Showler, told the House of Commons Standing Committee on Citizenship and Immigration that:

> In contrast to the present model, where claims are normally heard by two-member panels, the vast majority of protection decisions will be made by a single member. Single-member panels are a far more efficient means of determining claims. It is true that claimants will no longer enjoy the benefit of the doubt currently accorded them with two-member panels, and I think that should be noted. However, any perceived disadvantage is more than offset by the creation of the refugee appeal division, the RAD, where all refused claimants and the minister have a right of appeal on RPD decisions.

According to the former chair of the IRB, the presence of the refugee appeal division justified moving from two members to one for asylum claims. However, we still do not have an appeal division.

The act contains three sections to create an IRB-administered refugee appeal division. Citizenship and Immigration Canada briefly defines the refugee appeal division as follows:

> The refugee appeal division will provide failed refugee claimants and the minister with the right to a paper appeal of a decision from the Immigration and Refugee Board. Unsuccessful refugee claimants have the right to apply for judicial review in the Federal Court.

More specifically, the three sections that create the refugee appeal division are as follows:

> 110. (1) A person or the Minister may appeal, in accordance with the rules of the Board, on a question of law, of fact or of mixed law and fact, to the Refugee Appeal Division against a decision of the Refugee Protection Division to allow or reject the person's claim for refugee protection, or a decision of the Refugee Protection Division rejecting an application by the Minister for a determination that refugee protection has ceased or an application by the Minister to vacate a decision to allow a claim for refugee protection.

Mr. Speaker, I hope that these arguments have persuaded members of other parties, particularly the governing party, to vote in favour of Bill C-291.

● (1130)

[*English*]

Mrs. Alice Wong (Parliamentary Secretary for Multiculturalism, CPC): Mr. Speaker, once again, I would like to state the government's opposition to Bill C-291, the bill that seeks to establish the refugee appeal division.

Hon. members of the House know very well that this government is a strong advocate and supporter of the humanitarian division of our immigration program. Every year we welcome almost a quarter of a million new permanent residents who embrace our values of freedom, democracy, human rights and the rule of law. As an immigrant myself, I was one of them. Among these newcomers are thousands of refugees attracted by our values and the chance to start a new life.

Since the government came to office in 2006, we have accepted more than 51,000 refugees from around the world. In fact, Canada is one of the top three countries in the western world in terms of the numbers of refugees we accept for resettlement. The welcome we extend has given us an international reputation as a champion of human dignity. For example, we have made major commitments for the protection of Karen and Bhutanese refugees in Asia. We have also offered protection to refugees from Africa and Latin America.

We have a very generous asylum program as well. Asylum seekers from all over the world have found a durable solution to their refugee plight in Canada. Canada's asylum system has one of the highest acceptance rates among western countries, accepting 42% of claimants last year. No less than the United Nations High Commissioner for Refugees has called us a model for other nations.

Those are facts in which we can take great pride. I think we can all agree that Canada's refugee system is acknowledged as one of the strongest and fairest in the world today.

However, as everyone in this House knows, we also face significant challenges. It has long been the view of this government that the implementation of a refugee appeal division is not the way to address these challenges.

I would like to talk about the large and growing number of unfounded claims that are putting an incredible strain on our system. These unfounded claims are using up resources that should be used to help people with legitimate refugee claims. As a result, the wait times are getting longer. The most straightforward, successful refugee applications can take an average of two and a half years to reach permanent residency because of a backlog that has continued to grow, despite the current 90% occupancy of the Immigration and Refugee Board of Canada.

As the Prime Minister and others in this government have said many times before, Canadians expect our refugee system to help and protect legitimate refugees. The refugee appeal division proposed in Bill C-291 would not help us meet these objectives. It would provide only a paper-based review on issues of fact and law. It would not provide an opportunity to introduce evidence, nor would it provide for an in-person hearing. It would, however, add unnecessary delays and costs to an overburdened system. It is not just the cost of the appeal division which, as my colleagues previously have pointed out, would be in the tens of millions of dollars, but there would also be other costs to the provinces and the federal government for health care and social assistance. This is why it is surprising that the Bloc would be pushing the bill at a time of economic uncertainty that would increase the costs of services to the province of Quebec.

Moving to another point, I want to acknowledge the steps this government has taken to assure the quality of decisions at the Immigration and Refugee Board.

Based on the recommendations of the Public Appointments Commission Secretariat, we implemented a new process for the appointment of members of the IRB in July 2007. This new process strengthens the merit-based focus of governor in council appointments to the board and increases transparency and fairness at the same time. This was an important step forward that was endorsed by the Auditor General when she released her latest report this spring.

● (1135)

It is essential that refugee claimants and Canadians have the utmost confidence in the decisions of the Immigration and Refugee Board. This selection process helps to ensure that confidence. Since this government took office, there have been 111 appointments and 59 re-appointments to the Immigration and Refugee Board. The board now stands at 90% of its full complement. As a result, more genuine refugee claims can be process and finalized, while more frivolous asylum applications are dismissed more quickly.

However, even with a full complement, the rate of applications has increased beyond the capacity of the board, increasing the backlog. This is why the refugee system needs to be reformed instead of creating another useless appeal process that will only make the problem worse.

We have repeatedly urged the opposition to consider the comments already made by the government during this debate. We have a system where even the most straightforward successful refugee claims are currently taking too long to reach a decision. Unsuccessful refugee claimants regularly take over five years before they finish the various levels of appeals available to them. This is five years of federally funded health care and provincially funded social programs, on top of court costs and IRB costs.

Our goal should be to focus more of our time and resources on the people who genuinely need our help and protection, and deal more quickly with those who are trying to take advantage of our generosity.

While Canadians are proud of our support for refugees, less than one in four think we do a good job of removing people who not legitimate refugees. Not only do they read stories about how long people are here before we can deport them, they also notice increases in the number of asylum seekers from countries they do not consider unsafe. Hon. members know, for example, that there has been a sharp increase in the number of asylum seekers from Mexico and only 11% of those claims are accepted.

These failed refugee claimants now have assets to seek leave for judicial review of the IRB decision. After that, they may apply for pre-removal assessment and, if they are still unsuccessful, they may apply for permanent residence status via a humanitarian and compassionate application. This process will take years and all the while these failed refugee claimants have access to social benefits paid for by taxpayers.

Canada will continue to show strong leadership in providing protection to those in need. We will continue to work closely with the United Nations and our partners to do this. However, to do this we require some changes to ensure that people who are not legitimate refugees cannot take advantage of the system through a multi-year system of appeals that will only be increased by this bill.

We support strong and effective protection for genuine refugees but the implementation of the refugee appeal division, as described in Bill C-291, is not the answer. Again, I urge all hon. members not to support Bill C-291.

● (1140)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I must admit I am somewhat disappointed and saddened, because in the speech just given by the member from the Conservative Party on Bill C-291 some of the language was offensive to me. She talked about refugees having useless appeals and about the additional health and social services costs, as well as court and IRB costs.

What I did not hear and what I think is the reason people want this bill to go to committee is that the system does something very important to Canadians: it is our duty and our social responsibility. The member is familiar with the system and she gave some statistics. However, when we consider that the Parliament of Canada passed an act, we have been through this before. We understood what the role of the amendment to the Immigration and Refugee Protection Act would be and the issue of the implementation of the refugee appeal division. The bill is very straightforward. It is just three paragraphs long, and it asks for enforcement on a bill that has already been passed by Parliament.

It puzzles me from the standpoint that it reminds me of an attitudinal issue about how people address newcomers to Canada. Obviously we have two forms: one is the application from abroad for immigration; and the other is the refugee system.

Legitimate refugees are determined in a number of ways. Primarily the UN designates which countries have legitimate refugees, but the member will also know that at one point in time almost half of the people applying for refugee status in Canada came here from across the Canada-U.S. border. They landed in the U.S., found out that they could not get the court assistance, could not get welfare, could not get social services or health care, so they came to Canada. The arrangement took a very long time to negotiate with the United States, that when a legitimate refugee lands in safe haven, it is that place of first safe haven that is the jurisdiction in which it has to be dealt with.

Those are the kinds of things that we have to be vigilant to fix. The member seems to be preoccupied by costs. The member seems to be preoccupied that we do not need more refugees. We have a responsibility. That value is what we have to deal with.

I want to reassert that I have been a member of Parliament for almost 16 years now. We have had many, many cases through our office. It is a very busy office near the Pearson airport. The Peel members deal with a very large number of refugees. As to the idea that somehow it already takes five years to go through all the various levels of appeals and this is going to make it worse, if a situation is taking five years, let us understand why. Maybe when the member's office gets more involved in these over a period of time she will understand that there are many cases where it is not the refugees themselves who are the reason for the delay.

Before I became a member of Parliament, I had a practice as a chartered accountant and did work for multicultural assistance services in Peel and also for the Peel Multicultural Council, which assisted refugees coming to Canada. People would get off airplanes in the middle of winter wearing sandals, shorts and a T-shirt, and that is all they had to their name. It has been a long time since I looked at the statistics, but there are millions and millions of human beings around the world who have no country, who have no future, who have no life. They are just like every other Canadian in that they are looking for better lives for themselves. A better life for them is where they can have the dignity of a roof over their head, proper nutrition, and an opportunity to be as good as they can be.

● (1145)

It bothers me, it concerns me, and it troubles me, because I remember hearing many times from members—and I am not going to be too partisan on this—the question, why are we letting all those criminals into the country? That was applied to all immigrants and it was applied specifically, for those who perhaps knew the system, to refugees. Somehow they said that immigrants and refugees were all the problem, because those happened to be the ones who were in the newspapers.

When I was a member of the finance committee, StatsCan reported to us the statistics related to new Canadians. Immigrants are actually better educated than born Canadians, because they cannot get into Canada otherwise. They are healthier than born Canadians. They are least likely to fun afoul of the laws, because to get into this country is very difficult.

Unfortunately, we tend to have arguments coming forward to us where the refugee issue is mixed in with the immigration issue. It is different. I know many Canadians do not understand it, but on the refugee side, it is not a great number, but the system is difficult because we have people who got bad information from people who got them into Canada, where they had destroyed their papers, if they had any, or they came from places where there were no papers and it was going to take a long time for them to get papers and they had to go through all the various checks.

We are dealing with people who come from countries that do not have the same government administration that Canada does. There is no support or very little support for the people, especially when they are trying to find a better life.

Therefore, I am pretty sure Bill C-291 will pass, because I think the opposition members are not going to take the rhetoric of the department that says it is going to cost a little more and is going to delay the process a little more. These are frivolous reasons in the context of the whole reason that Canada accepts refugees. It is a relatively small number compared to the number of people we bring in as immigrants.

The bill should pass. It should go to committee. We should look at this. During private members' business at second reading there are only two hours of debate. I think only about 12 people will get a chance to speak, and we do not get a chance for questions and comments other than with the mover of the bill. That is a problem.

I think the refugee issue is important to everyone in the House. The member may have raised some issues: is it a fact that it is taking too long; is it a needless or useless appeal? It has nothing to do with determining who is a legitimate refugee. We know who the legitimate refugees are. The question is whether they meet the criteria of being able to be here, because many refugees ultimately get turned away and sent back and it is a very serious proposition for that to happen.

We will take the allegations of the Conservative Party that it is going to cost money and the various problems that the member articulated, that we have to pay for their health care, and so on. These people have nothing. If we gave them nothing, as they do in the U.S., the only thing they could do possibly would be to rely on illegal activity to try to survive.

That is a problem. We do not want that. That is why we support refugees while they are here going through a legal process. We want to look at it more carefully. We want to make sure we dispel some of the myths that the member has raised.

● (1150)

[*Translation*]

The Acting Speaker (Mr. Barry Devolin): Resuming debate.

The hon. member for Longueuil—Pierre-Boucher has five minutes.

Mr. Jean Dorion (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, it is my turn now to rise in favour of Bill C-291, introduced by my colleague from Jeanne-Le Ber on behalf of the Bloc Québécois. As my colleague from Saint-Bruno—Saint-Hubert already pointed out, it is absurd that we have a bill here to force the government to fully implement legislation already passed by the House and entitled the Immigration and Refugee Protection Act. Sections 110, 111 and 171 of this act provided for the creation of a refugee appeal division, which was supposed to enable claimants who were initially refused refugee status to appeal the adjudicator's decision.

As things currently stand, a single adjudicator judges the validity of a claimant's fear of persecution if returned to his country of origin on the basis of his race, religion, nationality, membership in a particular social group or political opinions. Sections 110, 111 and 171 creating the refugee appeal division were supposed to be implemented four years ago to enable people to appeal the decisions of adjudicators, but they still have not come into force.

I worked for nine years in the offices of two Quebec immigration ministers. For much of that time, one of my jobs was to deal with the cases of refugee claimants whose applications had been turned down by federal adjudicators and who were now appealing to Quebec ministers to try to find a solution to the impasse they were in. This job helped me understand the terrible solitude of many of these people and how helpless they felt when faced with a sole adjudicator without any chance of appeal.

In many cases, I had an opportunity to read the decisions handed down by the adjudicators very carefully. Some rejections, of course, were perfectly well-founded, but others left me stunned by the ignorance or insensitivity of the adjudicator. When some adjudicators reject nearly 100% of the claims submitted to them, the inevitable conclusion is that they are motivated much more by a desire to get rid of people who, in their view, disturb our society than by the humanitarian principles and compassion that should guide any civilized person or nation.

Because of the way in which the law is currently being applied, or more accurately, is not being applied four years after passing the House, claimants still have no chance of appealing arbitrary decisions based sometimes on bizarre reasons.

We, the Bloc Québécois, are not the only ones calling for the implementation of the refugee appeal division provided for in the legislation. For many years, countless voices have been raised, calling for a refugee appeal division. Before the Immigration and Refugee Protection Act even came into effect, the Inter-American Commission on Human Rights was calling for such an appeal division:

> Where the facts of an individual's situation are in dispute, the effective procedural framework should provide for their review. Given that even the best decision-makers may err in passing judgment, and given the potential risk to life which may result from such an error, an appeal on the merits of a negative determination constitutes a necessary element of international protection.

In a letter dated May 9, 2002, the United Nations High Commissioner for Refugees said that it considers an appeal procedure to be a fundamental, necessary part of any refugee status determination process.

● (1155)

For all these reasons, I urge all members of this House to support Bill C-291 introduced by the Bloc Québécois.

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Mr. Speaker, I would first like to thank all the people who have supported this bill and have even campaigned and encouraged all the members to vote. Some organizations have even formally shown their support, and I want to thank them.

I would like to name a few of them, even though I have only five minutes: Amnesty International, its francophone Canada section and the Edmonton and Toronto sections; the Association éducative transculturelle; the Quebec Immigration Lawyers Association, which, God knows, is aware of the gaps in the current act; the Barreau du Québec; the Canada Tibet Committee; the Carrefour d'aide aux nouveaux arrivants; the Centre africain de développement et d'entraide; the Centre communautaire congolais des aînés; the South Asian Women's Community Centre; the Centre de femmes Marie-Dupuis; the Centre d'Éducation et de Développement Interculturel; the Centre des femmes de Verdun; the Centre des travailleuses en maisons privées; the Centre justice et foi; the Centre social d'aide aux immigrants; the Christian Reformed World Relief Committee; the Church of the Resurrection; the Comité régional d'éducation pour le développement international de Lanaudière; the Confédération des syndicats nationaux; the Conseil central du Montréal métropolitain; the United Church of Canada; the Fédération des femmes du Québec; le Groupe Solidarité Justice; the Jesuit Refugee and Migrant Service; the Montreal City Mission; the Coffret; the Maison de la famille; the Mennonite Coalition for Refugee Support; the Mouvement contre le viol et l'inceste; the Quaker Committee for Refugees; the Réseau d'intervention auprès des personnes ayant subi la violence organisée; the Service d'accueil des nouveaux arrivants de Shawinigan; the Legal Aid Services at the Centre francophone de Toronto; the Southern Ontario Sanctuary Coalition; the Table de concertation des organismes au service des personnes réfugiées et immigrantes; the Synod of the Diocese of Niagara; the Toronto Refugee Affairs Council; West Hill United Church; and the YMCAs of Quebec.

I named a few of these organizations because I did not wish to spend all five minutes on it. I wanted to show that people from all backgrounds and organizations, not just organizations that defend immigrants and refugees, support this bill.

First, it is the law. It is surprising to see the Conservatives refuse to implement the law. We are told constantly that it is the law and order party, but the Conservatives are tripping over themselves to avoid implementing the act. The next time they claim to defend the law, we will remind them of this situation.

I was surprised to hear the member for Richmond state that we should get rid of those who take advantage of our system and accept those who genuinely need our help and protection. We all know the problem lies in how to do that. That is why we want a refugee appeal division.

I will use the courts to make an analogy. It would be like saying that we are going to abolish the Court of Appeal, the Superior Court and the Supreme Court of Canada because what is truly important is that criminals go to prison quickly and that those who are not guilty be released quickly. We know that; however, that is not the issue. The issue to how to ensure that mistakes are not made in both directions. My colleague clearly pointed this out. The rate of denial by some board members is almost 100%.

The application by a citizen from my riding, Abdelkader Belaouni, a blind and diabetic Algerian, was rejected by Laurier Thibault, a board member who has denied 98% of the applications he has reviewed. In light of this record, we would have to say that something is not working and that there is no justice.

At the opposite end of the spectrum, other board members accept virtually all applications. At present, not even the minister can appeal this decision. However, if a refugee appeal division were in place, he could do so. We could save precious taxpayer money, as my colleague from Richmond stated. We would all benefit from a more effective, efficient and, above all, fair system.

For this reason, I invite all members to support this bill.

* * *

● (1200)

[*English*]

BUSINESS OF SUPPLY

Hon. Jay Hill (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I would like to designate tomorrow, April 21, as an allotted day. I mentioned in the last Thursday's statement that Thursday, April 23 would be an allotted day, and that will remain the case.

I would also like to add that the opposition was advised of this on Tuesday, April 14.

* * *

[*Translation*]

IMMIGRATION AND REFUGEE PROTECTION ACT

The House resumed consideration of the motion that Bill C-291, An Act to amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171), be read the second time and referred to a committee.

The Acting Speaker (Mr. Barry Devolin): It being 12:03 p.m., the time provided for debate has expired. Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Yea.

Government Orders

The Acting Speaker (Mr. Barry Devolin): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Barry Devolin): In my opinion, the nays have it.

[*English*]

And five or more members having risen:

The Acting Speaker (Mr. Barry Devolin): Pursuant to Standing Order 93 the division stands deferred until Wednesday, April 22, immediately before the time provided for private members' business.

GOVERNMENT ORDERS

● (1205)

[*English*]

TRUTH IN SENTENCING ACT

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC) moved that Bill C-25, An Act to amend the Criminal Code (limiting credit for time spent in pre-sentencing custody), be read the second time and referred to a committee.

He said: Mr. Speaker, I thank the government House leader for seconding this bill. It is very important legislation and is an important part of this government's agenda. We are opening debate on the truth in sentencing act. The amendments to the Criminal Code proposed in this bill will limit the credit that a court may grant a convicted criminal for time served in pre-sentence custody.

As some in the House may be aware, section 719(3) of the Criminal Code allows a court to take account of the time a convicted criminal has spent in pre-sentencing custody in determining the sentence to be imposed. The code does not set out any formula for calculating this credit, but the courts routinely give credit on a two-for-one basis. In many cases the courts give credit on a three-to-one basis. In other words, for every day a convicted offender has spent in remand, the court will deduct from the sentence it otherwise would impose, two or three days.

Explanations for the length of a sentence are usually provided in open court at the time of sentencing. However, judges are not required to explain the basis for their decision to award pre-sentence credit. As a result, they do not always do so and this deprives the public of information about the extent of the pre-sentence detention. It leaves people in the dark about why the detention should allow a convicted criminal to receive what is most often considered to be a discounted sentence. This creates the impression that offenders are getting more lenient sentences than they deserve.

There is a concern that the current practice of awarding generous credit for pre-sentence custody may be encouraging some of those accused to abuse the court process by deliberately choosing to stay in remand in the hope of getting a shorter term of imprisonment once they have been awarded credit for time served.

For ordinary Canadians, it is hard to understand how such sentences comply with the fundamental purposes of sentencing, which is to denounce unlawful conduct, deter the offender from committing other offences and protect society by keeping convicted criminals off the streets.

The practice of awarding generous credit erodes public confidence in the integrity of the justice system. It also undermines the commitment of the government to enhance the safety and security of Canadians by keeping violent or repeat offenders in custody for longer periods.

Those who defend the current practice note that credit for pre-sentence custody compensates for the fact that the time a convicted criminal has spent in remand does not count toward eligibility for full parole or statutory release.

At present, a prison inmate is eligible for full parole after one-third of the sentence has been served. If parole is not granted, that same inmate will likely be set free on statutory release at the two-thirds point in the sentence. What this means in practice is that if someone is released on full parole at the one-third point in the sentence, every day he or she has served in prison will have counted, in effect, for three days.

If parole is denied and at the same time a person is set free on statutory release at the two-thirds point in the sentence, every day he or she has served in prison will have counted, in effect, as a day and a half.

The current system of presumptive release that currently underpins Canada's approach to corrections has recently been the subject of an exhaustive review by an independent panel. This panel's report entitled "A Roadmap to Strengthening Public Safety" was delivered by my colleague, the former minister of public safety, in October 2007.

Among other things, the independent review panel recommended that statutory release be entirely eliminated and that Canada move toward a system of earned parole. The goal is to encourage prison inmates to sincerely apply themselves to the rehabilitative programs available to them in prison.

The practice of awarding generous credit for pre-sentence custody cannot rest on the foundation of a statutory release and parole system that has itself been subject to strong and impartial criticism and that may therefore be significantly changed in the future. However, those who defend the current practice note that the generous credit for pre-sentencing custody is also designed to take into account such factors as overcrowding and lack of rehabilitative programming for inmates in remand centres.

● (1210)

I have received many letters and representations from concerned Canadians on the issue of pre-sentencing custody credit. All too often they cite situations where violent offenders are set free after having served a relatively short prison term because a court has awarded them two or three to one credit for pre-sentence custody. One writer commented that if one of the purposes of incarceration is to reform criminals, then the current practice of awarding two for one is a dismal failure. He writes:

> The rationale is that the criminal has been deprived of the benefits of programs that would be made available to him in a regular penitentiary. So, in addition to releasing him back into society without these rehabilitating programs, we send him out twice as fast.

It is hard to disagree with that.

Not only does the current practice deprive offenders of the prison programs that might help to keep them out of jail in the future, it also fails to punish them adequately for the deeds that led to their convictions in the first place. This is especially the case of those offenders who have been denied bail and sent to a remand centre because of their past criminal records or because they have violated their bail conditions.

Bad behaviour should not be rewarded.

This government is on record as having pledged to address this issue, something that the bill would do. We have tabled Bill C-25 to strictly limit the amount of credit the courts may grant to convicted criminals for the time they have served in custody prior to their sentencing.

Our government is following through on its commitment to ensure that individuals found guilty of crimes serve a sentence that reflects the severity of those crimes.

This bill would accomplish a number of important objectives. It would deliver on our promise to provide truth in sentencing. It would help to unclog our court system and avoid costly delays and would do this by providing the courts with clear guidance and limits for granting credit for time served.

The Criminal Code amendments tabled on March 27 clearly stipulate that the general rule should be one day credit for each day served in pre-sentence custody. If circumstances justify it, credit may be given at a ratio of up to one and a half days for each day served. In such cases, however, the courts would be required to explain the circumstances that warrant departing from the general rule of one to one credit. This would allow the judge the discretion to award credit of up to one and half to one in appropriate cases. That being said, when it comes to offenders who have violated bail or who have been denied bail because of their criminal record, credit for time served would be strictly limited to a one to one ratio without exception.

I want to repeat that no extra credit would be granted under any circumstances for repeat offenders or those who have violated their bail conditions.

The proposed amendments would provide greater certainty and clarity in sentencing. It would require the courts to provide written justification for any credit granted beyond the one to one ratio. The courts would also be required to state in the record the amount of time spent in custody, the term of imprisonment that would be imposed before any credit is granted, the amount of time credited and the sentence imposed. Canadians would no longer be left wondering about how a particular sentence has been arrived at in a particular case.

Although sentencing issues are complex, they are issues of utmost importance to this government. We need to work closely with our provincial and territorial partners to deal with the many issues associated with sentencing reform.

Extra credit for time spent in pre-sentence custody is widely seen as one of several factors that have contributed to significant increases in the remand population in the last few years. This significant growth has put provincial and territorial institutions under considerable pressure.

Since 2007, more people have been held in provincial and territorial remand centres than were serving sentences in provincial and territorial jails. Overall, remanded accused now represent about 60% of admissions to provincial and territorial jails.

Several factors are at work that may contribute to the fact that the remand population is rising. Across Canada, court cases are becoming more complex due partly to the rise in the number of complex drug and organized crime related prosecutions. Many cases now involve 10 and 20 appearances before the courts. Longer processing times mean longer stays in remand.

For example, in 1994-95 about one-third of those in remand were being held for more than a week. Ten years later, however, those held for more than a week had grown to almost half of the remand population. This is a significant drain on resources at a time when the justice system is already under strain with an increasingly heavy workload.

● (1215)

Trials are becoming longer which also increases the amount of time an accused is remanded. All of this adds up to an increase in the remand population. The result is that offenders spend less time in sentenced custody because they spend too long in remand, which is why the provinces and territories welcome the reforms contained in Bill C-25.

Many of my colleagues and I stood with provincial attorneys general and solicitors general when our government announced the introduction of Bill C-25 on March 25. I was in British Columbia with the attorney general, Wally Oppal; the mayor of Surrey, Dianne Watts; the Vancouver police chief, Jim Chu; and other police representatives, including a member of the Canadian Police Association. This all took place at the Surrey remand centre. I was so pleased to be joined by a number of my colleagues who have been very supportive of this initiative and all of the initiatives that this government has taken to combat crime.

I hope I am not embarrassing him when I say that I was pleased to be there with the member for North Vancouver, and I thank him for his support. I thank the chairman of the justice committee, the member for Abbotsford, and one of the women who has been pushing this issue for quite some time, the member for Fleetwood—Port Kells. Mr. Speaker, you know of her commitment.

I was also pleased to be joined on that date by the member for Surrey North who has been very supportive of our criminal law agenda. Members will remember a number of occasions when she has posed questions to me during question period all related to getting tough on crime and sending out the right message. I thanked her on that day and I am pleased that she has joined with me again today. I know of her commitment in this area.

Since the day we made that announcement, we have had overwhelming support from attorneys general and solicitors general because they believe that Bill C-25 will help them cope with the growing number of accused who are awaiting sentencing while housed in their jails. They believe it will help them stem the tide of increased costs due to a growing demand, which is why the truth in sentencing bill is very important to them.

At a meeting of federal, provincial and territorial ministers held last September, my counterparts unanimously encouraged us to proceed with amendments similar to those seen in the truth and sentencing bill and they indicated that this was a top priority for them.

These are important reforms. Canadians have been waiting for a long time. Many say that offenders too often slip through the fingers of out justice system without serving adequate time. As a result, Canadians have been demanding change. They believe there must be more truth in sentencing and that the sentence one gets is the sentence one should serve. This approach set out in Bill C-25 would help restore the people's confidence in the criminal justice system. In the oft-repeated phrase, justice must not only be done, it must be seen to be done.

This approach is also more consistent with the situation found in other common-law countries where awarding a credit for pre-sentence custody is far less generous than in Canada. One concern expressed by some critics is that Bill C-25 is unfair because it does not adequately recognize the pre-sentence custody that often occurs in overcrowded institutions that lack opportunities for education and treatment. It is not our intention that accused persons be encouraged to remain in remand any longer than is absolutely necessary. Rather, it is our intention that accused persons proceed to trial with as little delay as possible and, if convicted and given a custodial sentence, that they may be sent to prisons that are not overcrowded and offer more opportunities for education and treatment.

In that regard, my department has been working closely with provinces, territories and members of the bench and the bar to identify practical and effective ways to improve the efficiency of the courts to ensure they are able to meet the challenges now confronting them.

The approach taken in the truth in sentencing bill should encourage good conduct by accused persons while on bail and should encourage them to seek an early trial where possible and where appropriate to enter an early guilty plea. Above all, it would lead to greater clarity across Canada regarding the relationship between the sentencing posed on an offender and the credit for pre-sentence custody.

These changes are long overdue but late is better than never. Time and time again, Canadians have said that they want a strong criminal justice system. They want us to move quickly and decisively to tackle violent crime.

● (1220)

Our government is committed to protecting Canada's citizens and making those streets safer. We will continue doing what Canadians expect and deserve and that is making laws that will keep our communities and streets safer. We promised to tackle crime and strengthen security when we formed the government and we have kept our word.

Since we took office, we have brought forward several key pieces of legislation, including the Tackling Violent Crime Act, which, among other things, signals an end to lenient penalties for those who commit serious or violent gun crimes. Our government has a long list of accomplishments in tackling crime over the last two years. We passed legislation to increase penalties for those convicted of street racing. We passed legislation that ends house arrest for serious personal injury and violent offences, including sexual assault.

As members know, we recently brought in reforms to address the problems of organized crime, Bill C-14, and introduced Bill C-15 to provide mandatory sentencing for serious drug offences. On March 31, we introduced in the Senate Bill S-4, the bill to protect Canadians against the rapidly increasing crime of identity theft.

We are proud of those changes. We are standing up for Canadians who have urged us to get tough on crime. Canadians across the country have told us that they want us to take action on crime and, with this legislation, we are delivering. We cannot do this job alone. I greatly appreciate the support I have received from my provincial and territorial counterparts but more is needed. I call on all members of the House of Commons and members of the Senate to expedite the passage of this bill, indeed all the bills that are part of our ambitious justice agenda. Canadians are watching this and this is what they expect. I hope all members will agree that this is what Canadians deserve.

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I would like to ask the minister two or three brief questions. First of all, he knows that the champion of this measure in the House is of course the Bloc Québécois, which, since 2007, has been calling for such a measure to be introduced.

We will support this bill, since we have been calling for it since 2007, when the leader of the Bloc Québécois mandated me to propose justice measures to the caucus. This is the measure we proposed. The minister can therefore count on our support. Of course we hope the bill will pass quickly. We will examine this bill carefully in committee, since we agree that this is an important measure.

In his speech, the minister quoted a report. I would like him to give us a little more information. Was that the report on the parole system that was submitted to his predecessor? I did not really understand. I would like him to elaborate on that report and send me a copy, if possible.

[*English*]

Hon. Rob Nicholson: Mr. Speaker, I would be glad to look that up. This report was actually given to the former minister of public safety in 2007 and not to me. It outlined a number of the issues with the parole system in Canada. It pointed out a number of the shortcomings and a number of possible changes that could be made. Indeed, it is one of those issues that deserves the attention of all members of Parliament.

The hon. member said that his party would be looking at the bill carefully. I get a little nervous about that. I hope that is not code meaning that it will be a long time. The bill is actually very short but it is very direct and very clear.

I always try to be the optimist even after the last Parliament when it was difficult to get anything passed in the criminal justice area. Again, I am hoping this will have support and will move expeditiously through the committee process.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I would like to thank the minister for bringing the bill forward. As he said, the attorneys general are very supportive of it. He knows that is why we pushed the government hard to bring forward this legislation. Our critic for justice has been pushing for this legislation and we are delighted to see it brought forward.

I would like to ask two quick questions. Regarding his gratuitous comment on legislation being delayed, if the legislation had been more appropriate and more consultation had been done, it would not have had the flaws which delayed it.

One of the reasons this provision was brought forward in the first place was that people were concerned about delay in sentencing. I wonder if the minister has any plans to deal with that problem, which initiated consideration of time served in sentencing in the first place. Is there any way to help out the provinces and the territories? Is he willing to share some resources? He mentioned that problem himself. I would be interested in any ideas he has of how that could be expedited.

A person from British Columbia wrote to me in regard to authorities using sentencing to get an accused to commit to a plea, just so they could continue with their trial because there were so many delays.

● (1225)

Hon. Rob Nicholson: Mr. Speaker, the hon. member said we would have had more support if the legislation were more appropriate. I do not know about the problem he is talking about. If he is talking about our Tackling Violent Crime Act, where we send out the message that individuals who commit a serious gun crime will spend at least five years in a federal penitentiary and if they do not get the message the first time, they get seven years the next time, I think that is entirely appropriate. It was not easy to move forward on these, but Canadians are very supportive of it.

The hon. member would know that we have brought forward one bill already in the area of efficiencies. It is Bill C-13. What was interesting to me, in my discussions with my departmental officials, they indicated to me that this was the fourth attempt to get the bill through in 10 years. There were four different attempts. This is a bill for efficiencies.

If the members is pledging his support if we come forward with new measures to help respond to the challenges that are identified for us in the Code-LeSage report, for instance, I am delighted to hear that, but the provincial attorneys general are telling me that the absence of this bill is one of the reasons why their courts are clogged up.

Wally Oppal, whom I mentioned in my speech, indicated to me he knew of a case where an individual did not even apply for bail. He did not want bail because he wanted the credit for time served. If the hon. member thinks that does not clog up the courts, then we would disagree.

If the member agrees with us, we have to push these things forward. As has been indicated, it is not just the Conservative Party of Canada that is pushing this, but we have broad support from provincial and territorial attorneys general right across this country.

Mr. Lee Richardson (Calgary Centre, CPC): Mr. Speaker, I do welcome the bill, the wide range of support the minister has just commented on, and also the support from members opposite.

I am particularly pleased with the consultation the minister and his department have had with our attorneys general across the country and with police forces. I know this is very well received in my constituency and in the west. The bill addresses the need for more truth in sentencing. It is only common sense that those who commit crime should serve the sentences they are given.

I was disturbed with news over the weekend of an editorial supporting Bill C-25, published in the *Windsor Star*, which referenced a case where Tammie Steinhoff, a disturbed and brutal incident, stabbed and killed her own toddler son. She was sentenced to nine years, but because of the current system, she will only serve five years and ten months.

Some critics will argue that the bill is against the charter of rights and that it is cruel and unusual punishment. I think Canadians accept and want this change. I would like to ask the minister to comment on those critics who suggest that the legislation might not be compliant with the charter.

Hon. Rob Nicholson: Mr. Speaker, I can assure the hon. member that all pieces of legislation that we table in the justice area, we look at very carefully to ensure that they comply with the charter as well as the Canadian Bill of Rights. We have an obligation to make sure that both those documents are compliant with all legislation, and I am satisfied that they are.

The hon. member was somewhat modest in saying that he gives credit to me and to the government for our consultations with provincial and territorial attorneys general. I want to thank members like him and members of my own caucus who have introduced private members' bills on this and have continuously stood up to have truth in sentencing.

I really appreciate the input and the support they have given, and I will never forget that. It has been a tremendous help in moving this forward.

● (1230)

[*Translation*]

The Acting Speaker (Mr. Barry Devolin): The hon. member for Montmagny—L'Islet—Kamouraska—Rivière-du-Loup for a short question.

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, as my colleague from Hochelaga said, the Bloc supports the bill, since we have been calling for it for a very long time. We know that eliminating the possibility of counting time spent in custody as double time may add to pressure on the justice system. Is the minister prepared to take the necessary measures to ensure that once this clause comes into force, cases will be dealt with more expeditiously?

[*English*]

Hon. Rob Nicholson: Mr. Speaker, what we are proposing in the truth in sentencing act is precisely to deal with the question and the problem identified by the hon. member. Provincial attorneys general right, across the country, have been telling me this is one of the main reasons why the courts do get clogged up and that while there is such pressure on provincial detention centres, it is because there is not an incentive to have these matters move forward.

This is exactly what has been asked for. The person who is charged who wants his or her day in court, who wants to be fairly treated by the system, and who wants to have a reasonable system will no longer have any incentive for a delay in the disposition, or in the case of the example of the British Columbia attorney general the individual did not even want to get bail. These are the things that are clogging up the courts, and this is what the truth in sentencing act takes dead aim at.

[*Translation*]

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, I would like to thank the minister for his comments.

In his speech, the minister gave a good summary of the concerns of a number of provincial justice ministers. In the Liberal caucus, my colleagues have had an opportunity to meet with several of those ministers. Today, the Minister of Justice has acted on many of their comments and concerns.

[*English*]

I can say at the outset that Liberal colleagues in this House will be supporting this bill. Like others in this House, we have been encouraging the government to introduce it. We were pleased when the minister took the step of introducing Bill C-25.

My colleagues from British Columbia and other western provinces, principally my colleague from Vancouver South, the member for Wascana, and other members of our caucus from British Columbia, have been very sensitive to the difficulty that the two for one crediting of time in remand centres has created in terms of public confidence in the justice system.

The Liberal Party believes that an important part of fighting crime and increasing public safety is to give law enforcement officials and judicial officials the appropriate tools they need to not only catch criminals, to apprehend criminals, but also to prosecute crimes and impose appropriate sentences.

As I mentioned earlier, provincial attorneys general and premiers, particularly in western Canada but across the country, have been insisting that a measure like this be introduced for a number of years. I know that you, Mr. Speaker, were also in this House a number of times calling for these changes.

Our view is that there is a very broad consensus in the country, certainly not unanimous but a broad consensus, that greater transparency in the imposition of a sentence will lead to greater confidence in the justice system. Our belief is that this bill strikes the reasonable balance in ensuring that criminals serve their appropriate sentences and that public confidence in the sentencing process is increased, but also maintaining a degree of judicial discretion, which we have always thought was important, to deal with instances where there could be egregious circumstances in detention centres or unreasonable delays in coming to trial.

At the end of the day, we think that the judge presiding on a case is the best person to impose the appropriate sentence, that he or she is aware of all the evidence, of the facts. Often, cases are reported in the media and the public may not in fact have as complete an understanding as the presiding judge did if he or she sat not only on the trial but in the sentencing hearing as well.

We were pleased that the government left this measure of discretion in the hands of the court, but we are also pleased that judges will have an obligation to explain, in their decisions, why they decided to give extra credit, if in fact that is the decision made. The public will then understand. We have capped it at 1.5 days for every day served, but by requiring the court to explain the reasons for that increased credit, we believe it will have the effect of increasing public confidence in the justice system.

● (1235)

[*Translation*]

In his speech, the minister cited numerous examples where there are completely unacceptable delays in the judicial process. This has led to situations where detention centres are plainly overcrowded. In my province, New Brunswick, we hear troubling stories about detention centres in some jurisdictions that are very full and end up with an inmate population that exceeds what is reasonable for a place of that nature. Whatever action is taken, if it leads to a reduction in the number of people who are having to spend lengthy times in detention centres, we will consider that action appropriate.

[*English*]

When someone is charged with a criminal offence, the objective should be to have that person come to trial in an expeditious way. In various jurisdictions and provinces, there are all kinds of pressures on judicial resources in terms of crown prosecutors and police resources. This has led to a patchwork quilt across the country of delays in coming to trial. For an accused person, particularly for an accused person whose bail was denied, who was in fact remanded into custody pending a trial, we have an obligation to make sure that those delays are as modest as possible. We believe that the government should entertain a discussion with provincial ministers of justice around a better sharing of resources.

Some provinces have a greater capacity than others to provide resources to a criminal justice system. For example, in a large organized crime case in which a number of charges are laid, it is a complex case and it can put an enormous pressure on judicial resources, on those of crown prosecutors or police forces in smaller provinces like mine, New Brunswick. We would urge the government not only to think of this bill as a complete solution but as the beginning of a discussion with provincial governments of how all orders of government can better share the responsibility of funding an efficient but fair judicial system.

One of the concerns we have heard from those who oppose this legislation is that many of the centres where accused persons are remanded, the detention centres where they are held prior to a trial, assuming obviously they have been denied bail, do not offer adequate resources in terms of rehabilitation programs, addiction programs and educational programs. Often they are physically overcrowded and inadequate. In some provinces, like my own, where an accused person is remanded in a provincial detention centre, that is also the place where that person would be sent to serve a provincial sentence. In other words, not all provinces have different facilities where the accused person may be remanded pending a trial and a provincial penitentiary where the person would serve a provincial sentence of less than two years.

In Moncton, for example, and I will assume the accused person is a man because there are different facilities for women, if the person's bail is denied, or as the minister correctly said, in some cases he may choose to waive bail, the person would remain in a remand centre prior to his trial. That is exactly the same facility where he will return once a sentence is imposed, assuming it is a sentence of less than two years. That is one of the problems in looking at a uniform solution across the country. Different provincial jurisdictions have different challenges.

That is why we believe that this measure is an appropriate beginning, but we would urge the government to also look at other reasons that there can be delays in the justice system.

● (1240)

[*Translation*]

In his comments, the minister also raised the complex question of parole. Last week, I had an opportunity to visit a federal prison in my riding, in Dorchester, New Brunswick. There is a mental health unit in that federal prison, the Shepody Healing Centre. I met with the people in charge of those institutions. I learned a lot about the programming offered to inmates by the federal system, something that is in fact lacking in many situations where people are incarcerated in a provincial institution, at least in some provinces. They also talked about the importance of modernizing the parole system.

[*English*]

The concept of earned parole deserves close scrutiny. Public confidence in the judicial system and in the criminal justice system will be strengthened by a thoughtful and balanced review of our parole system. The public has the misconception that when somebody is sentenced to a term of imprisonment, the person spends the duration of that time incarcerated in a custodial facility. The time has come for Canadians to hear from experts to understand all sides of this question and maybe look at modernizing and reforming the parole system and the concept of earned parole.

The objective of parole should be to encourage inmates and those who are sentenced to custodial facilities to take advantage of all the programs and opportunities available to rehabilitate themselves, whether it is a mental health challenge, an addiction challenge, or upgrading their education. If these people can be given the skills while they are in a federal correctional facility to improve their circumstances to deal with some of the issues which may have led to their criminal activity, when they walk out of those facilities, we will have safer communities. Part of that process requires a thoughtful review, perhaps by a committee of the House or in conjunction with a committee, to look at what we can do to strengthen that process in terms of increasing public confidence in the justice system.

[*Translation*]

In conclusion, we will be supporting this bill. We will work with our colleagues on the Standing Committee on Justice and Human Rights to ensure that the bill is examined expeditiously, responsibly and reasonably, but that enactment of this bill is not be delayed in any way. We believe there is a consensus across the country and that transparency in sentencing will enhance public confidence in the judicial system considerably. We have great confidence in Canada's judges. Very highly qualified men and women have been appointed to the courts at all levels, and we believe it is important to preserve some discretion. This bill strikes that important balance in terms of clarifying the idea of reducing a sentence because of time spent in incarceration before trial. At the same time, we believe the time has come for the public to have a better understanding of a judge's decision to reduce a sentence because of time spent in a detention centre.

● (1245)

[*English*]

We look forward to hearing from those who have views on the bill at committee, but as I said, our objective will be to pass this legislation expeditiously, to ensure that it passes all stages of the House in a way that is responsible but that proceeds quickly to adoption of the legislation. Then we can move on to other issues that are important to strengthen the justice system.

Mr. Blaine Calkins (Wetaskiwin, CPC): Mr. Speaker, I listened intently to my colleague across the way. He mentioned something about a committee to further look at something. I want to talk about some time that I spent with the hon. member on the justice committee in the second session of the 39th Parliament. I remember the day was March 11. Last spring the member and his colleagues, along with the Bloc Québécois, tabled a motion at justice committee that basically rendered that committee into a political stalemate where no legislation was discussed for the remainder of the spring. The legislation that happened to be there was Bill C-25, An Act to amend the Youth Criminal Justice Act. That legislation was never talked about because of the railroading of that motion. Bill C-26, An Act to amend the Controlled Drugs and Substances Act would have allowed for mandatory minimum prison sentences for people who deal drugs or who use guns in the commission of selling drugs. That motion railroaded Bill C-27, An Act to amend the Criminal Code (identity theft and related misconduct). Those are the kinds of bills that were waylaid.

Does the member honestly think that his born-again crime-fighting party, the Liberal Party of Canada, has any credibility left at all when it comes to saying the Liberals are actually going to get tough on crime? Why should Canadians trust the member and his party?

Hon. Dominic LeBlanc: Mr. Speaker, the hon. member referred to some difficulties in the justice committee last spring which he claims led to a great delay in adopting government measures, which in fact may not have even been brought forward in this Parliament. The member could also add to that list, if he wanted to be complete in his explanation for possible delays, the fact that the Conservatives decided prematurely to call an election. They broke their own election legislation and decided to dissolve Parliament and call an election. The fact is when the Conservatives came back to the House of Commons, after that premature election in November, they delivered such a disastrous economic statement that entirely missed the concerns of Canadians, those who are losing their jobs and those who worry about the economy, that they were forced to run to the Governor General and beg her to prorogue Parliament so they could come back and push reset on their government.

When talking of the delays in adopting justice legislation, I would also mention that the former chair of the justice committee decided to run out of the meeting every time certain issues were discussed. That was a rather appalling performance by the former chair of the justice committee. I think the member may have missed that in the rather self-serving explanation that he offered for the delays.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, this issue has been in the public domain and has received a lot of commentary.

One of the areas of discussion that always comes up on sentencing issues is whether or not judicial discretion is being limited inappropriately. One of the areas that I have worked on in the past and have expressed some concern about is where there is a mental disability or something like fetal alcohol syndrome, where rehabilitation is not possible. Those people should be getting the assistance they require.

I wonder if the member could advise the House whether or not there is a case such as that, or some other circumstance, which would make restricting the credit to only one day per day served inappropriate, given the circumstances of the particular convicted person.

● (1250)

Hon. Dominic LeBlanc: Mr. Speaker, since his election to the House, the member for Mississauga South has done some important work on the very difficult issue of fetal alcohol syndrome. He has become one of the leading voices in the country on the issue. He knows a great deal about it. He does a great service to the country when he brings it up in this House and works on it in the rather effective way he does.

The member correctly noted the importance of not restricting unreasonably the discretion of a sentencing judge to consider all of the factors of the case. That is why when we decided to support Bill C-25, we did so pleased that the minister and the government had in fact preserved some aspect of judicial discretion, allowing a judge perhaps to go to one and a half days for every day served in custody, as long as the judge accepts his or her obligation to make that transparent.

No legislation would purport to specifically enumerate examples where a sentencing judge may choose to exercise that discretion. The member identified fetal alcohol syndrome and the difficulty in rehabilitation. I do not disagree whatsoever with his view that that may in fact be an appropriate circumstance for a judge to consider in sentencing.

What will happen, as a practical reality, is once this legislation is passed and then proclaimed, sentencing judges, when they decide to exercise that discretion and, for example, go to one and a half days for every day served, they will, by having to explain those reasons, develop a body of common law and jurisprudence across the country. This will then guide trial courts in the future, and ultimately courts of appeal and perhaps the Supreme Court of Canada will identify what are appropriate circumstances for that discretion. That process will take some time.

I have no doubt the issue the member identified will be one of those examples that the courts will want to consider.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, the member from the Conservative Party mentioned the trouble in getting legislation through in a timely manner. The member for Beauséjour listed a whole bunch of reasons as to the problems with the legislation and how the Conservatives had delayed justice legislation. However, he missed the most substantive point, and that is the problems with the legislation. We heard witness after witness. It was not the justice department that was causing the problems. They were given direction to do bills, and they did not follow the normal protocol of consultation. We heard time and time again that—

Mr. James Bezan: Mr. Speaker, I rise on a point of order. We are here to debate Bill C-25. We are not here for a history lesson. Questions and comments should be specific to Bill C-25 and not these comments on the overall judicial—

Hon. Larry Bagnell: Mr. Speaker, I rise on the point of order. The Conservative member is complaining about the other Conservative member who brought up this topic. I would not have been talking about it had the other member not brought up the historic discussion of other bills. I was following in the debate as started by a Conservative member.

The Acting Speaker (Mr. Barry Devolin): I am not sure that is a point of order.

The hon. member for Yukon, very briefly.

Hon. Larry Bagnell: Mr. Speaker, one of the problems with remand is that people do not have access to anger management programs or academic training.

Does the member think this is a flaw in the system? When the Crown remands these people, this is out of their control. These people have problems. Why do we not deal with them? That might reduce a lot of crime in society.

Hon. Dominic LeBlanc: Mr. Speaker, the member for Yukon makes a very worthy point. As I have indicated, one of the challenges is in the remand centres where accused persons are held prior to a trial. Many of them do not have any programming at all, or what programming they have is inadequate in terms of anger management, metal health services, addiction services and literacy upgrading or educational upgrading. Therein lies one of the solutions to the problem of public safety. In order to rehabilitate themselves, many of those who find themselves in the criminal justice system will require this kind of professional help from doctors, teachers and counsellors.

If provinces were able to provide some of these services, I think it would be difficult in a remand context. It is often equally difficult in a provincial penitentiary. Many of these facilities, with sentences of less than two years, also have inadequate programs. This is why I think the Government of Canada has an obligation to sit down with the provinces and discuss whether they can better share the burden of beginning the process of helping people turn their lives around and take advantage of the time they are in remand facilities, those who have been denied bail or who have decided to waive bail because they realize a bail hearing will not result in the granting of bail if the Crown were to object to their release. Because it is pre-sentencing custody, the obligation to impose programs on these people will be very limited, and that is one of the challenges.

● (1255)

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I am pleased to have the opportunity to participate in this debate on Bill C-25. Earlier, I heard the minister express concern, nervousness and impatience. I felt like suggesting that he sign up for an anger management program, but I held back.

The Bloc Québécois supports this bill. In 2007, the leader of the Bloc Québécois asked me to chair a working group. I worked with the members for Châteauguay—Saint-Constant, Marc-Aurèle-Fortin, Abitibi—Témiscamingue and Ahuntsic to propose measures to restore our fellow citizens' confidence in the justice system without turning to easy measures, such as mandatory minimum sentences or tougher sentences.

The measures the committee proposed to the leader of the Bloc Québécois were part of our election platform. They included subsection 719(3), which gives judges some discretion to offer "pre-sentence credit". However, in our system, "pre-sentence credit" has become more or less automatic.

Let us start at the beginning. Part XXIII of the Criminal Code sets out how judges are to administer justice when it comes to sentencing. It is based on principles of deterrence, denunciation and proportionality. Farther on, when it comes to "pre-sentence credit", the Code says that it is up to the judge, who can take into account pre-trial detention when sentencing. Why is that in the Criminal Code? At the time, John Turner—I am not sure whether this brings up good memories or bad ones—was the Minister of Justice and soon-to-be leader of the Liberal Party. He was a good friend of former Prime Minister Pierre Elliott Trudeau, even though, as I understand it, they crossed swords from time to time in the Liberal Party's history on particular issues.

The fact is that the Minister of Justice at the time, John Turner, proposed an amendment to the Criminal Code that would allow a judge to take pre-trial custody into account. In our justice system, pre-trial custody is the exception, not the rule. Under subsection 515. (10) of the Criminal Code, when individuals are charged with gangsterism, when they have committed terrorism offences, when there is reason to believe they will not attend their trial or when they have not complied with the conditions of their release on bail, a judge can order that they be held pending sentencing. Obviously, this is an exceptional measure. We need to remember that in our system, individuals are generally released pending sentencing.

As a result, the courts have come to determine that individuals in preventive custody are penalized in a sense, as they are not eligible for parole or rehabilitation and education programs because the conditions under which they are held are stricter than in the case of post-sentencing custody.

● (1300)

It was really the Supreme Court of Canada that determined the ratio to use for individuals in preventive custody. Looking at subsection 719(3) of the Criminal Code, we can see that no ratio is specified. The ratio came about as a result of what is known as case law. Judges determined a ratio, and under the rule of *stare decisis*, that ratio gradually came to apply in trial courts, appeal courts and, of course, the Supreme Court.

I will read what Justice Laskin of the Ontario Court of Appeal said in the Rezaie decision, when the issue of preventive custody was examined for the first time:

> ...provincial appellate courts have rejected a mathematical formula for crediting pre-trial custody, instead insisting that the amount of time to be credited should be determined on a case by case basis.

What Justice Laskin is describing is the principle of judicial discretion. As each case is unique and must be examined on its own merits, judges must use their judgment, and because of the knowledge they have of the case, they are in the best position to determine the credit for preventive custody or the sentence at trial.

Justice Laskin continues:

> Although a fixed multiplier may be unwise, absent justification, sentencing judges should give some credit for time spent in custody before trial—

This principle, stated by a court of appeal, was reiterated in 2000 by Justice Arbour, former UN High Commissioner for Human Rights. The current President of the Treasury Board, then the Minister of Justice, had made rather gratuitous and snide comments about her. The opposition parties did not hesitate to condemn his very harsh words.

In 2000, when Justice Arbour sat on the Supreme Court of Canada, she reviewed the *Wust* decision. As we know, the Liberal minister at the time, Anne McLellan—I believe she was the only Liberal MP from Alberta who retained office for a number of terms —introduced Bill C-68. It may have been Allan Rock. I could be mistaken.

Mandatory minimum sentences were imposed for offences committed with firearms. The Supreme Court of Canada reviewed the decision. In the case of mandatory minimum sentences, can a credit be given that will result in the offender serving a sentence that is less than the mandatory minimum set out in the Criminal Code? Justice Arbour handed down a ruling establishing a ratio for crediting pre-sentence custody.

I will read paragraph 45 of Justice Arbour's 2000 decision:

> In the past, many judges have given more or less two months credit for each month spent in pre-sentencing detention. This is entirely appropriate even though a different ratio could also be applied, for example if the accused has been detained prior to trial in an institution where he or she has had full access to educational, vocational and rehabilitation programs. The often applied ratio of 2:1 reflects not only the harshness of the detention due to the absence of programs, which may be more severe in some cases than in others, but reflects also the fact that none of the remission mechanisms contained in the *Corrections and Conditional Release Act* apply to that period of detention.

● (1305)

The criminal code makes no ratio provision in subsection 719.(3) for pre-sentence custody. According to the code, the court may take it into account. Based on case law, the Supreme Court established a ratio used by the courts of justice. It is true that the practice has appeared exaggerated. Many of our fellow citizens consider it unfounded and special treatment. I myself have received representations on the matter.

The rule is as follows. An individual is released prior to trial, except if the individual is accused of being a gangster or a terrorist, or has failed to meet set conditions or if the judge believes he will not appear for trial. Some people do not understand why people whose names appear among those of the most hardened criminals and are not released while awaiting their trial are being given a two to one credit for every day spent in remand. In my opinion, the questioning is warranted.

In 2007, the Bloc Québécois, in its usual wisdom, called on the government to pass a measure to correct the situation, which, once again, for many, was unjustifiable, appeared to be special treatment and amounts, in the end, to a practice contrary to the administration of justice.

I sent a text to the press on November 22 following the decision by the Quebec court, criminal division. Members will recall that the Colisée operation led to the imprisonment of mafia leaders. The trial of those arrested in 2006 was held in 2008. As an example of the exaggerated nature of this measure, we need only remember that the head of the Quebec mafia, Nicolo Rizzuto, was charged with gangsterism and possession of proceeds of crime. He was sentenced in 2008, but had been arrested in 2006. He is one of the most hardened criminals and heads a criminal organization funded by extortion, proceeds of crime and gangsterism. The mafia is obviously widespread, very much present, very dangerous and very organized. The Supreme Court ruling was handed down in 2000. This mafia head was sentenced to four years in prison. He was arrested in 2006 and served two years' remand. With the rule being two days of sentence reduction for every day served, he was freed without serving the four-year prison sentence.

The members should ask themselves whether they want the justice system to work in such a way that, because of a rule handed down by the Supreme Court, leaders of criminal organizations like the mafia receive early releases and even a godfather, the most influential person in the mafia, does not have to serve his full four years in prison.

● (1310)

Members will agree that four years in prison is hardly too much for someone in a position like Nicolo Rizzuto's. This is the situation we want to correct. Does that mean suspensions for pre-trial custody should be eliminated? Absolutely not. We acknowledge that when people have been arrested and are in pre-trial custody, they have not been found guilty. The presumption of innocence still applies. We acknowledge that life in these detention centres is tough and the conditions are obviously terrible. We know that if the government ever decided to eliminate this completely, it would go before the Supreme Court and section 12 on cruel and unusual punishment and treatment would be invoked.

So this bill does not abolish the rule. Judges will still have discretion. We want to state, though, as legislators, that the general rule to apply in cases of pre-trial custody is the ratio of one for one. For every day spent in pre-trial custody, one day is subtracted from the sentence to be served. There will be exceptions, of course, and the Minister of Justice pointed this out. However, when exceptions are made—when sentences are reduced by a ratio of a day and a half—they must be justified on the record, in the judgment, and the judge must say why he or she made use of this discretionary power. This will provide some guidance for those studying the case law in the future. There will not be any speculation. Judges will have to explain themselves.

Another provision of the bill concerns sentence credits that cannot exceed the one for one rule when the accused is kept in preventive custody because of his criminal record or failure to comply with bail conditions. Under no circumstances can sentence credits exceed one day in cases involving repeat offenders. We think that this is a well balanced bill and that the these are the instructions members of this House should be giving.

The Bloc Québécois has called for these measures since 2007. In historical terms, it is fair and right to recognize that the Bloc fathered these measures with the report I submitted to the leader of the Bloc in 2007. We have ceaselessly questioned the minister to have these measures put in place.

Earlier, the Minister of Justice was saying that, in certain circumstances, especially with the help of their counsel, people use all sorts of delaying tactics to put off their trial date because time served in remand allows them to reduce their sentences. This is another anomaly that must be corrected. Subterfuge cannot be used to prevent justice from being served.

I say to the government that we will support this bill, with our usual common sense. We hope, however, to scrutinize it thoroughly in committee with all due diligence.

● (1315)

[*English*]

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, I am glad to see that the Bloc Québécois is going to be supporting this bill. I think it is a great bill.

I have two federal institutions in my riding, Stony Mountain Penitentiary and Rockwood Institution. They have been telling me that it is incredibly difficult to deal with inmates who come out of remand after sitting there for so long and getting two to one credit, because they do not have the opportunity, by the time these inmates get to the federal institution, to provide the much needed programming and counselling that they require.

If we are going to actually return convicts to society and have them become a productive part of society, they have to have the opportunity to participate in programming and be able to get education, to go through 12-step programs to get over substance abuse problems, and to deal with things such as anger management and maybe some mental health issues as well.

Therefore, it is important that they get as quickly as possible through the system and into the federal and provincial institutions that offer programming. That is why Bill C-25 is such a great move by the Minister of Justice in order to expedite the process, because we do have lawyers and others who have been playing games and making sure that people remain in remand as long as possible because of two to one sentencing. We have to allow those people to get through the system and into the federal institutions where they can get the programming they so greatly need.

[*Translation*]

Mr. Réal Ménard: Mr. Speaker, I agree with my colleague's statement. We all win as a society when people with criminal records who have had a run in with justice can quickly become eligible for programs, be it training, anger management or courses to develop self awareness and the ability to get along with people. I agree with that and acknowledge that the bill will help with it.

[*English*]

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, just following up on that comment, would the member not agree with me that we should look at having these services during remand as well?

A lot of inmates I have talked to want these services. More than half the crimes that are committed in Canada are related to addictions. Whether they are guilty or not, their lack of literacy, their lack of education, their lack of anger management and their lack of addiction counselling make them more likely to offend and more likely to be a problem in society.

Does the member not think we should consider providing these services also during remand?

[*Translation*]

Mr. Réal Ménard: Mr. Speaker, my colleague for Yukon is generally a moderate person and not known for a lot of excess. I am not sure it is possible to contemplate a panoply of services for people in the pre-trial stage, when they are held in difficult conditions in remand. No doubt this would be the ideal, but I would need more information to make a definitive decision on this.

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, often when legislation comes up we hear a lot of argument about why we should support a bill. It is always interesting to find out who is opposed to the bill and what we would say to their assertions about why a bill is not appropriate.

Professor Tim Quigley from the University of Saskatchewan writes that this bill will not make Canada safer. He says:

> The denial of bail has nearly doubled over the last decade, to the point where many prisons are extremely overcrowded and have no space or resources to provide programs. The remand conditions in many Canadian prisons now violate the UN standard minimum rules for the treatment of prisoners.

Does the member have a comment with regard to Professor Quigley's statements?

In terms of the problem that we are trying to fix, this is only part of the solution. We really have to look at the conditions of our prisons. I do know that funding of prisons that are provincial institutions is such that the circumstances are much different than maybe most Canadians would understand.

● (1320)

[*Translation*]

Mr. Réal Ménard: Mr. Speaker, there is no doubt that prison authorities at both the federal and provincial levels are looking for funding. I think, though, that some academics see things a little less in operational terms than do those who know the field. I remind the member that I was a member in this House in 1995 when young Daniel Desrochers was the victim of an attempted car bombing. I met quite a number of university professors who opposed the anti-gang legislation that I was promoting. There are times to listen to the academics, but there are times when their remarks should be viewed with respect but with a certain detachment.

[*English*]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, as its base, Bill C-25 is an appropriate bill to deal with a problem and a perception of a problem in our sentencing process. From that vantage point, my party is inclined to support the bill but it is not without some significant trepidation.

It is important to understand what the bill would do. It would reduce the amount of credit that an individual, who has been in pretrial custody, been convicted and is now being sentenced, will receive. That credit would, in effect, be reduced. Members of the House should know that this reduction in credit would be much less significant than we have been led to believe by the Minister of Justice in his address and in some of the comments he made to the media. Even if we were to take a superficial look at the legislation, we would think there would be a substantial reduction in that credit. I must disabuse the House of that fact because that is not what will happen.

In terms of dealing with this, we need to appreciate the significance of the context. This issue of granting pretrial custody credits grew out of subsection 719(3), which was referred to by some of my other colleagues, that gave our judges the discretion to take into account pretrial custody.

What then evolved was a process that has become entrenched, almost absolutely, over the last five to ten years. What happens now is that because of the conditions in our pretrial custody settings, the judges across the land, both at the provincial court level and at the superior court level, have been practically automatically granting two for one credits.

I want to read from an op-ed piece that was written by a Toronto lawyer in the *Globe and Mail* on April 1. I will not use the individual's full name but he talks about a man named Pavel who was in pretrial custody. He stated:

> Pavel...slept on the floor next to the toilet. He was smaller than his cellmates, and most nights he didn't dare challenge them for one of the two bunks. He spent 20 hours a day locked with two other men in a 12-by-8-foot cell designed for one. The staff was on strike, so his cell was not cleaned for two months. Because he was too small to fight for space at the table, he ate his meals on the toilet. Living in filth, [he] developed a skin disease. His hair fell out in patches. But he was lucky; at least he hadn't caught the tuberculosis that was spreading throughout the detention centre.

This, by the way, was not in the 1800s. This was in 2002 in a detention centre in metropolitan Toronto, the largest city in this country and, arguably, in that period of time, certainly the wealthiest city in the wealthiest province in this country. He was in pretrial custody under those circumstances. He did get two for one when he was ultimately sentenced.

That is the kind of factual situation that led our judges across the board, right across the country, including at our appeal court levels, all the way up to the Supreme Court, to say that faced with those circumstances in our provincial jails and in our remand centres across the country we must give that kind of credit.

What has been happening in more recent years is that in a number of cases credit was given on a three to one basis because the situation in the custodial setting was so bad.

● (1325)

This bill would address a problem. There is no question that I think the average Canadian citizen would ask why we give credit. If a person is in custody, fine, we will give him credit for the one on one, but why any more?

I do not believe the average Canadian citizen understands the nature and quality of the pretrial jail settings in this country. I think most Canadians would be quite upset but they do not hear about it and they do not see it. Of course we all recognize, especially with individuals who have committed violent crimes, that there is no particular sympathy for them.

The other problem the judiciary has with the system is that in a number of sections of our Charter of Rights and Freedoms it talks about the way people who are charged with crimes are to be handled, especially before they are convicted. Everyone has a fundamental right to the presumption of innocence and section 12 of the charter specifically prohibits cruel and unusual punishment.

The judges confronted with the charter and the fundamental rights that we have all accepted, adopted and value have looked at that and want to know how to deal with it. In many cases, it is cruel and unusual punishment. They want to know how to keep the courts and the criminal justice system in line with the Charter of Rights and Freedoms. Their response, almost universally, has been to say that they need to give convicted criminals extra credit. They need to recognize what they were put through in the pretrial setting. This has grown up. It is an absolute sentencing principle and policy that has been followed for a good number of years now.

I want to be very clear on why we would be supportive of this bill even though we have not made a final decision on it. The average Canadian citizen does not understand it and we know how crucial it is for the citizenry to have an appropriate level of respect for our criminal justice system. If we lose that respect, whether it is for the judiciary, the prosecutors, the bar or the police, we would end up with a system that could lead to chaos and, in some cases, anarchy. We cannot take that chance so we must be very careful in how we handle this. There are alternatives.

I must say that I was somewhat concerned and maybe even a bit taken aback by the minister's speech this afternoon when he talked about the work that he has been doing with the provincial levels of government to deal with the level of remands and the overcrowding in our system. The truth is that we have done hardly anything at the federal level to assist the provinces. We need more judges, court rooms, prosecutors, police and greater funding for legal aid so the defence bar is able to provide adequate defence within the confines of the charter. If we as a federal government were engaged actively in assisting the provinces, this bill probably would not be necessary because we would not have the practice.

The *Winnipeg Free Press* had an interesting editorial on April 1 after this bill was tabled in the House. It made two solid points. It said that when we are passing as many criminal laws as we are, it does not necessarily mean that we will reduce the crime rate. All it means is that we will have more criminal charges that our courts have to deal with. It went on to say that the biggest challenge, however, would be to make the court system work efficiently enough that no lawyer could claim that a client should get additional credit for time served before sentencing. That is the key.

● (1330)

I want to make one other point that was made about Manitoba, and this is true across the country. In Manitoba, almost 70% of all the people in custody are in pretrial custody. They have not been convicted of anything but in many cases are languishing in jail. The crucial point was that we need to speed up the court system.

With all due respect to attorneys general and solicitors general across the country, we hear regularly from them that the slowdowns are because of the accused person and his or her lawyers. One of my caucus colleagues passed a letter to me from a retired judge who said that was an insult to the intelligence of anybody who works in the criminal justice system. The defence bar does not control the agenda. Prosecutors do not control the agenda. The judges control the agenda in their courtrooms and they do not allow for meaningless adjournments or extension of trials.

The reality is that our prosecutors are way overworked. They have file numbers that are totally unrealistic in terms of being able to prosecute offenders in an efficient manner. They are required by our Constitution and our law to provide disclosure but they do not have enough resources within their departments or from the police to be able to give that disclosure. They end up in court every two weeks and an accused is brought forward even though disclosure has not been completed. An adjournment is called on consent of the prosecutor and the defence and acceded to by the judge because the judge has no choice. That is why we have a backlog.

Unless we put those resources in the bill, the bill would have little effect on reducing the remands. This fact must be recognized by the Minister of Public Safety, the Minister of Justice, as well as solicitors general and attorneys general across the country.

I want to make another point about what is going to happen here.

I believe the minister is being overly optimistic. In Bill C-25, the rule would be one for one credit but clause (3.1) provides that if the circumstances justify it, it can go to one and a half to one.

My colleague from the Bloc is not reading the bill properly. I think he said that this would be in exceptional circumstances. That would then limit it quite dramatically. This clause simply says that the judge needs to have evidence in front of him or her that will justify going to one and a half credits instead of just maintaining it at one. Members may remember my earlier comments when I said that it is automatic now. Very little evidence is given. It is automatic now that the offender gets two for one credit. It is the exceptional case where any significant amount of evidence is put in.

If the bill goes through with this wording, the sentencing part of the trial process will become quite lengthy because people from the custodial setting, prison guards, staff people, et cetera, will be called as witnesses. The accused himself may go on the stand and tell what happened to him and why he is entitled to one and a half as opposed to just one credit.

The sentencing process would get much longer than it currently is, which means that our backlog would get worse. As opposed to that not being much of an issue at all, maybe a minute or two in a sentencing process, the judge simply states that this is a case where two to one should be granted, nobody objects and they go on to what other representations will be made on sentencing.

If this bill passes, it will now take half an hour, an hour or maybe several hours in every sentencing because the judge will need to hear evidence in order to explain why he or she is giving the one and a half credit. Our sentencing process will get much longer and remands will get much longer.

● (1335)

As opposed to some proposals, I have had discussions with some solicitors general across the country. With respect to the two-to-one, to deal with our criminal justice system, and I know we do a little of it and I will give the minister credit for that, we should be specifically and exclusively targeting repeat offenders. The argument that is made in those conditions of a negative impact on a first offender is much more telling to a judge than if that person is a repeat offender. If they are convicted as repeat offenders, we should be able to argue that they will not get more than one-for-one. The same applies if they are convicted of being part of an organized crime gang.

We could set that out and I believe it would buffer us from the charter challenge, which will come in spite of what we heard from the minister. There will definitely be a charter challenge on this on the basis of section 12. This would buffer us quite sufficiently from that if we targeted just those two areas. Those are the ones we want to go after. Those cases are the ones that are causing the disrespect, those people who have been through the system a number of times and still get a two-to-one credit because it is automatic. They would no longer get the credit if they were convicted repeatedly. We could get away with that under the charter.

I am not at all confident that the bill will survive a charter challenge when we go back to the example l gave at the start of my comments today. A case like that coming before a judge will look at sections 12 and 719 and Bill C-25. It will be considered cruel and unusual punishment and will not be bound by the one and a half. It will be struck down at least in part on a number of files. Again, that would cause a huge fight in our court system and would probably go all the way to the Supreme Court of Canada. For those kinds of situations in our jails, ultimately the bill will not survive as it is presently constituted.

I look forward to the bill going to committee, given the support it has from the other parties. At committee we may be able to rectify some of the problems in the bill and make it more meaningful. I hope also in the course of the hearings maybe more evidence will come forward as to where the real problems are around the cases we have in remand, which in many cases target those who we really do not want to target. If we continue with the existing system, it has the advantage for the repeat offender and a major disadvantage for the first-time offender. They are the people who, if we can catch them on the first time, we know we can reduce the rate of recidivism a great deal as opposed to the repeat offenders. We should targeting those people so we can speed up their trials and get them through the system. If there is going to be a guilty plea or a finding of guilt, let us get it done as quickly as we possibly can, but that means putting in more resources.

It may also mean some amendments to our evidence act. We may be able to reduce the amount of disclosure we have to give to keep in compliance with the charter.

There are other things that could be done which would be meaningful, useful, would be practical common sense solutions to our remand problems. I was going to read a quote from Dan Gardner of the *Ottawa Citizen* about the government's role in crime bills, but my time is running out. The Conservatives always look for the hot button they can push as opposed to looking for good, practical solutions. The bill unfortunately is another example of that.

● (1340)

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, I was disappointed to hear the comments from the member for Windsor —Tecumseh. I had understood that the NDP would support our government in trying to protect Canadians. He said that most Canadians did not understand pretrial custody. Essentially he is saying that Canadians are ignorant when it comes to the two-for-one and three-for-one debate.

Quite frankly, one of the reasons we have brought forward the bill is because Canadians do not understand why those who are in custody and are later convicted get two-for-one and three-for-one credit when they are eventually sentenced after trail.

Attorneys general and solicitors general across Canada have contacted our government and asked that we get this done. In fact, the attorney general and the solicitor general for British Columbia, my province, came to Ottawa specifically to plead with our government to get rid of two-for-one and three-for-one remand credits.

My question for the member for Windsor—Tecumseh is this. Can we expect the NDP to support the bill at committee and later at third reading? When can we expect him to stand up for Canadians and protect the safety and security of victims and those who are vulnerable in our society?

Mr. Joe Comartin: Mr. Speaker, he was misquoting me a bit. I said that the average Canadian citizen did not understand the conditions of our pre-trial custody and therefore had a very difficult time understanding why anybody would get two-for-one.

Yes, the attorneys general and solicitors general across the country have been lobbying the government to deal with the two-for-one situation. However, they have also been lobbying it, or maybe the Minister of Finance and the Minister of Justice, for additional resources to deal with the problems they have in the courtrooms. The delays are there. As I said in my speech, they are not just the result of the defence bar or the accused person; it is the system itself. There are not enough prosecutors, judges or court rooms.

In terms of his final point about when I will stand up for Canadians and protection, I have done that all my professional career. In fact, I did it even before I became a lawyer. I have no intention to stop doing that. Hopefully, with some reasonable amendments that would make the bill more useful, my party will ultimately support it. However, I want to be very clear to the House and the Canadian people that to portray the bill as the be-all and end-all of resolving this issue and the problem of two-for-one is to grossly mislead the Canadian public.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I complement the member for reminding Canadians of the horrible conditions that occur in remand on occasion and that hundreds if not thousands of these people under these conditions are innocent and ultimately not convicted.

I have two questions for the member.

First, does he think that being constricted from providing two-for-one could lead, in certain cases, to the judge putting a shorter sentence during the conviction to invoke justice? It would not have the desired effect.

Second, everyone has talked about how it would reduce remand because the defence and the person charged would stop manoeuvres to be in prison longer in remand. However, is there a possibility that the prosecutor, who was trying to get this person through the court system quickly so they would not have access to two-to-one, may no longer have the motivation and in some cases lead to a longer remand period?

● (1345)

Mr. Joe Comartin: Mr. Speaker, I did not follow the second part of the question. However, on the first part, I do not think there is any doubt that members of the judiciary, if they feel they cannot work within the terminology of circumstances justifying it, will look at reducing the amount of time that is given in the ultimate sentence if they feel that is the only just way.

In that regard, I want to make a point at which the member may have been driving. We have a parole system where people get out because of good behaviour and an automatic return. The vast majority of people do not serve more than two-thirds. However, that calculation goes back to this whole issue of people staying in pretrial custody so they can get two-for-one. If they do that and then get an ultimate sentence, that period of time they have spent in pre-trial custody is not taken into account when they calculate the one-third reduction.

Consider two individuals who have committed the same crime. One manages to get out on bail and one does not. The person who gets out on bail will be convicted and spend less time in custody overall than the person who has been in pretrial custody. That is the normal pattern. The argument that the two-for-one automatically gets people a shorter sentence is not accurate in the vast majority of cases. It is a matter of where they spend that time. The time people spend in pretrial custody is much worse than what they spend in our federal institutions.

Hon. Larry Bagnell: Mr. Speaker, that was a good additional point. The question is if the objective is to reduce remand, which as the member and the minister both mentioned as being more than half of the people in custody, and if the defence and the convicted person use less manoeuvres and tricks because there is no longer any gain, in theory this would speed things up and there would be fewer people in remand.

On the other side, the prosecutor, who was previously motivated to avoid the person getting out quickly because of the two-for-one, would now have no motivation to rush to get things through in good time to the trial period. This may be counterproductive to what the bill is intended to do and may actually extend the remand time in some cases.

Mr. Joe Comartin: Mr. Speaker, I do not think that is at all beyond the pale of that occurring, but I would see those as exceptional cases. My experience with prosecutors across the length and breadth of the country is they are very dedicated to obtaining and providing justice in a criminal justice system that is fair. I doubt we would see them taking advantage of that other than in exceptional cases.

The workload they are faced with makes it impossible for them to speed the process up. They have too many files on their hands. We need more prosecutors.

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Speaker, what does my hon. colleague mean by charter challenge? It was not quite clear to me when he referred to it in his speech.

Mr. Joe Comartin: Mr. Speaker, the argument that would be brought forward under section 12 of the charter, which prohibits cruel and unusual punishment, would be that the pre-incarceration conditions were so bad that they amounted to cruel and unusual punishment and therefore the sentence has to take that into account or, as happened in Ontario under the Askov ruling of the early 1990s, the charge itself may be dismissed. That is a real risk.

We lost 40,000 to 50,000 cases in Ontario in the early 1990s because the backlog was so long. The consequences of a breach of charter is we would not even get to the sentencing process and the charges would be dismissed. A number of those charges in Ontario and across the country, because that ruling was followed across the country, were quite serious, some involving violent cases.

● (1350)

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Mr. Speaker, I will be sharing my time with the member for St. Catharines.

It is a privilege for me to speak to Bill C-25, An Act to amend the Criminal Code (limiting credit for time spent in pre-sentencing custody).

As members may know, my riding of South Surrey—White Rock—Cloverdale has been directly affected by the shootings and gang war that has erupted in the Lower Mainland. My constituents are extremely concerned about the ongoing violence and complete disregard gang members have in our community. As the police have clearly indicated, much of this gang warfare is directly related to the drug trade. The guns being used are often smuggled across the border and purchased with the profits from the drug trade, or traded for drugs. Ensuring truth in sentencing, as Bill C-25 would help do, is an important step in ending British Columbia's gang war.

Every member of Parliament brings some experience in other professions and trades to his or her job here. Before I was elected, I served as an attorney for the B.C. legal services. I saw firsthand the impact drugs are having on our young people. I saw firsthand how many young people would turn to a life of crime to feed their drug habits and addictions. Drugs are often the gateway to crime for many career criminals. That is why I feel so strongly that we need to crack down on those who attempt to profit at the expense of our young people. Ensuring that drug pushers and gangsters serve a sentence that matches the seriousness of their crime is an important part of combatting the drug trade.

Upon taking office, our government committed itself to tackling crime and making our streets safer. Our commitment included preventing courts from giving extra credit for pretrial custody for persons denied bail because of their criminal record or for having violated bail.

Under the current system, courts typically take into account certain factors, such as overcrowding in remand centres, lack of rehabilitative programs commonly available in sentence custody, and the fact that time spent in remand does not count toward parole eligibility. This has resulted in courts traditionally awarding a two-for-one credit for time served in pretrial custody.

Now, on rare occasions, the credit awarded has been as high as three for one, especially where the conditions of detention were poor, for example, because of extreme crowding. Although also rare, credit has sometimes been less than two for one where offenders were unlikely to obtain early parole because of their criminal record or because of time spent in remand as a result of a breach of bail conditions.

The general practice of awarding generous credit for time spent in pre-sentencing has resulted in correctional authorities straining to cope with the growing number of people who are held in remand. In many cases, the population in remand centres now exceeds the population found in sentence custody in Canada's provincial and territorial jails.

Provincial attorneys general and correctional ministers have expressed concerns about the growing number of people being held in custody prior to sentencing. They strongly support limiting credit for time served as a way to help reduce the growing size of their remand population. Concerns have also been expressed that this practice has been abused by some accused who delay their trials and sentencing to earn double credit for the time spent in pretrial custody, thereby reducing their sentence.

Canadians have told us loud and clear that they would like to see more truth in sentencing.

I want to refer to a case that happened just last month in Toronto. A man convicted of manslaughter in the death of a nearly one-year-old baby found with 38 wounds was sentenced to six and a half years in prison. However, given that he has already served three years in pretrial detention since he was arrested for this killing, the two-for-one credit will guarantee that he is out on the streets within six months of his conviction.

One way of achieving truth in sentencing is to bring the practice of giving double time credit for pretrial custody to an end.

We are listening to the Canadian public in proposing this legislation. It would provide the courts with greater guidance in sentencing by limiting the amount of credit that courts may grant to convicted criminals for the time they served in custody prior to their sentencing. Bill C-25 would limit the credit ratio to two for one in all cases. However, where circumstances justify it, courts would be able to award a credit of up to one and a half days for every day spent in pre-sentencing custody. In such cases, the court would be required to provide an explanation for those circumstances. These circumstances are not defined in the bill. This is so the courts would have the discretion to consider on a case-by-case basis whether the credit to be awarded for the time spent in pre-sentencing custody should be more than one for one.

● (1355)

For example, we would expect a credit ratio of up to 1.5 to one would be considered where the conditions of detention and remand are extremely poor, or there is a complete absence of programming, or when the trial is unduly delayed by factors not attributable to the accused. However, where accused are remanded for having violated bail or because of their criminal record, the credit would be limited to one day for every day spent in pre-sentencing custody no matter what the remand conditions are.

As a result of this initiative, more offenders would now have a federal sentence of two years or more, and an increased number of offenders who would likely have been sentenced to a federal penitentiary would be spending longer time in federal custody. From a rehabilitation perspective, this time in the federal system would present the opportunity for longer term programming that may have a positive impact on the offender.

Bill C-25 also proposes to require courts to note the sentence that would have been imposed without the credit, the amount of credit awarded and the actual sentence imposed. This requirement would result in greater transparency and consistency and would improve public confidence in the administration of justice.

The proposed legislation is part of a series of criminal justice bills that has been introduced since we took office to help ensure the safety of Canadians. To make Canada safer, we have enacted legislation to get violent and dangerous criminals off our streets. We have cracked down on sexual predators, dangerous offenders and those who use guns to commit crimes. We have given the police more tools and resources to combat crime and to deal with those who drive while under the influence of alcohol or drugs.

In the current session we have introduced Bill C-14, An Act to amend the Criminal Code (organized crime and protection of justice system participants), which will provide law enforcement officials and the justice system a better means to address organized crime related activities, in particular, gang members and drive-by shootings.

Bill C-15, An Act to amend the Controlled Drugs and Substances Act and to make related and consequential amendments to other Acts, was introduced on February 27. It would provide for mandatory jail time for those who produce and sell illegal drugs. The reforms would, however, allow a drug treatment court to suspend a sentence while an addicted accused took an approved treatment program.

We have also introduced legislation in Bill S-4 to provide law enforcement officials with the tools they need to protect Canadian families and businesses from identity theft.

We will continue to introduce legislation to strengthen the justice system. Bill C-25 is an important contribution to this objective.

I appreciate the support of our provincial and territorial partners for this legislative amendment to provide greater truth in sentencing. I can only hope that we can also count on the support of the opposition parties, who have so often stood in the way of any bill that would actually reflect truth in sentencing.

I note the Liberal member for Vancouver South, who has been a loud critic of this government on law and order issues, recently criticized our approach to the issue of sentencing. In the *Vancouver Sun* on March 26 he is quoted as saying:

> If they were genuinely concerned about public safety, they would have actually gone through the system, including corrections and parole board, and attempted to deal with the issue of organized crime. I believe they have not done their job in that regard.

I have three things to say in response to the member, who is a lawyer and a former attorney general of British Columbia.

First, we have introduced four separate bills in the past two months that will help police and prosecutors to crack down on organized crime, and gang and gun war is being waged in the Lower Mainland right now. Will he and his party support those bills?

Second, since forming government in 2006, we have continually introduced legislation to better achieve truth in sentencing. His party opposed these bills in the House and in the Senate. It was not until the Prime Minister threatened an election that the Liberals finally agreed to allow this measure to pass. Why did his party oppose truth in sentencing for so long?

Finally, let us remember that the member for Vancouver South was elected in 2004 and appointed to cabinet. He said that he is concerned about organized crime. He said that he is serious about stopping gun and gang violence. Why was the legislation we are debating today not passed while he was still in power?

I would call on the member and all parties in Parliament to put aside the partisan rhetoric and join us in supporting this common sense legislation.

STATEMENTS BY MEMBERS

● (1400)

[*English*]

CORNER GAS

Mr. Ray Boughen (Palliser, CPC): Mr. Speaker, April 13 marked a milestone in Canadian television. The lights went out in The Ruby and the pumps were turned off at *Corner Gas*, and Canadian audiences said goodbye to Brent, Wanda, Lacey, Hank, Emma, Oscar, Davis and Karen. After six years of enormous success, *Corner Gas* has become a part of Canadian history.

I am proud to say that Dog River is actually Rouleau, Saskatchewan, and that Rouleau is in the Palliser riding, the constituency that I represent.

Corner Gas brought rural life and philosophy to our television screens and did so with great humour. The recipient of six Gemini awards and now syndicated, the show attracted many celebrities, including our own Prime Minister.

I am sure that this program will be in our hearts and minds for many years to come. I would invite all members to help me recognize Brent Butt and the truly comical Canadians who made *Corner Gas* such a huge success.

* * *

EDUCATION

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, this is Global Action Week for education.

Some 774 million adults around the world cannot read and 75 million children are denied the chance to learn to read and write. According to the World Bank, education is one of the most powerful instruments for reducing poverty and inequality.

UNESCO's Education for All campaign has helped to provide a pathway out of poverty for 23 million children.

In 2000, Canada committed to ensure that everyone realizes the human right to education by 2015. Initially, Canada and other donors rose to that challenge and increased their aid to help another 40 million children go to school. However, recently aid levels have plateaued and the government is showing signs of faltering on that commitment. Currently, Canada provides less than half of its fair share of the global requirement to meet these goals.

In honour of Global Action Week, we call upon the Conservative government to honour its commitment to the Education for All goals by contributing Canada's fair share and increasing Canadian funding to the full Education for All agenda.

Education is a key route out of poverty. Canada must do its share.

* * *

[*Translation*]

KARINE BLAIS

Mr. Jean-Yves Roy (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ): Mr. Speaker, all of Quebec, and especially the Gaspé, was in mourning last Monday, when one of our own was killed on mission in Afghanistan.

Trooper Karine Blais, just 21 years old and from Les Méchins in my riding, was tragically killed when the vehicle she was travelling in hit an improvised explosive device. Karine is the first female soldier from Quebec to be killed since the soldiers of the Royal 22nd Regiment from Valcartier began their second six-month rotation in Afghanistan.

I would like to pay tribute to her and express my deepest sympathies to her grieving family and to all her fellow soldiers.

This tragic situation once again reminds us of the tremendous danger faced by our soldiers fighting in Afghanistan. We hope that Karine's sacrifice and that of all the soldiers who have fallen before her in the effort to restore peace, social justice and democracy in that country are not in vain.

* * *

[*English*]

SENIORS

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, last week I began a countrywide tour to hear first-hand from Canada's seniors what it is they expect from their representatives in Ottawa. There is one issue I heard about repeatedly. I was asked, if the NDP's seniors charter was passed in the House of Commons in 2006, even with government members supporting it, why has it not become the law of the land?

The charter was designed to provide the people who built this country with the health and income supports they need to live out their lives with the dignity they deserve. The charter has not been implemented because the Conservative government has chosen to ignore it.

Today our seniors are hurting. According to the Progressive Economics Forum, it would take $1 billion to lift all seniors currently living in poverty out of poverty. Compare that to the fact that the government is planning to spend around $75 billion to bail out our already profitable banks.

I ask the government and the Prime Minister, how did their priorities become so skewed?

* * *

MEL BROWN

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, I rise today to pay tribute to a man who played a key role in developing Waterloo region's music scene.

In the late 1980s, Mel Brown relocated to Kitchener, Ontario after a long career playing guitar for some of the biggest names in music. Willie Nelson, John Lee Hooker, Etta James, Bobby Bland and Waylon Jennings are just a few.

Mel's arrival put our community on the music map. It was common for blues greats like B.B. King to show up unannounced just to share a stage with Mel.

When blues great Buddy Guy last played in Kitchener, he said, "It's just you, me and B.B. left now". At the annual Kitchener Blues Festival, talent from around the world looked forward to the private event where Mel played for the musicians and volunteers.

Mel Brown died in St. Mary's Hospital on March 20. He leaves behind his wife and musical partner, Miss Angel, two children, seven grandchildren and tens of thousands of fans.

Today we mourn the loss of Mel Brown, even as we celebrate his life and legacy. To those who loved him, our hearts are extended.

* * *

● (1405)

NATIONAL VOLUNTEER WEEK

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Speaker, today kicks off National Volunteer Week in Canada. This week gives us occasion to both recognize the work done by volunteers and to get involved in charitable work ourselves.

[*Translation*]

It is estimated that in Canada, some 12 million volunteers give their time to 161,000 charitable organizations, which generate $112 billion a year for our economy.

[*English*]

Volunteers are selfless in their actions, noble in their intentions, and they enrich the lives of people who they will never meet.

[*Translation*]

I would like to thank everyone at Volunteer Canada, which helps coordinate volunteers across the country.

[*English*]

Most importantly, I want to thank all of Canada's volunteers, like the individual men and women affected by the flood in Manitoba who have not thought twice about lending a helping hand to a neighbour in need. Thanks to all of them.

* * *

[*Translation*]

MAXIME LANDRY

Hon. Maxime Bernier (Beauce, CPC): Mr. Speaker, on Monday, April 13, I attended a huge gathering in Saint-Gédéon-de-Beauce to support Star Académie contestant Maxime Landry.

Maxime won the 2009 season of Star Académie by a landslide. In addition to sharing his tremendous talent, he inspired a sense of kinship throughout Beauce. Maxime's life has been anything but ordinary. He has faced everything with courage and great determination. His incredible strength of character has enabled him to conquer all the obstacles he encountered along the way. He showed great maturity during his time at the academy.

Maxime deserved to win, and, thanks to him, all of Beauce has something to be proud of.

On behalf of all members of the House, congratulations, Maxime. May he go on to achieve all of his dreams. Bravo.

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LEVINOFF-COLBEX SLAUGHTERHOUSE

Mr. Roger Pomerleau (Drummond, BQ): Mr. Speaker, the Levinoff-Colbex slaughterhouse, which is located in my riding, is the only major slaughterhouse left in eastern Canada. This business employs close to 200 people and slaughters between 4,000 and 5,000 cull cows a week from five provinces.

Producers in Quebec have reinvested $30 million to finance the business and are counting on the federal government to contribute $19 million to expand and modernize the existing facilities so that steers from Quebec, which are currently slaughtered in the United States, can be slaughtered in Canada. This investment would maintain current jobs and create additional jobs.

The government provided $50 million in its latest budget to support the slaughter industry, but as in many other cases, it is dragging its feet on implementing the program. We call on the members of the Conservative Party from Quebec, who claim to wield a great deal of power in the government, to join the Bloc Québécois in standing up for Quebec's economic interests in this matter and to make sure that the slaughterhouse gets its fair share.

* * *

[*English*]

TAXATION

Ms. Candice Hoeppner (Portage—Lisgar, CPC): Mr. Speaker, the Liberal Party sure loves taxes.

Last week we learned that the Liberal leader plans to hike taxes on Canadian families, a tax hike at the worst possible time, and there is never a good time to raise taxes.

Then again, it is not really a surprise. The Liberal Party wanted to raise the GST and the Liberal leader campaigned on the job-killing carbon tax.

Conservatives are taking action to help Canadian families with our economic action plan. Liberals are trying to take their hard-earned dollars away.

How much would the Liberal leader's tax hike cost Canadians? Which taxes will he hike and by how much will he raise them? Which Canadians will be forced to pay? Canadians deserve an honest answer.

* * *

● (1410)

[*Translation*]

NATIONAL ORGAN DONOR WEEK

Mr. Marcel Proulx (Hull—Aylmer, Lib.): This is National Organ Donor Week. I rise to encourage all my colleagues and fellow citizens to sign their organ donor cards and to inform their families of their wishes.

[*English*]

Yesterday marked the beginning of National Organ Donor Week and much remains to be done to give hope to patients waiting for an organ transplant. With this in mind I urge my colleagues, as well as all Canadians, to sign their organ donation cards and make sure their loved ones are aware of their decision.

[*Translation*]

Too many people remain on waiting lists for organ donations.

[*English*]

A single donor can save up to eight lives. I would also like to remind my colleagues that National Organ Donor Week has a lot to do with one of our colleagues in the House.

[*Translation*]

In fact, the National Organ Donor Week Act received royal assent in 1997.

[*English*]

This private member's bill had been put forward by my colleague, the member for Pickering—Scarborough East, and I wish to thank him for his important initiative.

* * *

[*Translation*]

LIBERAL PARTY OF CANADA

Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC): Mr. Speaker, last week, the Liberal Party clearly indicated it would raise taxes if it had the chance. Threatening Canadians with tax hikes in the middle of a recession is the worst thing to do when attempting to stimulate the economy. But could we expect otherwise? This same party wants to increase the GST and create a carbon tax that would be devastating for employment.

The Conservative government's economic action plan provides for $20 billion in tax cuts for Canadians. The Liberal Party wants to pick their pockets once again. The Conservative government has clearly set out its economic action plan and the Liberal Party should do the same with its tax plan. The Liberals must be up front with Canadians about which taxes they will raise, when they will do it and by how much they will be increased. And which Canadians will pay the price?

* * *

[*English*]

FORESTRY INDUSTRY

Mr. John Rafferty (Thunder Bay—Rainy River, NDP): Mr. Speaker, the forestry sector is being decimated right across the country. The Conservative government is doing nothing nationally to help producers, communities and families get through the crisis.

Over the last five years 45,000 jobs have been lost, large producers like AbitibiBowater and smaller producers like Buchanan Forest Products are going bankrupt.

Where was the elimination of the waiting period for employment insurance for forestry workers in communities right across Thunder Bay—Rainy River who have to go a full two weeks without any income when they are laid off? Where are the loan guarantees for healthy and profitable small businesses that are seeing their access to credit dry up, like Whalley Logging in Atikokan?

For heaven's sake, where is the severance and pension protection for the working families suffering from the collapse of Buchanan Forest Products?

The government is apparently not interested in helping all forestry producers, communities and families get through this crisis. If the government wants to consider itself a truly national party in government, now is the time for a national forestry strategy.

* * *

TAXATION

Mr. Bruce Stanton (Simcoe North, CPC): Mr. Speaker, our Conservative government has taken steps to help Canadian families deal with the global recession. We have reduced personal income taxes, increased child benefits, and we are helping families who are purchasing a first home or taking on home renovations.

These are the kinds of actions that are making a positive difference for Canadian families and they are in stark contrast to a new plan released just last week by the Liberal Party. Yes, just last week the leader of the Liberal Party said in the *Kitchener-Waterloo Record*, "We will have to raise taxes".

This is a very troubling revelation and it should have Canadians worried. The Liberal Party must inform Canadians which taxes it would raise, how much it would raise them by, and who would be forced to pay these higher taxes.

The Liberal Party ought to come clean with Canadians and tell them just how much this new plan is going to cost Canadian families.

[*Translation*]

MEETING OF THE CENTURY

Mr. Pascal-Pierre Paillé (Louis-Hébert, BQ): Mr. Speaker, on April 2, 2009, I attended the "Meeting of the Century" between two institutions that are legendary in the lives and hearts of Quebeckers: the Montreal Canadiens, who are celebrating their 100th anniversary, and the Montreal Symphony Orchestra, MSO, which is celebrating its 75th anniversary.

Under the direction of Kent Nagano, the music took us back in time through the history of our beloved Habs. One particularly emotional moment was when the symphonic version of the *Hockey Night in Canada* theme rang out in the amphitheatre. Mr. Nagano directed his orchestra with all his customary skill and spirit, and he also indulged us with a version of *Ode to Joy* accompanied by a choir of more than 1,500 voices.

I would like to pay tribute the Montreal Canadiens who for the past century have captivated us with their success and have kept us company in our homes. These hockey players have served, and continue to serve, to unify all Quebeckers. I would also like to pay tribute to maestro Nagano, who has been directing the MSO since 2006 and who so passionately shares his music with us.

Best regards.

* * *

● (1415)

[*English*]

EARTHQUAKE IN ITALY

Hon. Maurizio Bevilacqua (Vaughan, Lib.): Mr. Speaker, today I rise on behalf of my colleagues in Parliament to express our condolences to the people of Italy for the tragic loss of lives and the destruction caused by the earthquake of Monday, April 6 in the Abruzzi region, my place of birth.

The images of this disaster are vivid in our minds. Hundreds of people died, thousands injured, and tens of thousands left homeless. As well, we witnessed the devastation of the historical centre of the medieval city of L'Aquila with its rich cultural treasures and architectural magnificence.

The power of nature keeps humanity humble. When tragedy strikes one of us, it strikes us all.

As Canadians, we will do our part and provide our fullest support to help people rebuild their lives, their communities, and the unique cultural heritage that is shared with us and belongs to us all.

[*Editor's Note: Member spoke in Italian]*

* * *

TAXATION

Mr. Ron Cannan (Kelowna—Lake Country, CPC): Mr. Speaker, I too add my condolences to the folks in Italy. Our prayers and thoughts go out to all those folks in Italy.

But there is an earthquake happening in our own country.

I would like to remind Canadians what the Liberal leader said on April 14th, just last week, and I quote, "We will have to raise taxes". We thank him for honestly revealing the Liberal plan.

While Conservatives work hard for Canadian families, Liberals want to make Canadian families work harder to pay more taxes. Our economic action plan is making Canada a role model for the world in these tough economic times.

The Liberals want to make Canada the most taxed country in the world.

Some questions for him remain: When would he raise their taxes? Which taxes would be raised? How much would they go up? Who would pay?

I invite the Liberal leader to stand and answer.

ORAL QUESTIONS

[*English*]

EMPLOYMENT

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, the government is presiding over the worst collapse in employment on record, with 300,000 jobs lost in the first three months of 2009. Mayors and municipal councillors I spoke to in southwestern Ontario last week were promised federal help months ago to create jobs. It has not arrived. When will help arrive?

What additional measures will the minister offer to protect jobs in a recession that the Minister of Finance has finally acknowledged is serious?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, at the outset of question period, let me say, and I believe I speak on behalf of all members of this place, how pleased we were to see a peaceful resolution in Montego Bay this morning. Our thoughts and prayers go out to the passengers and crew who went through this horrifying incident. I want to commend the crew for their actions, and to express the appreciation of all Canadians and the Government of Canada to Jamaican authorities who helped bring this terrible situation to a safe conclusion.

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, in town hall meetings across southwestern Ontario last week, people told me they are frightened by the cascade of job losses —ClosetMaid in Cambridge, 3M in London, Sterling Truck in St. Thomas, Navistar in Chatham, Ingersoll Fasteners in Ingersoll— 300,000 jobs in every region, in every province, in every sector in the country.

What is the government prepared to do to help Canadians face the tsunami of job loss sweeping across the country?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, this government is the one that brought forward a massive stimulus package to help stimulate growth in the economy. The leader of the Liberal Party talked about his trip to southwestern Ontario. The Liberal leader said, on that trip to southwestern Ontario, on April 14, just last week, "We will have to raise taxes".

We thank him for honestly finally revealing the Liberal plan. Now the questions for the member are, which taxes will he raise, when will he raise them, and by how much? He owes Canadians an answer.

● (1420)

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, I will not take lectures from the Conservatives on fighting deficits. This side of the House cleaned up one deficit, and we will clean up the next one.

[*Translation*]

Back to employment. Some 7,500 jobs are in danger at AbitibiBowater. The government's response? A committee. What an insult.

Will the federal government offer loan guarantees to protect jobs in the forestry sector—

The Speaker: Order.

The Minister of Transport, Infrastructure and Communities.

[*English*]

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, the leader of the Liberal Party talks about deficits. This is an unfortunate international economic time. The leader of the Liberal Party and his entire caucus voted for this budget, I would remind him.

Let us look at Tax Freedom Day. In 2005, the last year the Liberals were in power, it took place on June 26. In 2008, just last year, after three years of Conservative government, it went to June 14. That is real leadership.

I ask that the leader of the Liberal Party stand in his place, tell us where and when he will raise these taxes, and how much suffering working families in Canada will have to pay for his reckless—

[*Translation*]

The Speaker: I regret that I must interrupt the hon. Minister of Transport, Infrastructure and Communities.

The hon. member for Brossard—La Prairie.

* * *

FORESTRY INDUSTRY

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): Mr. Speaker, the Conservatives have abandoned the forestry industry. Since they came to power, $1.6 billion set aside by the former Liberal government for the industry has disappeared because of their grandstanding.

When will the government take action in the interest of the thousands of people who have lost their jobs? When will it do something for the hundreds of communities that are losing their primary industry?

[*English*]

Mr. David Anderson (Parliamentary Secretary to the Minister of Natural Resources and for the Canadian Wheat Board, CPC): Mr. Speaker, our economic action plan addresses exactly those issues. It includes support for both the short- and the long-term problems facing the industry. It includes the $1 billion community adjustment fund, and if the member was listening today, the minister was in Quebec setting out the terms of a task force to work with Quebec on the forestry industry.

We are getting the job done for Canadians.

[*Translation*]

Hon. Denis Coderre (Bourassa, Lib.): Mr. Speaker, that answer is appalling. The government has abandoned workers and regions that depend on the forestry industry. Now the government is planning to set up a special committee. Recently in Quebec City, the Minister of National Revenue told us that there are to be no loan guarantees, and now the committee is supposed to discuss access to credit.

Is the Prime Minister ready to change his mind if the committee says that there should be loan guarantees to help forestry workers?

Hon. Jean-Pierre Blackburn (Minister of National Revenue and Minister of State (Agriculture), CPC): Mr. Speaker, we have a softwood lumber agreement with the United States. The agreement stipulates that we cannot give any benefits to Canadian companies unless similar benefits are offered in the American market. That being said, on Friday in the Saguenay-Lac-Saint-Jean region, socio-economic stakeholders and elected representatives met and agreed that they wanted access to credit and financing, but within the bounds of the softwood lumber agreement.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, all the government has done to address the forestry crisis is set up a task team. Yet just a few days ago, the Government of Quebec gave AbitibiBowater a total of $100 million in loan guarantees. Meanwhile, lawyers for the federal government are arguing before the tribunal in London that loan guarantees are legal.

If its own lawyers are saying that, then they must be legal. What is the government waiting for to give the forestry industry loan guarantees, as it has done for the automotive industry? The forestry industry needs them now.

Hon. Christian Paradis (Minister of Public Works and Government Services, CPC): Mr. Speaker, the creation of the Canada-Quebec special team is good news, because things are moving forward. The team will focus on the following areas: forest management and silviculture, supporting forest workers, access to credit, technology and innovation, value-added manufacturing and market development. This is a Canada-Quebec partnership. We want to move things forward, and we are taking action. It is shameful that some people are trying to downplay the significance of this wonderful initiative that was announced this morning.

● (1425)

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, it does not take much to make the minister happy. He needs to be more aware of what is happening in his riding.

The forestry industry is short of cash and facing a serious crisis. One solution to the industry's problems is loan guarantees. The Government of Quebec, the unions, the Quebec Forest Industry Council and the federal government's own lawyers agree that loan guarantees are legal. If they are not legal, then the government needs to tell us why Ottawa's lawyers are arguing that they are.

Is the government paying lawyers who are contradicting the ministers, or do the ministers not understand their own lawyers? We want to know.

Hon. Christian Paradis (Minister of Public Works and Government Services, CPC): Mr. Speaker, on the contrary, it takes a great deal to make us happy. The Canada-Quebec partnership announced today is a wonderful initiative. We will work together to tackle this extremely serious problem. It is too bad some members are trying to make political hay out of this. Members need to look at the areas that are targeted. The industry asked for this. We are not making this up.

They are proving again today that they have never delivered. We are delivering, and we are going to solve the problem.

Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ): Mr. Speaker, last Friday, the elected officials of my riding reached a consensus on what to do to help the forestry sector. The two Conservative ministers were mandated to obtain loan guarantees, as the government did for the auto sector.

Did the government receive the message and will it now commit to offering loan guarantees to the forestry sector, yes or no?

Hon. Jean-Pierre Blackburn (Minister of National Revenue and Minister of State (Agriculture), CPC): Mr. Speaker, I attended that meeting of all the socio-economic stakeholders. The hon. member forgot to mention that. That is what he tried to do. They tried all afternoon to get the government to grant loan guarantees without any concern about respecting the softwood lumber agreement.

At the end of the meeting, all the stakeholders concluded that the government must try to help the forestry sector while respecting the softwood lumber agreement.

Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ): Mr. Speaker, in a press conference, a minister from my region finally admitted that time is running out and forestry workers are being left with nothing. In the automobile sector, the government recognized the seriousness of the situation in four weeks. For the forestry sector, it has taken four years so far.

Will the government take another four years to recognize that the solution lies in loan guarantees, or will it finally come to its senses and act immediately?

Hon. Jean-Pierre Blackburn (Minister of National Revenue and Minister of State (Agriculture), CPC): Mr. Speaker, Export Development Canada has granted over $14 billion in various loan guarantees over the past year. Again this year we are adding $5 billion to support all stakeholders.

What can we do in terms of loan guarantees? Yes, we can grant loan guarantees, but it must not give Canadian industries an advantage, since that would compromise the agreement. We must try to find other avenues of assistance. However, we must not compromise the agreement, which the industry is asking us to protect at all costs.

* * *

[*English*]

EMPLOYMENT INSURANCE

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, since the last election, over one third of a million Canadians have been thrown out of work. That amounts of 2,380 per day, about 100 per hour. The point is that we are now reaching a level of unemployment higher than we have seen in seven years, at 8%. Now we have General Motors saying it is going to be laying off another 1,600 workers.

Forty days ago in the House, solutions for the employment insurance program to get these workers the help they need were adopted. When is the government going to fix the EI system for the people who need the help?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, we do recognize that these are very difficult times for all too many Canadians who are losing their jobs. That is why, in the earliest budget that a Canadian government has ever presented, we presented extensions to the EI system, an additional five weeks of regular benefits. We froze the EI premium rates to conserve jobs. We expanded dramatically the work-sharing program.

All these things are there to help vulnerable Canadians at the time they need it most, but the leader of the NDP and his entire party voted against every single one of those efforts to help Canadians.

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● (1430)

[*Translation*]

INFRASTRUCTURE

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, that is a facile reply. The reality is that the Conservatives are not taking the economy very seriously. Take infrastructure, for example. They said that money would be available quickly, but government documents indicate that 90% of the funds have not yet been allocated. Conservatives require the municipalities to match the contributions but they cannot.

Why does the government not make these funds available quickly —immediately—without all these ridiculous conditions?

[*English*]

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, we have been cutting red tape and we have been doing it as quickly as we possibly can. We have been working constructively with the Federation of Canadian Municipalities. We have been working with various provincial associations. We have good partnerships in the provinces, where we are able to turn $1 into $2 or $3 so we can create two or three times as many jobs, two or three times as much hope, two or three times as much job creation across the province. We are committed to doing it.

Step by step, we are getting the job done.

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the mayors I am talking to are saying that the program is not working because they do not have the funds to match the federal dollars. So instead of fixing the program the way we suggested, using the gas tax model that works, the government is going to try to force municipalities to borrow money from the federal government in order to come up with their share. That is no way to build a country.

When is the government going to eliminate this ridiculous condition that is going to mean that we will simply not be creating jobs in construction this construction season? The policy is not working.

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, we consulted with municipalities right across the country. They said they have long-term plans to develop residential-based infrastructure in their communities to make it possible to build subdivisions. To do that they needed some help, though, because their plans were for the long term. Yesterday we made available the process, the application forms and all the details so that municipalities right across this country, large and small, can access $2 billion in low-cost direct loans to help them advance the infrastructure that will create local jobs and provide long-term benefits for their communities.

* * *

AUTOMOTIVE INDUSTRY

Mr. Francis Valeriote (Guelph, Lib.): Mr. Speaker, the government's mixed messages on the auto industry have spawned uncertainty that has thrown the industry into a free fall. General Motors is asking for clarity of expectations, while the minister continues to dance between bankruptcy and simply avoiding the issue entirely.

This crisis in the auto sector will shortly translate into 4,000 more job losses across Canada, 4,000, not including cuts at auto parts manufacturers in Guelph and across Ontario. When will the minister help broker a solution for the auto industry instead of driving wedges between all involved?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, two weeks ago I announced the new warranty program to guarantee that warranties would be in place and we announced additional help for the auto parts sector. We have been moving and acting in the best interests of the country and in the best interests of the auto sector.

What we get on the other side, though, is a plan to hike taxes, and that is just the wrong policy at the wrong time for this country.

Mr. Francis Valeriote (Guelph, Lib.): Mr. Speaker, with the auto industry on the path to collapse, the government has chosen to drive wedges between the industry and workers. Instead of showing leadership, clarity and transparency, the minister is a mere armchair quarterback. Last week's innovation announcement was nothing more than a rerun of last year's announcement: not new money, not more money.

When will the minister get in the game, bring the parties together and contribute to a viable solution to the auto crisis?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, I am glad the hon. member raised that point because I was very pleased to announce last week the new $145 million fund where the industry is working with the academic world and with the government. That is the kind of planning, co-operation and collaboration that is a hallmark of this government.

What we have on the other side in terms of a dissonance of messages is the leader saying that he does not want to help the auto sector, His only help appears to be raising taxes to Canadians.

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HEALTH

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, last week the government released reports attempting to absolve itself of its incompetence in responding to the listeriosis crisis of last summer. These reports only confirmed what Canadians had feared: the federal government failed to respond adequately to the crisis.

The Ontario Chief Medical Officer of Health stated that the federal process contributed to the public sense of unease and confusion. He added that had access been given to critical information, they might have been able to reduce possible exposure.

How can the minister describe this as anything but incompetence?

● (1435)

Mr. Pierre Lemieux (Parliamentary Secretary to the Minister of Agriculture, CPC): Mr. Speaker, certainly the events of last summer were sad and tragic. There was good co-operation among the different levels of government and between the different agencies, but certainly we can all do better. We saw that in the reports that were tabled and in the lessons learned that were tabled just last week.

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, could the minister at least explain the delay in the government acting?

The Ontario Chief Medical Officer of Health stated that CFIA was involved in a conference call on July 30 concerning the listeriosis outbreak and yet in documents released Friday by CFIA, the agency acknowledges that it first became aware of the crisis on August 6. That was seven days of inaction, days that could have meant lives.

Where was the minister and CFIA for seven days of potential action?

Mr. Pierre Lemieux (Parliamentary Secretary to the Minister of Agriculture, CPC): Mr. Speaker, the truth is that CFIA was advised formally on August 6 and it reacted very quickly. It turned around test samples in record time and, as I mentioned, worked very well with other levels of government.

In fact, I have a letter from Toronto public health stating, "It is our hope that the networking and co-operation that existed during the Maple Leaf investigation will continue, if not improve, in the future. Please convey our gratitude to the members of your team who facilitated the process and provided timely notification, as required".

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[*Translation*]

GOODS AND SERVICES TAX

Mr. Jean-Yves Laforest (Saint-Maurice—Champlain, BQ): Mr. Speaker, when it comes to GST harmonization, there is no reason Quebec should not be compensated. According to a June 2000 document produced by the Library of Parliament's economics division, "Since 1995, the two taxes have been completely harmonized, i.e., they are applied to the same tax base".

Instead of using strong-arm tactics in an attempt to arbitrarily change Quebec's prerogatives, will the Minister of Finance finally compensate Quebec, just as it has compensated Ontario and the Maritimes? It would only be fair.

Hon. Christian Paradis (Minister of Public Works and Government Services, CPC): Mr. Speaker, as we have said, if the harmonization actions go ahead, we will negotiate in good faith.

Mr. Jean-Yves Laforest (Saint-Maurice—Champlain, BQ): Mr. Speaker, we just said that it was already harmonized.

The federal government gave the Maritimes $1 billion and Ontario $4.3 billion for harmonization, but it is making excuses to deprive Quebec of its $2.6 billion.

Does the minister realize that, by refusing to offer compensation, he is not only depriving Quebec of money to which it is entitled, but forcing Quebeckers to pay for compensation given to other provinces?

Hon. Christian Paradis (Minister of Public Works and Government Services, CPC): Mr. Speaker, we committed to negotiating in good faith, and that is what we will do. That is what we have been saying for weeks. Nothing has changed.

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INDUSTRY

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, while the Obama administration is showing vision by injecting over $15 billion into scientific research to stimulate the American economy, the Conservative government has decided, for purely ideological reasons, to make cuts to scientific research, just as it did with culture.

Given these contrasting visions, will the Minister reverse his decision and make significant increases to investment in research, as over 2,000 academic researchers and the Fédération étudiante universitaire du Québec is calling for him to do?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, the reality is that in the 2009 budget we invested over $5.1 billion more in science and technology research. This is our action plan for the future of our country. That action plan supports research and researchers across Canada.

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, how can the Quebec lieutenant justify his reaction on the question of the Mont-Mégantic Observatory, that his government is not responsible, when in fact it is the government's very narrow ideological pathway that imposes this "strategic review of expenditures" at the expense of scientific advancement?

● (1440)

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, that is totally false. In our opinion, the facts are clear. There is more investment in Quebec. The same is true across the country. We support researchers because it is important to innovate in Canada, and researchers are part of that innovation.

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[*English*]

AFGHANISTAN

Hon. Maria Minna (Beaches—East York, Lib.): Mr. Speaker, last week, Afghan women demonstrated against the oppressive law passed by the Afghan parliament legalizing marital rape. In response to this show of solidarity, these women were stoned. This follows the assassination of a prominent Afghan woman politician. Conditions for women in Afghanistan are worsening.

Where was the government when the legislation passed, when exactly did the government first learn of this odious law and what exactly has it done to get it repealed?

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, certainly everyone in this House and, I suspect, everyone in the country shares the outrage when knowledge first was passed that this legislation was before the Afghan parliament.

I know for certain that the Minister of Foreign Affairs spoke directly with his counterpart in the United States, as well as his counterpart in Afghanistan and other ministers of the Afghan government. Canada's abhorrence to moving in this direction was relayed directly to them. We continue to press upon the government, as well as President Karzai, that this law cannot come into effect. I expect the entire international community will be sending that exact same message.

[*Translation*]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, the condition of the Afghan people is deteriorating: an Afghan woman politician has been assassinated, the Afghan Parliament has enacted a law that legalizes marital rape, and violence has been committed against Afghan women demonstrators protesting this horrific law.

What do the Conservatives intend to do to defend the rights of Afghan women and to put pressure on the Afghan government, with more than words, to repeal this horrific law?

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, it is certainly the Conservative government's plan to continue to put pressure on the government of Afghanistan and on President Karzai. It is absolutely necessary that the international community work together and send that clear message. It is necessary that this be seen as a step backward. We continue to send this message to the government of Afghanistan on a daily basis

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SRI LANKA

Mr. Justin Trudeau (Papineau, Lib.): Mr. Speaker, Canadians of Sri Lankan origin are distressed about their friends and family members. Once again, this government lacks the courage to take a stand on respect for human rights.

Will the government ask the Secretary-General of the United Nations to appoint a special representative for Sri Lanka, who will have the support of the international community to protect human life, respect the various communities and put an end to the violence?

[*English*]

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, the Minister of Foreign Affairs had the opportunity to speak directly to his counterpart from Sri Lanka as well as his counterparts from India and the United States. He also spoke to the United Nations.

On this subject matter, it appears that all high level engagements by our country and others continue to pressure the government of Sri Lanka to address this very serious and deteriorating humanitarian crisis. We continue to take every step possible to engage diplomatically.

I know that members of the House are very concerned and continue to express through any and all means to the government of Sri Lanka the efforts to aid civilians in need.

Mr. Robert Oliphant (Don Valley West, Lib.): Mr. Speaker, has the government taken the necessary steps to increase aid? The government has pledged just $3 million in aid to Sri Lanka while Australia, with two-thirds our population, has tripled that amount. We are providing 10¢ per Canadian. Canada is becoming an embarrassment.

Will the government increase the foreign aid for humanitarian help to a reasonable level and ensure that help is getting to the people who need it?

Hon. Bev Oda (Minister of International Cooperation, CPC): Mr. Speaker, I am pleased to say that we have responded adequately. We are monitoring and are always prepared to give additional support. I announced increased support to Sri Lanka in February that will go directly to the Red Cross and to the human rights commission in Sri Lanka.

We always ensure that the help goes directly to the people in need. We have also been working and supporting the human rights advocacy that is going on there and we have been calling for free access for increased humanitarian work.

● (1445)

TAXATION

Mr. Mike Wallace (Burlington, CPC): Mr. Speaker, the Liberal leader finally let the cat out of the bag about his real intentions regarding taxes. He plans to raise them. Canadians should be very worried by these comments. Liberals have never met a tax they did not like.

Would Canada's Minister of Transport remind the House of the actions this government is taking to wisely spend Canadian tax dollars while also acting to reduce the tax burden on Canadian families in a time of economic uncertainty?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I share the real concerns of the member for Burlington. All of us on this side of the House are doing everything we can to promote economic growth and job creation and encourage more jobs, more hope and more opportunity. However, the one thing we learned in the province of Ontario before 1995 was that raising taxes kill jobs. It led to less hope and less opportunity.

I implore the leader of the Liberal Party to stand in this place and promise the people of Canada that he will not raise their taxes or at least have the decency to say how much he will raise them, when he will raise them and which ones he will raise.

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HEALTH

Mr. Malcolm Allen (Welland, NDP): Mr. Speaker, the listeriosis crisis claimed 21 lives almost a year ago and the government is still scrambling for answers.

Instead of fixing the problems of an underfunded Food Inspection Agency, the government is stretching it even further. At a time when its own agency reports that there are not enough inspectors, the government is cutting up to 15% of the CFIA budget for inspectors.

Will the government commit to the necessary funding to ensure that the CFIA fulfills its mandate to protect the food that Canadian families put on their tables?

Mr. Pierre Lemieux (Parliamentary Secretary to the Minister of Agriculture, CPC): Mr. Speaker, I would like to underscore that the CFIA budget has only increased under our government. CFIA has more resources available now than it has ever had before. Under the previous Liberal government, food safety funding was cut in 1994 and again in 1995. If that was not bad enough, it cut it again in 2005.

Under this government, CFIA staffing has gone up by 14% since March 2006 and we have increased its budget by $113 million.

Mr. Malcolm Allen (Welland, NDP): Mr. Speaker, the government is robbing Peter to pay Paul. At the end of the day, our food is just as unsafe for our kids as it was last year.

New Democrats are calling for further investment so that we will be prepared for an emergency and have enough inspectors on the front line to do the job.

A high-quality emergency outbreak fund already exists, so why should its creation come at the expense of food inspectors? This does not make sense. How many more crises will Canadians need to endure before the government learns its lesson?

Mr. Pierre Lemieux (Parliamentary Secretary to the Minister of Agriculture, CPC): Mr. Speaker, I can only repeat what I just said. The CFIA budget has increased under this Conservative government. It has more resources now than it has ever had before. We have increased CFIA's budget for food inspection by $113 million. We have hired an additional 200 inspectors and have increased CFIA staffing by 14% since March 2006. We are taking real action.

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[*Translation*]

RAIL TRANSPORTATION

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, last Thursday President Obama presented a plan for the construction of 10 new high-speed rail networks, one of which could directly link Montreal to the United States. In the meanwhile, the Conservative government, rather than taking action, is reiterating that it is currently undertaking feasibility studies of the Quebec City-Windsor corridor even though it has been examining the project since 1992.

Will the Minister of Transport, Infrastructure and Communities promise today that his government will support President Obama's project in order to link Quebec City and Montreal to the future American network?

[*English*]

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, we are working co-operatively with the Government of Quebec and the Government of Ontario because we respect provincial jurisdiction. We are working on a plan to revise the figures that were done in recent years. This is an important partnership.

We will not simply push aside the Government of Quebec, the Premier of Quebec and the elected representatives of Quebec and work with a foreign government. We are going to work constructively with our friends in Quebec.

● (1450)

[*Translation*]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, given that everyone in Quebec is asking the minister to take action, it will not be a problem and he will take action. Is that what we are to understand?

Important municipal and environmental players are very pleased that the Obama administration realizes that green transportation will have a greater role to play than motor vehicles in future economic development.

When will this government show the same type of leadership and long-term vision by demonstrating a similar interest in high-speed trains?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, as I said, we are presently working with our colleagues from the Quebec government and the McGuinty government in Ontario. It is very important that we determine the costs before proceeding. That is the Conservative way of doing things. We do not operate like the previous government, which made election promises without knowing the true costs of the project.

* * *

[*English*]

GOVERNMENT ASSISTANCE

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, conditions are still precarious in Manitoba. Dikes have been built, people have been evacuated and homes have been damaged. More than 1,900 people have registered as evacuees, 1,300 from first nations communities.

Will the Minister of Public Safety confirm the flooded first nations in Manitoba will qualify for the same federal assistance as the province and municipalities?

Hon. Vic Toews (President of the Treasury Board, CPC): Mr. Speaker, before I answer the member's question, I will take a moment to thank the Prime Minister for coming to Manitoba last week to survey the areas affected by the flooding. As members know, my riding of Provencher, as well as many others, have been affected. Having the Prime Minister come to Manitoba to get a sense of the situation on the ground was very important to local residents.

The Prime Minister committed federal assistance for this disaster. This government is prepared to stand with all our agreements in respect of first nations people and non-first nations people.

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, I take it that means 90% to first nations communities as well.

Since the flood of 1997, the federal government and the province of Manitoba have undertaken preventative measures, including upgrades to the Manitoba floodway. Damages experienced this year are approaching the same level as 1997. The threat of further damage and future flooding still exists.

What specific mitigation measures is the government planning for those who live outside of Winnipeg, both north and south?

Hon. Vic Toews (President of the Treasury Board, CPC): Mr. Speaker, not only did I have an occasion to speak with the Prime Minister about that very issue, but I spoke at some length with the premier of the province of Manitoba. He appreciates the assistance and the co-operativeness of the federal government at this important time.

The Prime Minister has indicated that we will be there to deliver the assistance that Manitoba needs. We will work together with the province to achieve an equitable resolution of the complaints.

* * *

FORESTRY INDUSTRY

Mr. John Rafferty (Thunder Bay—Rainy River, NDP): Mr. Speaker, last Thursday AbitibiBowater declared bankruptcy, putting 11,000 more forestry jobs at stake, including hundreds in Thunder Bay and Fort Frances.

Under the government's watch, over 45,000 forestry jobs have been lost, whether in Grand Falls, Newfoundland, Mackenzie, B.C., or Iroquois Falls in northern Ontario. Our forestry industry is eroding and the government has yet to offer real solutions for workers and their communities.

When will the government stop making deals on the fly and work with us to come up with a national strategy to save Canadian forestry jobs?

Mr. David Anderson (Parliamentary Secretary to the Minister of Natural Resources and for the Canadian Wheat Board, CPC): Mr. Speaker, we understand the Canadian forest industry is facing several challenges, both domestically and globally. In particular, the situation with AbitibiBowater represents internal business decisions and it would be inappropriate for us to comment on those.

However, we are working to help the forestry industry in a number of different ways, including bringing new financing to the industry, developing markets, developing new products and helping the communities that are affected by the downturn.

[*Translation*]

Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP): Mr. Speaker, why enter into a piecemeal agreement with the Quebec government rather than adopting a national strategy? Forestry companies in Newfoundland and Labrador, British Columbia and Ontario have the same problems. They need access to credit to continue operating.

Why not provide loan guarantees to companies such as Black River Logging, in Manitouwadge, which will allow them to survive, prevent further layoffs and support the economies of local communities?

● (1455)

[*English*]

Mr. David Anderson (Parliamentary Secretary to the Minister of Natural Resources and for the Canadian Wheat Board, CPC): Mr. Speaker, that is specifically what we have been doing over the past year. We have put measures in place to address the financing issues with which the forestry sector is dealing.

We have partnered with the industry in order to support product innovation. We realize that the industry is going through a change and there is going to be massive change in the products it will be selling later. We have been working with them to develop those new forest products. We have been working to develop value-added programs to strengthen this sector as well. We are supporting the marketing products internationally.

We are getting the job done for the forestry industry.

NATIONAL DEFENCE

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, the waters off the Horn of Africa have become extremely dangerous with pirates attacking merchant and other ships.

In 2008 the International Maritime Bureau estimated that there were 111 pirate attacks off the coast of Somalia. Canada has ships in the Gulf of Aden as part of a NATO anti-piracy mission.

Could the minister tell the House what we are doing to help the international effort to combat pirates in the waters off the coast of Somalia?

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, as part of our NATO commitments, Canada has been very active in fighting piracy off the Horn of Africa. In fact, this past weekend the HMCS *Winnipeg* pursued, caught up, boarded and disarmed a pirate vessel that was attacking a Norwegian tanker. This is the third disruption of piracy activities in which the *Winnipeg* has been involved in the last month, surely a source of pride for our country.

Last fall, the HMCS *Ville de Québec* answered the call of the World Food Programme and safely escorted food to feed 400,000 people, over six months deterred 11 pirate attacks and has provided much stability with respect to the mission for safe passage off the coast of Somalia.

We can all be proud of the work of our navy in this regard.

* * *

EMPLOYMENT INSURANCE

Mr. Anthony Rota (Nipissing—Timiskaming, Lib.): Mr. Speaker, the last 300 workers from the Domtar plant in Dryden are getting laid off. Union president, Nick Chasowy, is trying to help his members get through the Conservative government's bureaucracy, with no response from Service Canada. The Conservative MP from the area agreed to meet with union members, but did not bother to show up.

Workers feel jilted and abandoned. When will the HRSD Minister stand up for the men and women of northern Ontario?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, we want to help as many Canadians who need our help and we want to do it in a prompt manner. That is why we have been taking on extra staff to deal with the burgeoning number of EI claims. That is why we have extended our call centre hours. That is why our Service Canada officials are trying to meet with every company possible that is facing layoffs so we can avoid them if possible with our work-sharing programs. If that is not possible, we will work with them to expedite the application process for employment insurance so Canadians who are suffering get the benefits they need as quickly as possible.

* * *

[*Translation*]

THE ENVIRONMENT

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, President Obama made a clean break with the Bush approach to the environment. The American Environmental Protection Agency recently found that greenhouse gases are a danger to public health and well-being, a finding that lends weight to the American President's decision to impose absolute greenhouse gas reduction targets without delay.

Will the Minister of the Environment follow in the United States' footsteps by getting rid of intensity targets and announcing plans for absolute greenhouse gas reduction targets, the only approach that would support the existence of a carbon exchange?

Hon. Jim Prentice (Minister of the Environment, CPC): Mr. Speaker, we have worked with the United States and other countries. We are committed to setting up and implementing an action plan based on four fundamental principles.

First, we have to balance environmental and economic protection. We have to adjust our long-term priorities regularly. We have to develop and implement clean technology. And we have to ensure that a majority of companies currently using dirty technology will get on board.

* * *

[*English*]

HEALTH

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, as hundreds of thousands of Canadians lose their jobs, they are also losing their much needed work-based drug coverage plans.

Last week, the Canadian Institute for Health Information reported that Canadians paid close to $30 billion a year for their medications. That is almost $900 for every woman, man and child.

Canadians could barely afford their medications in the best of times. How can they be expected to manage in these very difficult economic times? When is the government going to finally implement its long-promised national pharmaceutical strategy?

● (1500)

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, let us be very clear that the government and the Prime Minister are 100% committed to upholding the principles of the Canada Health Act.

The hon. member knows that our partners in the provinces and territories are responsible for deciding which drugs are publicly reimbursed. That is why our Conservative government has shown strong leadership by increasing the federal health transfer to the provinces and territories each and every year since we have been in office.

The Canada health transfer will be $24 billion this year, increasing by 6% annually to reach $30.3 billion in 2013-14.

[*Translation*]

FORESTRY INDUSTRY

Hon. Maxime Bernier (Beauce, CPC): Mr. Speaker, our government, in cooperation with the Government of Quebec is taking the necessary action to help the forestry sector. We must help and support the forestry sector, since it is important for all Canadian communities. An important announcement was made today in Montreal in that regard.

Can the Minister of Public Works and Government Services provide us with more details on the announcement made this morning in Montreal?

Hon. Christian Paradis (Minister of Public Works and Government Services, CPC): Mr. Speaker, I want to thank my hon. colleague from Beauce for his excellent question and for his work on this file. Finally, someone who is welcoming this good news with the enthusiasm it deserves.

Our government fully understands the issues facing the lumber industry in Quebec and Canada. That is why today we announced a historic partnership with the Government of Quebec to accelerate initiatives to help our workers, the industry and communities in general.

We have an ambitious plan, since the special task team will have to report on the situation by May 15. Now that is what I call action, and we are confident that that the industry will come out of this crisis stronger and more prosperous.

* * *

[*English*]

ATLANTIC CANADA OPPORTUNITIES AGENCY

Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.): Mr. Speaker, the Canadian Centre for Fisheries Innovation in St. John's has a 20 year record of success in research and development. The centre has support from industry, academia and all levels of government in Atlantic Canada, yet the current federal government will not renew its funding.

I ask the minister responsible for Newfoundland and Labrador this. Why is the government refusing to recognize the importance of this essential research and development network for the fisheries and aquaculture of Atlantic Canada?

Hon. Keith Ashfield (Minister of State (Atlantic Canada Opportunities Agency), CPC): Mr. Speaker, CCFI was established in 1989 as a fishing industry research sector matchmaking service. CCFI does not do any research on its own, zero research. It is no longer necessary to fund CCFI merely to perform a matchmaking service between the fishing industry and the research community.

The fishing industry has evolved to a point where the industry and academia now routinely partner directly in research opportunities supported by ACOA. In fact, since 2002, through the Atlantic innovation fund, ACOA alone has provided $60 million directly to industry—

The Speaker: The hon. member for Richmond—Arthabaska.

[*Translation*]

AGRICULTURE AND AGRI-FOOD

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, more than a month ago, I asked the Minister of State for Agriculture about the $50 million in the budget for slaughterhouses. I spoke about the Levinoff-Colbex slaughterhouse, in which cattle producers in Quebec have reinjected $30 million. But producers are still waiting for the Conservatives to make good on their election promise to help them in their project. The minister told me not to lose faith. I am trying not to, but producers want to know what criteria apply to this program.

Does the minister finally have details to announce to producers about the program that will allow Levinoff-Colbex to get its share of funding?

Hon. Jean-Pierre Blackburn (Minister of National Revenue and Minister of State (Agriculture), CPC): Mr. Speaker, as I recently told the member, we made an election promise to invest $50 million to support slaughterhouses. We have kept that promise. The $50 million is in the budget. We have started looking closely at the regulations, and things are moving ahead very quickly. I have had the opportunity to meet with representatives of Levinoff-Colbex, and they know that things are very close.

I again ask the member to be patient. He will see that we have a very attractive program to support slaughterhouses.

ROUTINE PROCEEDINGS

● (1505)

[*English*]

CANADA-POLAND SOCIAL SECURITY AGREEMENT

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, subsequent to its tabling on February 6, 2009, by the hon. Minister of Foreign Affairs it is my privilege on behalf of the Department of Human Resources and Skills Development and the Government of Canada to table Order in Council P.C. 2009-535 authorizing the entry into force of the Agreement on Social Security between Canada and the Republic of Poland.

The Canada-Poland agreement is designed to coordinate pension benefits between the two countries. Upon its entry into force it is estimated that the Canada-Poland agreement will immediately benefit over 5,000 Canadian residents.

The agreement covers benefits for some of the most vulnerable groups in Canadian and Polish society: seniors, disabled individuals, surviving spouses and dependent children for whom income security is critically important.

With this agreement we are ensuring that hard-working Polish citizens and Canadians receive the social security benefits that they have earned.

GOVERNMENT RESPONSE TO PETITIONS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, in an attempt to show you how hard some of us were working during the last two constituency weeks, I have the honour to table, in both official languages, pursuant to Standing Order 36(8) the government's response to 109 petitions.

* * *

PUBLIC SECTOR PENSION INVESTMENT BOARD ACT

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP) moved for leave to introduce Bill C-361, An Act to amend the Public Sector Pension Investment Board Act (reduced risk).

He said: Mr. Speaker, I am pleased to put before the House today an act to amend the Public Sector Pension Investment Board Act in regard to reduced risk.

I was recently travelling through southwestern Ontario and heard from many seniors and workers who are on the verge of retirement and are very concerned about whether they will have a public pension in place when they retire.

The enactment of the bill would amend the Public Sector Investment Board Act to provide that the board shall only make investments that have a low risk of loss.

It would also enact provisions for additional information to be included in the annual report of public sector pensions for the investment board.

One of the things people said to me was that they were tired of having fund managers treating their retirement savings like chips from a casino. We are going to shine a light on this.

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

* * *

EARTHQUAKE IN ITALY

Hon. Maurizio Bevilacqua (Vaughan, Lib.): Mr. Speaker, I would ask you to seek unanimous consent for the following motion, which has been circulated to other parties. I move:

> That this House express its condolences of all Canadians to the people of Italy for the tragic loss of lives and the physical destruction caused by the earthquake on April 6th in the Abruzzo region, and we pledge to do our part to provide all necessary support to the Italian earthquake victims as they rebuild their lives, their communities and the unique cultural heritage of the Abruzzo region that is a treasure of the whole world.

The Speaker: Does the hon. member for Vaughan have the unanimous consent of the House to propose this motion?

Some hon. members: Agreed.

The Speaker: The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

● (1510)

PETITIONS

INCOME TRUSTS

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, pursuant to Standing Order 36 and as certified by the Clerk of Petitions I would like to present yet another income trust broken promise petition sent to me by Mr. J. Bedford of my riding of Mississauga South, who remembers the Prime Minister boasting about his apparent commitment to accountability when he said, "The greatest fraud is a promise not kept".

The petitioners remind the Prime Minister that he promised never to tax income trusts, but he broke that promise by imposing a 31.5% punitive tax, which wiped out over $25 billion of the hard-earned retirement savings of over two million Canadians, particularly seniors.

The petitioners therefore call upon the government, first, to admit that the decision to tax income trusts was based on flawed methodology and incorrect assumptions; secondly, to apologize to those who were unfairly harmed by this broken promise; and finally, to repeal the punitive 31.5% tax on income trusts.

NUCLEAR NON-PROLIFERATION TREATY

Hon. Scott Brison (Kings—Hants, Lib.): Mr. Speaker, pursuant to Standing Order 36, I rise today to present a petition from Nova Scotians to urge NATO nuclear policy review. The petitioners state that whereas the continued existence of the world's 25,000 nuclear weapons risks their accidental or unintentional use, posing a constant threat to our life and climate, Canada has signed and ratified the Treaty on the Non-proliferation of Nuclear Weapons, the NPT, in which article VI commits each of the parties to the treaty to work for the elimination of nuclear weapons.

The petitioners further state that the International Court of Justice has ruled that this NPT commitment is a legal obligation under international law, that NATO's stated position that nuclear weapons are essential runs counter to the NPT goal of eliminating nuclear weapons.

Therefore, the petitioners, Nova Scotians and Canadians, believe very strongly that the government needs to press publicly for an urgent review of NATO's nuclear weapons policies to ensure that NATO states fulfill their international obligations under the NPT.

SRI LANKA

Hon. Navdeep Bains (Mississauga—Brampton South, Lib.): Mr. Speaker, I am presenting a petition with respect to the situation in Sri Lanka, which continues to deteriorate. Many constituents have come to visit me and this is the petition they presented. The essence of the petition they have brought forward asks the Canadian government to intervene and call for an immediate ceasefire and to continue the discussions for peaceful negotiations.

EMPLOYMENT INSURANCE

Ms. Ruby Dhalla (Brampton—Springdale, Lib.): Mr. Speaker, I rise on behalf of my constituents in Brampton who have signed in the hundreds with regard to the emergency EI measures that are needed. Being in the hub of the manufacturing and auto sector, a number of these constituents have lost their jobs and have signed a petition requesting that the government allow for the elimination of a two-week waiting period, ensure that there are 360 hours to qualify for entry level EI benefits, and ensure that they have the accessibility and the resources they need during this difficult time as they are laid off from their companies, which are either closing down or eliminating their shifts. This is a petition from these workers.

Mr. Speaker, I am presenting another petition, from workers from the Chrysler plant in the riding of Brampton—Springdale, concerning the laying off of a third shift and the laying off of almost 1,100 workers. They too are requesting emergency action from the government, which they think has failed them in being able to access the emergency EI measures that they need.

* * *

QUESTIONS ON THE ORDER PAPER

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, the following questions will be answered today: Nos. 63, 67, 68, 76 and 78.

[*Text*]

Question No. 63—**Mr. Robert Oliphant**:

> With respect to the official provider of uniforms and clothing for the Vancouver 2010 Winter Games: (*a*) what was the selection process; (*b*) which companies submitted bids to provide these products to Canadian athletes and the Canadian public; (*c*) how was the decision made to select the Hudson's Bay Corporation as the provider of official uniforms and clothing; (*d*) what consideration was provided for the selection of a Canadian owned company to provide the clothing; (*e*) what consideration was provided to companies who would manufacture the products fully in Canada; (*f*) what rationale can be provided for the selection of a foreign owned company who will produce the products outside of Canada; and (*g*) in the future, will there be an attempt from the government to further support the Canadian industry in the selection process for future Canadian Olympic clothing by selecting a Canadian company who will manufacture their product in Canada?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, VANOC is a legal entity separate from all of its government and non-government partners. Decisions on licensing of Olympic and Paralympic marks rest solely with VANOC and with the International Olympic Committee and International Paralympic Committee. The response below reflects information available through public sources, including the VANOC website (www.vancouver2010.com).

Hbc was granted exclusive rights to official licensed products featuring the Canadian Olympic Committee or the Canadian Olympic Team marks and is the exclusive general merchandise retail partner for the distribution of such apparel. As VANOC's premier national partner, Hbc is also responsible for outfitting the Canadian Olympic Team and Vancouver 2010 Olympic and Paralympic Winter Games volunteers. However, other businesses have received licenses for apparel related to the 2010 Olympic Winter Games and 2010 Paralympic Winter Games marks only through competitive processes announced through VANOC`s website (www.vancouver2010.com).

The Canadian Olympic Committee is entirely responsible for the selection of a clothing supplier for the Canadian Team.

The Government of Canada does not provide any financial contribution to the Canadian Olympic Committee for clothing. In response to previous questions regarding the off shore manufacturing of clothing, we understand that the Canadian Olympic Committee has since revised its 2008 internal policy and consequently 80% of the clothing for the 2010 Olympic team will be manufactured in Canada.

Question No. 67—**Mr. Todd Russell (Labrador)**:

> With regards to residential schools: (*a*) what are the (i) names, (ii) locations, (iii) former church, charitable, or other operators, (iv) years of operation of all residential or other schools which were excluded from the Indian Residential Schools Agreement; (*b*) how many former residents or other students of each school are estimated to be living; and (*c*) what specific steps has the government taken, and with which provinces, towards pursuing bilateral agreements to address the issues raised by, or in relation to, the attendance of Aboriginal people at schools not covered by the Indian Residential Schools Settlement Agreement?

Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, the response is as follows:

a) The government has received over 8,000 requests to have over 1,200 unique institutions added to the Indian residential schools settlement agreement.

i) and ii) The names of these requested institutions, as well as their locations, can be found on the public list of decisions on the settlement agreement website: http://www.residentialschoolsettlement.ca/Decisions.pdf

iii)and iv) Requested institutions are not researched in detail once they have been determined to be ineligible. Therefore, the information that the Government of Canada holds on these institutions is minimal.

b) The government does not have access to the information for these non-federal institutions as other parties controlled them.

c) The Government of Canada has publicly committed to working with the provinces to further address the wrongs of the residential schools era. The Government of Canada has also signed the Métis nation protocol which seeks to establish a structured process to conduct discussions with the Métis National Council on a range of issues including Métis former students of the residential school system.

Question No. 68—**Mr. Robert Oliphant**:

> With respect to government television commercials which promote Tax Free Savings Accounts (TFSA): (*a*) why are financial advisors not included in the list of possible ways to open an TFSAs; (*b*) how much did it cost to produce these commercials and to air them; (*c*) how often are the commercials aired; and (*d*) will future commercials include a reference to financial advisors?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, the response is as follows: a) The principle objective of the television commercials, which can be viewed at http://www.tfsa.gc.ca, was to provide Canadians with as much substantive information as possible about the TFSA in a relatively short period of time. Commercials were approximately 30 seconds in length. The commercials encouraged Canadians to contact their "bank, credit union or other financial service provider to open an account today or visit tfsa.gc.ca for more information". The 'More Information' portion of tsfa.gc.ca, which can be viewed at http://www.tfsa.gc.ca/moreinfo-eng.html, makes explicit reference to financial advisors in the list of possible ways to open a TFSA: "Visit your bank, credit union, financial service provider, advisor or planner for more information and to open an account today".

b) The cost of the television commercials was approximately $3 million. This included production costs and the charges for airing the commercials in both official languages across Canada.

c) The television commercials commenced airing on January 5, 2009 and ended on February 2, 2009. The frequency of the commercials being aired varied by market size and location.

d) No future television commercials to promote the TFSA are planned at present.

Question No. 76—**Hon. John McCallum**:

> Regarding the Government of Germany's use of an informant to ascertain the names of foreign investors holding accounts with the Liechtenstein LGT Group: (*a*) did the Government of Canada pay any sum of money to the Government of Germany, or any other government, to obtain the identity of the Canadian citizens or residents whose name appeared on that list and, if so, how much; (*b*) without breaching the privacy rights of any individual, how many Canadian names appeared on that list; (*c*) is the Canada Revenue Agency (CRA) granting those individuals who are listed the opportunity to pursue a voluntary disclosure; (*d*) if the answer to (*c*) is yes, will, or have, individuals who approached the CRA only after media reports surfaced about the breach of privacy at the LGT Group be considered eligible for a voluntary disclosure; (*e*) if the answer to (*d*) is yes, is it the policy of the CRA to allow tax payers to avail themselves of the voluntary disclosure program once they could reasonable be aware that the CRA may be pursuing an audit; (*f*) how many of the listed individuals have approached the CRA with a voluntary disclosure; (*g*) how many individuals has the CRA begun to audit from the list of LGT Group clients; and (*h*) how many individuals has the CRA begun to prosecute from the list of LGT Group clients?

Hon. Jean-Pierre Blackburn (Minister of National Revenue and Minister of State (Agriculture), CPC): Mr. Speaker, the response is as follows: a) The confidentiality provisions of the acts administered by the Canada Revenue Agency, CRA, do not permit it to provide details of cases that it may or may not be reviewing or the sources of its information. However, the CRA can advise that as a matter of policy and practice it does not pay for informant information.

b) For the reason stated in part a), the CRA cannot comment on accounts held with a particular financial institution with such particularity. However, based on information provided to the CRA, over 100 individuals have been identified as being residents of Canada and having assets in the Principality of Liechtenstein.

c) The role of the CRA is to ensure that all taxes are paid in full. The voluntary disclosures program, VDP, promotes compliance by encouraging taxpayers to voluntarily correct previous omissions in their dealings with the CRA. A requirement of the VDP is that taxpayers must make a full disclosure before the CRA commences any compliance action or investigation. If they do so, they may only have to pay the taxes owing, plus interest, but not face penalties or prosecution in the courts.

As compliance action has been commenced on all of the listed taxpayers, they are no longer eligible for consideration under the VDP.

d) n/a

e) n/a

f) None.

g) For the reason stated in part a), the CRA cannot comment on accounts held with a particular financial institution with such particularity. However, based on information provided to the CRA, over 100 individuals have been identified as being residents of Canada and having assets in the Principality of Liechtenstein. Compliance action is either ongoing or has been completed on all individuals.

h) For the reason stated in part a), the CRA cannot comment on accounts held with a particular financial institution with such particularity. No Canadian taxpayers included in the group of over 100 individuals identified as being residents of Canada and having assets in the Principality of Liechtenstein have been charged with tax evasion.

Question No. 78—**Mr. Scott Andrews**:

> With regard to the Department of Fisheries and Oceans (DFO): (*a*) who drafted or authored the press release issued on March 3, 2009 under the title "Statement by Fabian Manning, Senator"; (*b*) who approved or authorized the release of that press release by or on behalf of DFO; (*c*) what was the cost of distributing it via Marketwire; (*d*) was the press release transmitted or distributed by any other commercial means or services and, if so, (i) which means or services, (ii) at what costs; (*e*) who paid or will pay the costs for using Marketwire or any other means or service; and (*f*) was the said press release published to either the national or any regional DFO web sites and, if so, (i) which web sites, (ii) at what time was it published, (iii) was it later removed from the web sites, (iv) if removed, why was it removed and when was it removed?

Hon. Gail Shea (Minister of Fisheries and Oceans, CPC): Mr. Speaker, the response is as follows: a) The news release "Statement by Fabian Manning, Senator" was not authored by DFO employees.

b) The news release was not approved or authorized by the department.

c) The department was not billed for the distribution of the news release by Marketwire and no amount was paid by DFO.

d) The department did not transmit or distribute the news release to any parties through any commercial means.

e) The department will not be billed and will not pay for the cost of using Marketwire for the distribution of this news release.

f) The news release was never published on any DFO website.

[*English*]

QUESTIONS PASSED AS ORDERS FOR RETURN

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, if Question Nos. 60, 62, 64, 65, 70, 71, 72 and 77 could be made orders for return, these returns would be tabled immediately.

The Speaker: Is that agreed?

Some hon. members: Agreed.

[*Text*]

Question No. 60—**Mr. Bruce Hyer**:

With respect to the purchase and provision of single-use water bottles and water coolers by the government over the last five years: (*a*) (i) what are the total government expenditures for bottled water on an annual basis, as well as over a five year period, (ii) on an annual basis, what amount is spent by each department; (*b*) (i) with respect to the above figures, how much was spent annually, on a departmental or agency basis, in the National Capital Region, (ii) what was the breakdown by province for such services; and (*c*) by province, what is the number of Government of Canada employees, and the number of drinking water fountains that service these employees?

(Return tabled)

Question No. 62—**Ms. Libby Davies**:

With respect to funds for infrastructure spending in Budget 2009: (*a*) what funds are new funds and what funds are carried over from Budget 2008 and previous years; (*b*) when will infrastructure funds be available to municipalities and provinces, (i) what will the application process be, (ii) how will the process differ from regularly budgeted funds, (iii) what steps is the government taking to ensure the application process is not redundant, (iv) what steps is the government taking to ensure the protection of environmental assessments, (v) what steps is the government taking to ensure the process is equitable across municipalities, (vi) what departments will be responsible for the funds, (vii) when do funds revert back to federal projects; (*c*) are there population restrictions for some or all parts of the program, and are there other restrictions that apply; (*d*) what new funds will require public-private partnerships; and (*e*) what funding will require cost-sharing with the provinces and municipalities, and are any infrastructure funds available without the requirement of cost-sharing?

(Return tabled)

Question No. 64—**Mrs. Alexandra Mendes**:

With regard to the $212 million dedicated to the Champlain Bridge, in the Montreal region, in Budget 2009: (*a*) does the government have a long term plan to spend the money, (i) if so, what is the full breakdown per year for the dispersal of funding and to what projects on the bridge they are being spent with a timeline for completion, (ii) if no, does the government intend to consult with local municipalities being directly affected by the deteriorating condition and safety concerns of the bridge while developing a comprehensive rehabilitation plan; (*b*) is the money slated to extend the life expectancy of the bridge and, if so, by how long; (*c*) will the money be spent on structural rehabilitation repairs such as the reconstruction of major support devises or for cosmetic repairs such as paint and resurfacing; (*d*) how does the government plan to rehabilitate the bridge while allowing normal traffic volume to proceed in both directions, especially during peak hours; and (*e*) is any component of a light rail system being developed under this funding?

(Return tabled)

Question No. 65—**Mr. Charlie Angus**:

With respect to the third party management (TPM) of First Nations by Indian and Northern Affairs (INAC), with specific reference to only those managed by the Northern Ontario office over the last ten years: (*a*) how many First Nations reserves have been operating under TPM, for how long, which reserves have been so designated and for each of the reserves listed, who acts as their third party manager; (*b*) according to each band council, on what date did each agreement come into force, what was the amount of debt they held at the time, what debt repayment plan was put into effect for each and what is the current amount of outstanding debt held by each band council; (*c*) what requirements must be met by a band council to get out of TPM, who determines those requirements, how many bands have met those requirements and when; (*d*) how many audits has INAC, or its designated proxies, undertaken with respect to TPMs and their direction of First Nations bands, (i) on what date were such audits prepared, (ii) by whom, (iii) with respect to the management of which bands, (iv) what were the key findings of each audit, (v) what recommendations were implemented, (vi) has any audit resulted in the termination or non-renewal of the contract between the TPM and INAC, if so, which ones and why, (vii) has any audit warranted a police investigation, if so, which ones and what was the outcome; (*e*) according to each community operating under TPM, (i) what management or other fees were charged, on a monthly and annual basis, (ii) for what were the fees charged, (iii) have any TPMs received extra commissions, bonuses or any other financial reward for their work and, if so, on what date were such monies awarded, for what, and to which TPMs, (iv) what percentage of each band's operating budget do such costs represent, on a monthly and annual basis; (*f*) how many contracts (separate of TPMs agreements) have been awarded by INAC, or a TPM acting on a First Nation's behalf, to LTL Construction, Shuniah Financial Services or Mekena Project Management Group, what was the amount of each contract, the date awarded and the intended service; (*g*) what legal or professional requirements does a company have to meet to become a TPM; (*h*) what tendering process is followed in the awarding of TPM contracts, do INAC staff have any discretionary powers in awarding a TPM and, if so, who has that power and under what circumstances; (*i*) with specific reference to the Gull Bay First Nation, how many third party managers have presided over their financial affairs during the above-mentioned period, what are the terms and conditions of each contract, what management fees, bonuses or commissions were paid to these parties and who were the principal officers of each TPM; and (*j*) for what reasons is Shuniah Financial Services no longer acting as Gull Bay's TPM?

(Return tabled)

Question No. 70—**Ms. Meili Faille**:

With regard to large information technology projects, and specifically the four pillars of the Shared Services Initiative: (*a*) has the government prepared a detailed plan accompanied by schedules to explain how it will proceed with the implementation of these major projects, (i) if so, what are the details of this plan, (ii) if not, what are the reasons for the non-existence of such a document; (*b*) for each of the pillars, (i) which departments are potential clients, (ii) what is the project's estimated value (estimated minimum to estimated maximum), (iii) what is the description of each project, (iv) what are the key success factors, (v) what are the advantages and estimated costs, (vi) what is the department's organizational capacity, (vii) what is the planned project launch date for the invitations to tender, (viii) will the contract be awarded to one supplier or several, (ix) for these long-term contracts, what means does the government have to change suppliers once the project is under way; and (*c*) with regards to the process for implementing major projects, (i) what are the details of the business plan that was used to justify the projects, (ii) was an independent review done on the business plan and, if so, which individuals or organizations were part of it, (iii) what are the details of the impact studies on the small and medium-sized businesses (SME) in the Ottawa-Gatineau region or elsewhere, (iv) what strategy was used to mitigate the impact on SMEs, (v) is there an impact study for these projects on the information technology industry and, if so, what are the details?

(Return tabled)

Question No. 71—**Ms. Joyce Murray**:

With respect to the Mountain Pine Beetle disaster: (*a*) how much money has been designated by the government to address this issue; (*b*) when, where and which government official announced these allocation of funds; (*c*) to date, how much has been spent; (*d*) in which provinces and municipalities have these funds been spent; (*e*) how have these funds been spent; (*f*) which companies or front-line government agencies have received payment for related services; (*g*) what is the timeline for the spending of any remaining funds; and (*h*) how will these remaining funds be allocated?

(Return tabled)

Question No. 72—**Ms. Joyce Murray**:

What is the total amount of government funding, since fiscal year 2004-2005 up to and including the current fiscal year, allocated within the constituency of Vancouver Quadra, listing each department or agency, initiative, and amount?

(Return tabled)

Question No. 77—**Mr. Charlie Angus**:

With respect to community facilities on First Nations: (*a*) does Indian and Northern Affairs Canada (INAC) conduct health and safety inspections of every educational facility on a regular basis and, if so, how often are regular health and safety inspections supposed to take place on educational facilities within INAC's jurisdiction; (*b*) what causes health and safety inspections to be conducted on these facilities outside of the regular basis; (*c*) what health and safety inspections have taken place on the educational facilities in Attawapiskat First Nation since January 2000; (*d*) what health and safety inspections have taken place on the portables that currently comprise Attawapiskat's elementary school facilities since they were originally built; (*e*) how did INAC officials come to the conclusion drawn in the Comprehensive Integrated Document Management document No. 198761 of November 21, 2007 that there were health and safety concerns with the portables in Attawapiskat, which were "in need of extensive repairs"; (*f*) how many First Nations students across Canada currently attend school in facilities that INAC believes contain health and safety concerns; (*g*) as of March 4, 2009, what new school construction projects are the top 40 priorities for INAC across Canada and, for each of these 40 schools, how long has INAC known that health and safety concerns existed in the current facilities; (*h*) between January 2006 and March 2009, how many schools sitting in federal electoral districts represented by Members from the New Democratic Party, Bloc Québécois or Liberal Party of Canada were not built, or had construction delayed; (*i*) how did INAC's commitment to upgrading and replacing First Nations' water facilities impact the capital budget for educational facilities; (*j*) was additional money allocated to INAC's overall budget to upgrade and replace First Nations' water facilities and, if so, how much additional funding did INAC receive to upgrade and replace First Nations' inadequate water facilities, if not, was money simply moved from other INAC budget lines to fund these projects; (*k*) between January 2006 and March 2009, how much money was spent on upgrading and replacing water facilities on First Nations in Canada; (*l*) between January 2006 and March 2009, how much money was spent on upgrading and replacing water facilities on First Nations sitting in federal electoral districts represented by Members from the New Democratic Party, Bloc Québécois or Liberal Party of Canada on the day that the Treasury Board Secretariat signed off on the funding; and (*m*) between January 2006 and March 2009, how much money was spent on upgrading and replacing water facilities on First Nations sitting in federal electoral districts represented by Members of the Conservative Party of Canada on the day that the Treasury Board Secretariat signed off on the funding?

(Return tabled)

[*English*]

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

● (1515)

[*English*]

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-25, An Act to amend the Criminal Code (limiting credit for time spent in pre-sentencing custody), be read the second time and referred to a committee.

Mr. Rick Dykstra (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC): Mr. Speaker, it is certainly an honour to speak during the second reading of Bill C-25 which proposes to limit the credit granted by the courts to offenders for time spent in custody. The honour is made even greater for me today by the fact that during the 39th Parliament I introduced a private member's bill which, like Bill C-25, sought to replace the double time served sentencing provisions with a more just and appropriate

sentence. I want to thank the minister for taking into account my private member's bill when he introduced Bill C-25 in the 40th Parliament.

Before discussing the various elements of this bill, I would like to briefly describe the implications of the credit granted for time spent in custody. Pre-sentencing custody occurs when it is necessary to ensure the appearance of the accused. In other cases, custody before and during the trial is necessary to protect the public when it is highly likely that the accused will reoffend or obstruct the administration of justice in the event that he or she is set free for that period of time. The severity of the offence may also justify the need to keep the accused in custody.

The Criminal Code establishes that time spent in custody may be taken into consideration during sentencing, but does not provide for any ratio to be applied. The courts, however, have traditionally applied a 2:1 ratio, that is, a credit of two days for each one day spent in custody. In other words, an accused who has spent six months in custody following an offence for which a fair prison sentence would be two and one-half years would only serve a year and a half based on the 2:1 ratio being applied.

Instead of being incarcerated in a federal penitentiary for a sentence of more than two years, the offender would now actually serve the sentence in a provincial prison.

The courts justify this ratio by citing the lack of programs in correctional facilities and the fact that pre-sentencing custody is not taken into account when considering eligibility for parole once the sentence has been handed down. That is why the period spent in custody is often referred to simply as down time. However, this ratio is not fixed at 2:1. In some cases it has become 3:1, where custody conditions were especially difficult, either because a correctional institution was overpopulated or because the sanitary conditions were poor. However, it is obviously our hope that such a ratio is rarely applied.

Sometimes the ratio applied is less than 2:1, where the offender is unlikely to be granted early parole because of his or her criminal record or where the offender was placed in preventive custody due to a bail violation. However, there is no uniformity or consistency in the importance attached to these factors.

In the last decade the proportion of persons in pre-sentencing custody has actually exceeded the number of adults in post-sentencing custody in the provinces and territories. There are more folks in custody who are awaiting trial than there are prisoners who have been convicted or are in jail. Overall the number of persons in pre-sentencing custody account for approximately 60% of the number of persons admitted to provincial and territorial institutions.

As a result, the provincial and territorial governments have voiced their concerns regarding the repercussions on the growth of the population in pre-sentencing custody and have requested that the 2:1 ratio be limited. Among the factors that have contributed to this increase is the fact that the court records are now much more complex, take much more time to process and result in a longer period spent in pre-sentencing custody.

For example, in 1994-95 some 34% of accused in custody were held for more than a week. A mere 10 years later this proportion has risen from 35% to 45%. The proposal contained in this bill will help reduce court caseloads thereby accelerating the processing of records.

● (1520)

Also, there have been reports that the increase in the population in custody is due to the choice of the accused to extend the period spent in custody so as to have a shorter sentence once the 2:1 ratio is applied after conviction. This bill is aimed at discouraging and eliminating this behaviour.

The credit of two days for each day spent in pre-sentencing custody increases court caseloads and allows certain accused to obtain a lighter sentence. This common practice creates a public perception that the sentences imposed simply do not reflect the severity of the crime, especially when the ratio applied for the pre-sentence period is unknown.

That is why this bill proposes the application of a 1:1 ratio in all cases with the possibility, if circumstances justify, of granting up to one and one-half days for each day spent in custody. In addition, it proposes to limit the ratio to 1:1 for persons in pre-sentencing custody on the basis of their criminal record or because they have violated their bail conditions.

This bill proposes that the courts clearly indicate the credit for the time spent in custody as well as the sentence imposed. It also requires that the courts give reasons for their decision for any credit granted for time spent in custody. This will make it possible to better evaluate the ratio used and how often a credit is given for time spent in custody. Even a one to one credit will require the courts to explain the decision and why the grant was given for that additional credit.

These measures will allow for greater uniformity and certainty, and increase public confidence in the administration of our justice system.

This bill will result in an increase in the number of offenders who previously received a sentence under provincial jurisdiction, two years less a day, after taking into account the credit for the period spent in custody, and who will now receive a sentence under federal jurisdiction of two years or more. In addition, offenders under federal jurisdiction will spend more time in federal detention facilities. This increase will also allow for improved rehabilitation among offenders since they can benefit from correctional programs for a longer period.

For these reasons, I encourage my parliamentary colleagues to give their unanimous support to this bill so as to accelerate its passage as quickly as possible.

Enhanced credit for time spent in pre-sentencing custody is seen as one of the several factors that have contributed to considerable increases in remand populations over the past several years. In other words, the longer an individual who has been charged and is awaiting his or her trial, the more the individual can have his or her case remanded, the bigger the benefit the individual receives for the time he or she has spent in pre-sentencing custody. That is not what this was meant for. It was not the intent to assist criminals who are convicted of crimes to seek easier passage of their incarceration time.

At the end of the day, this bill makes sense. It enhances and augments what the minister has described as a bill that needs speedy course through this House and through committee.

The constituents who live in my riding of St. Catharines have long cried out for changes to the legislation, based on a number of court cases in the Niagara area where convicted criminals have benefited from two or three to one additional credits for the days they have spent in pre-sentencing custody. I submit that the constituents of more than just one riding in this country believe this is the right legislation to pass. It should have happened sooner, but it is happening today because this government is ready to move on this justice legislation.

The Speaker: Is the House ready for the question?

Some hon. members: Question.

● (1525)

[*Translation*]

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

Some hon. members: Agreed.

The Speaker: I declare the motion carried. Consequently, this bill is referred to the Standing Committee on Justice and Human Rights.

(Motion agreed to and bill read the second time and referred to a committee)

* * *

[*English*]

CANADA-PERU FREE TRADE AGREEMENT IMPLEMENTATION ACT

Hon. Bev Oda (for the Minister of International Trade and Minister for Asia-Pacific Gateway) moved that Bill C-24, An Act to implement the Free Trade Agreement between Canada and the Republic of Peru, the Agreement on the Environment between Canada and the Republic of Peru and the Agreement on Labour Cooperation between Canada and the Republic of Peru, be read the second time and referred to a committee.

Mr. Gerald Keddy (Parliamentary Secretary to the Minister of International Trade, CPC): Mr. Speaker, it is an honour and a pleasure to speak to Bill C-24, a bill dealing with trade liberalization and market access.

Bill C-24 is just another step that our government is taking to help Canadians compete and succeed in the global economy. Our global commerce strategy includes a re-energized agenda of trade liberalization with our partners around the world.

As a trading nation, Canadian companies, Canadian producers and Canadian investors need access to international markets to stay competitive. We have entered an age of fierce global competition as emerging economies continue climbing the value chain and establishing themselves in an ever-widening range of sectors.

In this time of economic uncertainty. where a slowdown in the U.S. economy, our top commercial partner by far, and ongoing turbulence in international financial markets will continue to affect Canadian exporters and investors, we have done a good job of riding out the storm. thanks largely to Canada's strengths, strengths like low unemployment, the strongest fiscal situation in the G7, a sound borrowing system and our endowment of natural resources that continue to be in demand the world over.

We could add to that fiscal attribute by recognizing the fact that Canada's banking system is the most stable and best banking system in the world today.

We should also recognize the fact that our public pension plans have sound fiscal footing, unlike many public pension plans around the world.

It is clear, however, that we must remain vigilant. Canada must continue to fight protectionist pressures around the world and continue taking steps to ensure Canadian companies remain competitive, maintain their markets, and have access to new opportunities.

We have done something about that. Our government understands the challenge. Canada has committed to playing an active role in the Americas and in building strategic relationships with key partners in our neighbourhood. Our neighbourhood certainly is the Americas. The government's policy of re-engagement with the Americas has made a lot of economic sense. It is only reasonable, practical and intelligent foreign policy and trade policy on Canada's behalf that we have become more active in the Americas at our very own doorstep.

In Latin America, Peru is a leader, a lynchpin in the political and economic stability of the region. It has been an economic engine with a gross domestic product growth rate of 9.1% in 2008, near the top of the Latin American countries. Peru also has a solid outward orientation. A leader in trade liberalization, Peru is currently pursuing trade negotiations with a number of countries. We need partners like Peru, especially as we move forward on engaging with like-minded countries throughout the Americas. Canadians will benefit. Peru is already an established and growing market for our businesses. Exports like wheat, pulses and mining equipment are just part of that picture.

Canadians also offer services in the financial and engineering fields and this activity is driving strong, two-way commerce between our businesses. In 2008. two-way merchandise trade between our countries totalled $2.8 billion. Canadian exports. like cereals, pulses, paper, technical instruments and machinery, were all a part of this success.

Peru is an important supplier to Canada of gold, zinc, copper and petroleum,

Canadian investors, too, have a significant presence in the Peruvian market. In fact, Canada is one of Peru's largest overall foreign investors with an estimated $1.8 billion worth of investment stock in Peru in 2007 led by the mining and financial services sectors. It is no wonder that Canadian businesses in a number of sectors have been strong advocates of this agreement. Their support has been crucial throughout the negotiating process which began in June 2007.

● (1530)

The result is something we can all be proud of. With this new agreement, our nations are taking a critical step to intensify our commercial relationship in the years ahead and to create new opportunities for citizens in both countries who will be able to prosper.

We have negotiated a high quality and comprehensive free trade agreement covering everything from market access for goods to cross-border trade and services to investment and government procurement. Canadian exporters will certainly benefit. The agreement would create new opportunities for Canadian businesses and producers in the Peruvian market. Under the agreement, Peru will immediately eliminate its tariffs on nearly all current Canadian imports with remaining tariffs to be gradually eliminated over the next five to ten years.

Canadian producers will enjoy immediate duty-free access to Peru products like wheat, barely, lentils and peas. A variety of paper products, machinery and equipment will also enjoy the same benefit.

However, an effective free trade agreement should do more than eliminate tariffs. It should also tackle the non-tariff barriers that keep a trade relationship from reaching its full potential. We have done that by including new measures to ensure greater transparency, including better predictability for incoming regulations and the right by industry to be consulted at an early stage in the development of regulations, promoting the use of international standards and creating a mechanism to promptly address problems.

We are taking action on a number of fronts to unlock the trade potential inherent in the Canada-Peru relationship.

However, this agreement is significant for other reasons. It also includes important side agreements that demonstrate our joint commitment to corporate social responsibility, the rights of workers and preserving the natural environment. Our nations recognize that prosperity must not come at the expense of the environment and workers' rights.

This agreement paves the way for significant dialogue on other areas of mutual interest, including poverty reduction and trade related cooperation. In fact, this approach builds on our successful experience with free trade partners such as the U.S., Mexico, Chile and Costa Rica. The agreement will provide an opportunity to grow business and investment between Canada and Peru. We anticipate that freer trade will promote economic growth and employment and help Peruvians reduce high levels of poverty.

CIDA has contributed significantly to developing and enabling environment for trade and investment in Peru by improving the economic governance through the development of Peru's natural gas and mining regulatory frameworks, building its capacity to protect the environment, managing social conflicts by promoting corporate social responsibility in Peru, supporting work on improved labour administration, promoting democratic governance, meeting developmental targets and supporting the FTA negotiations on trade related cooperation between Canada and Peru.

The Canada-Peru free trade agreement builds on our work by including a number of development friendly provisions. It improves market access for Peru to Canada and allows Peru to adjust to freer trade with Canada. For the first time in a Canadian free trade agreement, Canada has agreed to the incorporation of a chapter on trade related cooperation that will help Peru maximize its opportunities under the free trade agreement. Through these measures, as well as the parallel agreements on labour and the environment that my colleagues have previously outlined, the Canada-Peru free trade agreement stands as a comprehensive and wide-ranging agreement.

It is also another example of Canada's re-engagement in the Americas. Our government is committed to working closely with our partners throughout the hemisphere to deepen our economic and security ties and promote stability, security and prosperity. The Canada-Peru free trade agreement is an important part of these efforts. It will also help us expand upon the friendship and cooperation our countries enjoy and create new economic opportunities for Canadians and Peruvians alike.

● (1535)

We share a belief that open markets and international trade are the best hopes for fostering development and our common security in the hemisphere.

We recognize that prosperity cannot take hold without security or, in the absence of freedom and the rule of law brought about through the pursuit of democratic governance, a good, healthy democracy cannot function without a sound underpinning of personal security and the chance to improve living standards through increased trade and investment. That is why we are committed to working closely with partners like Peru to influence positive change throughout the region and promote the principles of sound governance, security and prosperity.

Taken together, these agreements mark a new chapter in the Canada-Peru relationship, one that will forge an even stronger bond between our nations in the years ahead. They also mark yet another milestone in Canada's trade policy. In this day of fierce global competition and overall economic uncertainty, I am proud to say that we are taking the measures necessary to continue creating a resilient and competitive Canadian economy in the years ahead.

I ask for the support of all hon. members as we continue these efforts and create new opportunities for all Canadians to thrive and prosper in the global economy.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, I would ask the member whether the government has any projections for trade between Canada and Peru over the next five or ten years.

Mr. Gerald Keddy: Madam Speaker, we expect this free trade agreement with Peru to be the beginning of a very prosperous trade relationship that will benefit both countries. We are looking at $2.8 billion worth of trade today and we certainly expect that to be enhanced and expanded upon in the future.

Peru has a growing economy with a 9% GDP increase every year. With an opportunity like that, there is absolutely no reason why both countries would not prosper and continue to prosper from this enhanced and improved trading relationship.

[*Translation*]

Mr. Serge Cardin (Sherbrooke, BQ): Madam Speaker, I would like to ask the hon. member a question.

Peru is a rather small market for Canada and Quebec. When the government decided in 2002 to forge ties with the countries of South America, there were supposedly some consultations and discussions with various organizations, companies and so forth. Surely the government did an impact study. If so, what were the medium and long-term forecasts concerning Peru?

In addition, what factors are most motivating the government to quickly sign agreements of this kind which still have a lot of NAFTA's chapter 11 in them? Investment agreements like those in chapter 11 are detrimental because they enable multinationals to sue governments.

I would like the hon. member to answer these questions.

● (1540)

[*English*]

Mr. Gerald Keddy: Madam Speaker, if I understand the question correctly, the hon. member was looking at the situation that Peru was in when many of these negotiations began in 2002 and the situation that Peru is in today.

I already mentioned that Peru's economy is growing at about 9% a year. That is certainly a record that many countries would be very jealous of and should be very jealous of.

The other issue that we need to understand is Canada's whole development of not just foreign policy but trade policy. When we came to government, the Prime Minister made a clear commitment to pay more emphasis to the Americas. That is not just that longstanding relationship between Canada and the United States and Mexico, but beyond the NAFTA borders where there really are many more opportunities for Canadian companies throughout all the provinces.

Certainly, our re-engagement with the Americas in Central America, in the Caribbean and in South America is very positive for Canadian business. There are tremendous opportunities there. The long-term prognosis of a stable, secure trading partner of proven stature in South America is extremely important, not just for our trading relationship with Peru but our trading relationships with other South American countries. We signed a free trade agreement with Colombia as well. We have signed a science and technology agreement with Brazil.

Those agreements are all extremely important to our re-engagement with the Americas, to our emphasis on Canadian trade, to the number of companies within Canada that are doing business directly, especially in the extractive sector in Peru, and for the opportunity to sell our manufactured goods and agricultural goods. It is a two-way relationship. Peru will also benefit from our increased emphasis and our demonstration of that through this FTA with the Peruvian government.

Mr. Ron Cannan (Kelowna—Lake Country, CPC): Madam Speaker, I thank my hon. colleague for doing a great job as the parliamentary secretary on our international trade committee. My hon. colleague just alluded to part of our government strategy to diversify our trade. Our number one trading partner for years has been the United States, and we continue to work closely with that country. I would like my hon. colleague to expand a little bit more on how this specific agreement will help Canadian businesses during this global economic crisis.

Mr. Gerald Keddy: Madam Speaker, I would like to thank my hon. colleague for his kind words and reiterate with some of my own. He is also a valuable member of our trade committee.

It is not simply a free trade agreement with Peru. There has been a terrific change in the entire mindset of government. We appreciate and understand how important our NAFTA partners are, how important that north-south trade with Mexico and with the United States is to Canada, but we are not about to sit back on our heels and simply be dependent on that.

Look at our trading partners around the world. Look at what we did with our free trade agreement with the European Free Trade Association, the EFTA countries, Switzerland, Liechtenstein, Iceland and Norway. Look at ongoing negotiations with South Korea and many other countries around the world. Look at where trade has moved. China is now our number two trading partner. Who would have imagined that five, six or seven years ago? Nobody, quite frankly.

There is opportunity. There is opportunity abroad, there is opportunity with Japan, Korea, China, and the European Union. Those are all opportunities that we expect to engage in.

In the immediate term, there is tremendous opportunity on our very doorsteps in a region of the world that we live in, and we would be remiss if we did not take advantage of that in a very mature, open and equitable manner as we have done.

Everything has been covered under these free trade agreements. It is not just about trade. We have certainly looked at corporate social responsibility, the responsibilities of our country when working abroad. We have certainly looked at the environment and the importance of having a separate environmental agreement with the free trade agreement. We have looked at the whole question of human rights, where there has been all kinds of criticism but not many facts from the opposition.

All of these issues are addressed. They are addressed in this agreement. They are addressed in all of the free trade agreements we are looking at. That is a positive move. At the end of the day, it is good for the countries we are doing business with and it is good for Canada to not be as dependent on that NAFTA relationship as we have been in the past.

● (1545)

[*Translation*]

Mr. Serge Cardin: Madam Speaker, getting back to what the previous member said in reference to the economic development of Peru, I want to remind him that Canada and Quebec have a negative trade balance with Peru that increased at least ninefold 2004 and 2008. Our exports and imports are mounting and the disparity between them has increased tremendously.

I want to ask him a final question. Canadian mining companies have a strong presence in Peru. What kind of regulations does the government foresee for Canadian mining companies, which tend to behave rather badly in foreign countries when it comes to the environment and, unfortunately, human rights?

[*English*]

The Acting Speaker (Ms. Denise Savoie): The parliamentary secretary has less than a minute to answer, 55 seconds.

Mr. Gerald Keddy: How many seconds, Madam Speaker, 55? I will try to address that.

We know that when we are dealing with free trade agreements, first of all, it is a two-way trade, so the trade balance does shift and change. Sometimes it is in Canada's advantage and sometimes it is in the other country's advantage. That is to be expected and that is normal. I would say it is also fair and equitable.

The other issue is the whole question around the extractive sector and corporate social responsibility. I have been on a number of mine sites, both within Canada and abroad, and our companies, certainly on the sites I have been on, have done an exemplary job, a stellar job of representing Canada abroad, of running a solid corporation, and of providing benefits, safety measures and environmental mitigation to the country they are in and to the workers they employ.

I really take exception to the idea that the entire extractive sector is out there running rampant and footloose around the world. It is not the case. These companies are very responsible.

Hon. Scott Brison (Kings—Hants, Lib.): Madam Speaker, it is a pleasure to rise today to speak to Bill C-24, the free trade agreement between Canada and Peru.

The Liberal Party recognizes the importance of free trade and the opportunity to create jobs and prosperity not only for Canadians but for our trade partners. Particularly, during this global economic downturn, it is important that we not only work to expand our free trade relationships but we fight protectionist tendencies, whether it is from U.S. congressmen or senators or from Europeans.

Around the world there is a tremendous fear of protectionism. We saw what happened in the 1930s, going back to the Smoot-Hawley tariff act in the United States, which turned a recession into a full-fledged depression, as we saw responses from around the world and retaliatory actions against U.S. protectionism. Thankfully, the international community and the G20 have been quite consistent in acting and speaking against protectionist measures. We hope that wisdom will last but we have to be vigilant and vigorous in our opposition of protectionist measures.

We are a trade-dependent nation. We have a small, open economy. It is troubling that under the Conservative government we have the first trade deficit that Canada has seen in over 30 years. It is ominous that as a small, open economy that depends on external trade for our prosperity and jobs, in fact, today we are buying more as a country than we are selling. We are facing a weakened global economy and we must broaden our trading relationships. We must seek out new trading opportunities.

Canada's reliance on trade with the U.S., particularly with the United States having been hit the hardest during this economic downturn, demonstrates to us that we need to diversify our trading relationships during not just these difficult times but on an ongoing basis so that we are not as vulnerable or reliant on one market for the future. The U.S. is an important market to us, we all recognize that, and we need to continue to deepen and strengthen our trading relationship with the U.S., but we need to diversify dramatically our trading relationships so that we are not as dependent.

Countries like China, India and Brazil are critically important. My colleague, the Parliamentary Secretary to the Minister of International Trade, just mentioned that China has become Canada's second largest trading partner. He asked who could have imagined that just a few years ago. In fact, the Liberal government and Prime Ministers Chrétien and Martin saw this coming.

The Liberal government worked very hard to deepen our trading relationship and friendship with China, a friendship that goes back to Dr. Bethune and Pierre Trudeau. Pierre Trudeau and Richard Nixon agreed on almost nothing but the one thing they did agree on was the importance of opening up China. They were right then. The opening up of China in terms of economic trade and relationships has increased our capacity to influence the Chinese on issues of human rights and freedom, and market liberalization.

In fact, economic engagement can strengthen our capacity to influence other countries and our trading partners on issues of rights, labour and the environment. We have seen that occur around the world where we choose to use our economic relationship to actually enhance our capacity to influence other issues.

I will be speaking about the Chinese relationship a little more in my remarks, but on the issue at hand, Canada's free trade agreement with Peru, we in the Liberal Party believe very strongly that there are opportunities for Canada in deepening our trade relationship with Peru. We believe we also have a responsibility as a Parliament to evaluate these trade agreements on an individual basis at the committee level and to study them thoroughly in a multi-partisan and, to as much of an extent as possible, a non-partisan basis to ensure that the benefits exist for Canada.

With this in mind, the Liberal Party will vote in favour of Bill C-24 at second reading so that the Canada-Peru free trade agreement can receive a careful examination in committee. We want to hear from Canadian stakeholders. We will support this free trade agreement beyond committee stage if we believe that it is, on balance, a good deal for Canadians.

● (1550)

We recognize and believe in the principles behind free trade in terms of providing enhanced prosperity for our citizens and for economies like Peru, but we recognize as well that there is a significant economic risk to Canada if we do not pursue free trade agreements with countries like Peru.

Peru has been aggressive in pursuing bilateral free trade agreements with a number of countries. Since 2005, Peru has concluded free trade agreements with the U.S., Chile, Thailand, the Mercosur nations, that is Argentina, Brazil Paraguay and Uruguay, and Singapore.

Peru's FTA with the United States, Canada's largest trading partner, has been approved by the U.S. Congress and came into force on February 1 of this year. Now that the U.S. FTA with Peru is in place, some American exporters enjoy a comparative advantage over Canadian exporters in the Peruvian market. For example, U.S. wheat exports now receive duty-free treatment in Peru. Canadian wheat exports on the other hand continue to face a 17% tariff.

Clearly, Canadian wheat producers are now at a disadvantage in this market compared to American competitors and wheat comprises 38% of Canada's total exports to Peru. Therefore, we could say, tongue in cheek, that not having a free trade agreement with Peru goes against the grain for Canadian interests. We need to work to close this gap with the U.S., not just for our wheat producers but in other sectors as well.

In terms of the Canada-Peru FTA, the merchandise trade between Canada and Peru was about $2.8 billion in 2008. Canadian merchandise imports from Peru were about $2.5 billion last year. Our exports to Peru totalled about $400 million in 2008. This is an 18% increase over 2007.

There is a significant growth opportunity for Canadian exporters in Peru, particularly in the supply of mining and hydroelectric transmission equipment, particularly good areas for Canadian expertise.

Peru currently maintains tariffs of 4% to 12% on Canadian exports of machinery and equipment, paper, oil, plastics and rubber. Eliminating these tariffs will help enhance Canadian competitiveness and protect and expand Canadian jobs.

There are also opportunities for Canada's financial sector in Peru. The Bank of Nova Scotia is, in fact, the third largest bank in Peru. It sees great market potential in expanding its presence in the Peruvian market.

By increasing Canada's access to foreign markets, we can help Canadian companies grow and create jobs, both here in Canada and in developing economies like Peru.

In terms of our financial sector, particularly given the relative strength of our Canadian banks and financial institutions relative to their international competitors, that stripe that is accentuated and amplified today during this global financial crisis, there is tremendous opportunity to focus on our financial sector as an area of comparative advantage where we can deepen our relationships, expand our financial sector in some of these emerging economies and capitalize on the comparative advantage that has been the strength of our Canadian financial sector.

Examining the FTA agreement that Canada signed with Peru on May 29, we see that it does protect supply management. We need to support and defend supply management for what it is. It is simply a system that ensures Canadian farmers are paid a reasonable price for what they produce, a market-based system that ensures Canadian farmers are paid fairly for their products. It is not a trade subsidy from the government. We need to counter the arguments against supply management that define it for what it is not. Often the critics of supply management define is as some sort of government subsidy. It is not. It is simply a sound pricing mechanism to ensure Canadian farmers are paid a reasonable price.

The Peru FTA also includes side agreements on labour cooperation and the environment. The agreement also contains provisions on corporate social responsibility. Both the labour cooperation agreement and the agreement on the environment include a complaints and dispute resolution process. This allows any member of the general public in Canada or Peru to request an investigation if they believe that either Canada or Peru is not living up to its commitments in this agreement.

● (1555)

The labour cooperation agreement also enables an independent review panel to fine the offending country up to $15 million annually if the agreement's provisions are violated.

We will work with Canadian stakeholders and experts at the committee stage to determine whether these side agreements and provisions are robust enough. We will act to make sure this FTA is good on balance for Canada. We will continue to believe that diversifying our trade relations is an important way for Canada to move forward as part of a global economic recovery.

I believe very strongly that Canada's multiculturalism can actually help us diversify our trade relationships, that our multicultural communities represent natural bridges to some of the fastest growing economies in the world. We should be capitalizing on the strength of our multicultural communities and not only consider multiculturalism as a successful social policy here in Canada, but view it for what it is today.

At a time of global economic change, multiculturalism is in fact not just a social policy today. It is an economic driver, if we harness it and if we work with the entrepreneurial leaders. Some of the most successful entrepreneurs in Canada are leaders in Canada's multicultural communities. We need to harness that multicultural entrepreneurialism and build natural bridges to these fast-growing economies.

With the Canada-Peru FTA, the Liberal Party will ensure that this is a good deal for Canada. We will continue to emphasize the need for Canada to diversify its trading relationships and we will continue to highlight training opportunities around the world.

Let me return to the issue of Canada-China trade. There are immense opportunities for Canada in the important emerging market of China. Despite concerns over the global economic downturn, China's real GDP is still expected to grow at 6% in 2009 and 7% in 2010. The Chinese government is targeting even higher figures. Regardless, these are impressive numbers compared to either Canada's or other industrialized economies where we see a shrinkage of GDP during this time of economic downturn.

The Chinese government has announced a stimulus package worth $725 billion, investments in infrastructure, transportation, environmental and energy infrastructure, a need for the commodities that Canada produces and a need for the technologies that Canada has developed and can continue to develop. For instance, in clean energy, China has a remarkable need for clean energy and for clean energy technologies. We should be deepening our relationships with China, India and Brazil to help these countries get the energy solutions they need, the technologies they need and the energy they need and at the same time protect the planet against climate change.

As the Chinese government moves forward in its commitment to improve air, soil and water quality and produce cleaner energy, China will demand and need more clean energy and green technologies. Canada can become China's clean energy and green technologies partner, as a global leader in this field. However, in China the state has a strong influence on economic activity, so Canadian businesses cannot realize these opportunities absent of a strong relationship between the Canadian and Chinese governments.

After three years of damaging Canada's relationships with China, it appears that the Conservative government is finally recognizing that the Chinese economy and the Chinese economic opportunity is important to Canada, and that relationships matter.

On Saturday in *The Globe and Mail*, Jeffrey Simpson said in his column:

> Finally, if belatedly, the Conservatives are coming to terms with the reality of China, not the rather one-dimensional view they developed in opposition and brought with them into government. They are arriving at the elementary conclusion that had long ago dawned on all sentient observers in the world: China is hugely important.

Mr. Simpson goes on to say "the puerile partisanship of Conservative politics and their stunning ignorance of the world" has damaged the relationship between Canada and China.

● (1600)

The fact is it is absolutely essential that we have a strong relationship between Canada and China, both in terms of the economic opportunities that trade between Canada and China represents for both our countries and in terms of our capacity to influence Chinese human rights.

We should ask ourselves this. Did Canada have more influence over Chinese human rights three years ago, when we had a strong relationship between the Government of Canada and the government of China, or today when that relationship is in tatters?

The fact is it is self-evidence to anybody who is paying attention, including the stakeholders, the labour organizations and the business leaders, who are telling us we have lost ground over the last three years in China due to a very ideological and narrow perspective of the Prime Minister to China. We need to reverse that.

In the recent weeks the government has demonstrated a change in tone, but the Prime Minister has still not visited China. He has still not, at the top, demonstrated an absolute commitment to deepening and strengthening that relationship, to undoing some of the damage he has wrought on the Canadian-Chinese relationship over the last three years.

Our exports over the last two years barely kept pace with China's import growth. The U.S., on the other hand, has grown its export trade with China by 60% in the last two years, far outpacing China's import growth. Australia exports five times as much to China as we do. The Australian prime minister, Kevin Rudd, understands the importance of the Chinese economy. Prime Minister Rudd actually speaks Mandarin. We cannot even get our Prime Minister to go to China, yet the prime minister of Australia has learned Mandarin to help deepen the relationship.

The trade minister has recently been to China to re-announce some trade offices that were planned by the previous Liberal government. That is not enough. The government, any Canadian government, should be aggressively pursuing and deepening our trade relationship and expanding our opportunities with China. Canada should be aggressively pursuing a consistent agenda of trade liberalization around the world. As a trade-dependent nation, free trade is ultimately in Canada's best interests.

Canadians can compete and succeed globally given the opportunity. We do not need protectionism to defend Canadian jobs or to develop and protect Canadian prosperity. We need opportunities. The Canadian business community and Canadian entrepreneurs have every capacity to compete and succeed. We need to work with them, as partners in progress, to diversify Canada's trading relationships, to focus on Canada's comparative advantages in energy, in financial services and in commodities where we can deepen our trade relationships with some of these countries that need clean energy technologies, that need stronger financial services and strong financial institutions, that need our commodities to build their infrastructure.

We have every capacity as a nation to be a global leader in these sectors and to turn this economic crisis into a time of opportunity for Canada as we move forward. However, it requires consistency, which means that when we treat human rights and trade in one part of the world one way, we have to apply the same principles elsewhere.

The government has said, in terms of Colombia, Peru and other emerging economies, that economic engagement strengthens our capacity to influence their human rights. I agree with that. However, I wish and I want, as a Canadian citizen, for my government to apply that same principle to countries like China, particularly China, which represents such a tremendous opportunity for Canadians and for the Chinese people as we move forward in progress and building a stronger global economy.

● (1605)

Mr. Gerald Keddy (Parliamentary Secretary to the Minister of International Trade, CPC): Madam Speaker, this discussion concerns the free trade agreement between Canada and Peru. I was glad to hear my hon. colleague say that it was his party's intention to support that agreement, certainly to look at all aspects of it but in general to support it. We appreciate that as the government. Canadians appreciate that. Canadians, especially in these darker economic times, are looking for opportunities and other places to sell Canadian goods around the world.

Not to get sidetracked on China, but China is an important trading partner. Canada has opened six consulate trade offices in China in the past couple of months. The Minister of International Trade has been in China on an extended trip. The Minister of State has been in China. We are not taking China for granted.

I agree with the hon. member that trade liberalization and economic opportunity go hand in hand and they also encourage and promote human rights. Economic opportunity will always promote human rights. When people have more money and more opportunity, they expect more for themselves and for their families. They are less likely to put up with lack of freedom of the press, lack of rights for women, lack of rights for children.

It is not just this free trade agreement with Peru, but it is other agreements that we will be signing in the Americas, other agreements that we have negotiated and the overall thrust which is a very robust free trade agenda, unlike the previous government which had a very minor free trade agenda. Does the member agree with the direction this government is taking in the Americas?

● (1610)

Hon. Scott Brison: Madam Speaker, we believe in expanding our trading relationship, and the Americas is certainly an important part of that. Clearly the Obama administration is putting forward a very different perspective on U.S. relations in the Americas and elsewhere. I think there is an opening for Canada. We do believe in diversifying our trade relations.

If we look at the trade opportunities in the Americas on an individual basis, except for some of the larger economies such as Brazil, these are still fairly small trading relationships and opportunities compared to those of China and India. I would remind Canadians that over the last three years the Conservative government has treated the Chinese relationship with contempt and the India relationship with indifference. Looking at the scale of those economies, yes certainly we should be diversifying our trade relationship and yes, the Americas represent an opportunity for us. But the huge opportunities of China and India in particular necessitate a reinvigorated approach and commitment to strengthening those relationships government to government, business to business.

Mr. Ron Cannan (Kelowna—Lake Country, CPC): Madam Speaker, I appreciate my colleague's support in moving this free trade agreement forward as soon as possible.

I would like to echo the comments of the parliamentary secretary in recognition of our Minister of International Trade who has recently been to China and Japan. He was in India in January. He is working very hard to open doors throughout the Asian markets as well as the Americas, working with the Colombia free trade agreement. The Prime Minister was in Port au Prince this past weekend.

We know that time is of the essence. The member mentioned President Obama and working together with all parties. This free trade agreement needs to pass as soon as possible as the U.S. ratified its agreement a couple of months ago, and every day that goes by Canadian companies are not on a level playing field. How does the member see us moving this bill as quickly as possible through the House so Canadians can be more competitive in the world market?

Hon. Scott Brison: Madam Speaker, at committee stage we have a responsibility as parliamentarians to study this FTA and to ensure that the benefits are there for Canada and that it makes economic sense for Canada. We will do that which is required as responsible members of Parliament at committee to ensure that we have done our homework, that we have pursued this very seriously and have done due diligence on the FTA.

I agree with my colleague in terms of the importance of not delaying passage of the bill, but at the same time of ensuring that we study this FTA carefully and we listen to stakeholders. There are a number of stakeholders who have perspectives on this that we have not yet heard from.

Having the legislation at committee stage will give all parties an opportunity to study it effectively.

● (1615)

Mr. Francis Valeriote (Guelph, Lib.): Madam Speaker, I have been participating on the auto committee for some time. One of the issues that continually arises is the effect of free trade on our auto industry.

Common reference is the free trade agreement with South Korea and the concern that a number of cars from South Korea are being allowed into Canada but a far fewer number of cars from Canada go to South Korea. I take to mind here the issue of free trade but also fair trade and fair trade in relation to the issue of protectionism.

While I understood the previous question was about the speed with which this trade agreement could go through, I am also concerned about substance being more important than speed.

I wonder if my friend, the member for Kings—Hants, would comment on the need for fair trade and not just free trade balanced with the issue of protectionism.

Hon. Scott Brison: Madam Speaker, the hon. member for Guelph is part of the class of 2008, a very impressive class of new Liberal members of Parliament who are contributing significantly to this Parliament. They are making a real difference. He has been a tremendous leader on the auto sector.

The Korea agreement is of great concern. Free trade with Korea can only proceed if we see the non-tariff trade barriers taken down by the Korean government. When we are looking at these trade agreements we have to study not just tariff barriers but non-tariff trade barriers. There are numerous non-tariff trade barriers that prevent cars from outside Korea from being sold there and that prevent cars manufactured in Canada from being sold in Korea.

We need to ensure that the non-tariff trade barriers are brought down so that there is truly a level playing field. It is tremendously important that we look at tariff and non-tariff trade barriers. In Korea it is my understanding that the non-tariff trade barriers are significant and very punitive against any imports of automobiles from anywhere else.

[*Translation*]

Mr. Serge Cardin (Sherbrooke, BQ): Madam Speaker, Bill C-24 is the act to implement the Free Trade Agreement between Canada and the Republic of Peru, the Agreement on the Environment between Canada and the Republic of Peru and the Agreement on Labour Cooperation between Canada and the Republic of Peru. As I said earlier in a question to the Conservative member, the relative importance of trade with Peru is rather low and negligible. It would not necessarily be my choice for the cornerstone of my speech to you this afternoon. I will address other aspects of equal—if not, in the end, greater—importance than just the absolute figures of the transactions between Canada and Peru.

As I said earlier, given the figures considered, our trade deficit with Peru is fairly substantial. Involved are exports of some $300 million and imports of $2.4 billion. Proportionally, the deficit is quite substantial.

There are a number of issues with the free trade agreement with Peru, and I would like to raise a few. First, the agreement on investment protection in this agreement with Peru is almost a copy of chapter 11 of NAFTA. We know how that works and that it leads the multinationals increasingly to initiate proceedings against governments. Chapter 11 also contains the dispute resolution mechanism, which poses problems and has significant weaknesses.

The Bloc Québécois supports investment protection, as long as it is done well. Furthermore, there is the government's almost unhealthy predilection for signing bilateral agreements by the handful and as quickly as possible, ignoring of course the multilateral aspect. In recent times, the WTO is somewhat out of the picture, the Doha round is rather ineffectual and there is little progress. We all know that international trade—globalization—must be governed by rules that are the same for everyone and equal for all.

If I have time, I would also like to talk about mining companies. There are a lot of them in Peru, nearly 80. It is common knowledge that a vast number of them have their head offices in Canada, but in the end, they are foreign. Knowing that, in Canada, regulations governing mining companies abroad are very weak, they take advantage of the situation.

Earlier, a member spoke of fair trade and the various components of it, which include the environment, workers' rights and human rights. They are of prime importance in business and increasingly so. They have also been ignored by the multinationals, which have tried to globalize pretty well everywhere on the planet. We know the aim is to make money. Often, it is to the detriment of the people in the country where they have chosen to set up, because they could take advantage of various weaknesses. These are the things that must be considered increasingly to be regrettable, passé. We must look to the future and to development on a much fairer level.

As I was saying earlier, the relative importance of trade with Peru is rather small. With 0.079% of Canadian exports, Peru ranks 48th, and 19 th when it comes to Canadian imports. This puts Peru in 25th place among Canada's trading partners, but it is important to stress its minor role when it comes to our exports.

● (1620)

In this regard, Peru accounts for less than 1% of Canadian international trade, 0.31% to be more exact. Both Canada and Quebec have a negative trade balance with Peru. However, it should be noted that Canada imports primarily raw materials from Peru, including copper, while exporting mostly wheat and manufactured products.

As I mentioned earlier, the balance of trade for all exports is $382 million, while total imports amount to $2.458 billion, for a deficit of $2 billion. This shows the ratio of exports and imports, and the numbers speak for themselves.

In Quebec, exports amount to $50 million, while imports total $223 million, for a deficit of $173 million.

As regards agriculture, this is a typical agreement. Fortunately, supply management is not affected. Indeed, over-quota tariffs on regulated products and supplies such as dairy products, poultry, eggs and refined sugar, are exempt from tariff reductions.

The environment and labour laws are also affected by the agreement. The Canada-Peru free trade agreement is accompanied by two side agreements on labour law and on the environment. When it comes to human rights and labour law, Peru is not a problem country like Columbia. However, the standard of living is low, and we can legitimately question the ability of the Peruvian state to implement both environmental and labour law standards on its territory.

The main danger is with Canadian mining companies operating in that country. Indeed, Peru's mining potential is significant and over 80 Canadian mining companies are present in that country. Canada is the number one investor in Peru's mining sector. Given the poor track record of Canadian mining companies and a total lack of will on the part of the Canadian government to regulate their operations, protecting the additional investments of these companies through a new chapter 11 is highly questionable.

The Bloc Québécois is opposed to the Conservative government's strategy, which consists in making piecemeal agreements. Instead, we support a multilateral approach. The current economic crisis clearly shows that a market economy can work properly only if it is regulated and stabilized through an institutional, political and ethical framework. Rather than signing piecemeal agreements, Canada should work within the WTO to ensure that the rules governing international trade are the same for everyone.

The Bloc Québécois believes that trade can contribute to the prosperity of nations and, in that sense, that it can be a major social and economic development tool. However, this can only be the case if trade agreements include measures that will ensure sustainable development and that will promote the development of the populations involved.

The Canada-Peru free trade agreement includes a clause to protect investments that is patterned on NAFTA's chapter 11 and that will allow businesses to sue governments. To include a chapter protecting investments could impede Peru's social and economic development. That country is a minor trading partner for Quebec.

As I said, Quebec's exports to Peru represent 0.14% of total exports from Quebec, and Quebec has a $174 million negative trade balance.

Canada's main business activity in Peru is in the mining sector, and Peru's track record on worker protection in that sector is hardly a glowing one.

● (1625)

In the absence of any real policy to hold Canadian mining companies accountable, ratifying this agreement will allow those companies to expand their activities without being subject to any rules or consequences when they pollute or when they flout human rights. The Bloc Québécois is therefore opposed to this bill.

Chapter 11 of NAFTA, relating to investments, allows investors from member states in the North American Free Trade Zone to claim compensation from governments of another party to NAFTA when they believe they have incurred a loss as a result of the adoption of regulatory measures that modify existing business operating conditions. The regulatory or legislative changes must, however, be such that they can be considered to be direct or indirect expropriation or a measure tantamount to an expropriation.

NAFTA is the only major free trade agreement to which Canada is a party that contains such broad provisions regarding the treatment to be granted to investors from other parties. Because the free trade agreement with Peru contains a similar clause, the Bloc Québécois believes that it is not in Quebec's interests to adhere to the agreement and is opposed to ratifying it.

In fact, the free circulation of goods can hardly not go hand in hand with the free circulation of capital. Where specific provisions are not incorporated into free trade agreements, bilateral agreements generally provide for the protection of investments coming from the other party, and all such agreements contain substantially similar provisions, that is, a neutral arbitration procedure in the event of disputes between the foreign investor and the host state of the investment. There are currently over 1,800 bilateral agreements of this type in the world.

The provisions of chapter 11 of NAFTA governing investments have been called into question. They are the source of numerous proceedings that have been brought against various governments in Mexico, the United States and Canada. They sometimes result in several million dollars in compensation being awarded. In a nutshell, chapter 11 defines a complete scheme to govern investments. In addition, the definition of investments is very broad. Some of the provisions of that chapter, including the concept of expropriation, have generated numerous proceedings. In addition, the current trend is toward extending that concept to encompass lost profits.

There are lots of examples of lawsuits I could mention under chapter 11. They often revolve around the concept of expropriation and lost profits. The expropriation of real estate directly affects a company's assets and operations, but something else is at stake when multinationals sue for lost profits.

So a host of lawsuits are underway. For example, there is a suit over regulations that were adopted on PCBs. The Canadian government is being sued by S.D. Myers as a result of the issuing of an interim order on the exportation of wastes containing PCBs, which was in force between November 20, 1995 and February 4, 1997. The American company alleges that this order prevented it from doing business in Canada and it wants $20 million US in compensation. According to the decision that was handed down, Canada's temporary ban on the export of wastes containing PCBs violated two provisions of NAFTA.

Canada is still appealing this decision, of course, but we are talking here about defending the public interest and protecting the public. This decision means that foreign multinationals have legal authority over matters like this that are essential to the public and to national sovereignty.

● (1630)

There is another lawsuit that will show how bad the chapter 11 provisions on investment can be. Another suit stemmed from the prohibition of a toxic waste burial site. On February 19, the British Columbia Court of Appeal heard the appeal of a NAFTA panel decision awarding the American company Metalclad Corporation $16.7 million US in damages. The panel reached its decision last August after a Mexican municipality refused Metalclad a permit to operate a toxic waste burial site. Surprisingly enough, Canada will intervene in this case on Mexico's behalf to argue that all interpretations of NAFTA must take a government's ability to protect the public interest into account.

What I find surprising is that the government is practically copying chapter 11 in this free trade agreement. It is all the more likely and obvious, therefore, that governments will be sued by multinational companies. For example, if there is ever a major development in environmental policy in Peru, multinational mining companies from Canada that might not be used to any regulations could sue the Peruvian government in the same way.

There is also dispute settlement, as I was saying earlier. Many questions have arisen regarding the dispute resolution mechanism in this chapter. The mechanism provides that a company considering that a government has violated the investment provisions can take direct action against the government before an arbitration tribunal. The tribunals hearing the disputes are set up to hear a specific dispute. The deliberations of the arbitrators and their decisions are secret, unless both parties to the dispute decide otherwise.

While the free trade agreement with Peru has a number of improvements in terms of transparency, the Bloc Québécois feels that the resolution of disputes should be done multilaterally and in a centralized manner, rather than on a piecemeal basis between the various countries signing bilateral agreements.

In fact, the NAFTA provisions on investment are similar to those in the proposed free trade agreement with Peru. They give very broad powers to businesses and give us concern as to the ultimate sovereignty of governments and their ability to take measures to protect the health of people and the quality of the environment.

I might not have the time to conclude everything I had to say today, but I will now move to multilateralism.

The course of globalization, a phenomenon bearing both great hopes and great injustice, must be redirected. The disparity between rich and poor, the failure to respect rights and freedoms and the lack of regulations on the environment and labour give rise to despair more than anything else. Openness to trade and the establishment of international regulations to counter protectionism and protect investment are good things, which the Bloc supports. That does not mean that trade rules should have precedence over the common good and the ability of governments to redistribute wealth, to protect the environment and their culture and to offer their citizens basic public services such as health care and education.

Quebec is a trading nation. Our businesses, especially the high tech firms, could not survive in the domestic market. For the Bloc Québécois, for Quebec, international business is of almost capital importance, and we also support free trade agreements, but within a specific context. In this case, fundamental aspects of the free trade agreement with Peru prevent us from supporting it.

● (1635)

The Acting Speaker (Ms. Denise Savoie): Before we move on to questions and comments, it is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Dartmouth—Cole Harbour, employment insurance; the hon. member for Sault Ste. Marie, the steel industry.

[*English*]

Mr. Lee Richardson (Calgary Centre, CPC): Madam Speaker, I welcome the comments of my hon. colleague who is a colleague on the international trade committee and has some expertise in these matters.

I would like the member's thoughts on the adjacent and attendant agreements, along with the free trade agreement. I think that, like me, he would have received a letter from the ambassador of Peru complimenting our governments on this. He said:

> The agreement will also have a positive impact in other areas beyond the economic dimension. It will help us fight against poverty by creating new employments and fostering the development of local communities. By the same token, it will contribute to affirm the rules on corporate social responsibility and the protection of the environment, which are issues that very much concern Canada's public opinion.

I would like the hon. member to comment on that because these are two areas on which he has often expressed his own views.

[*Translation*]

Mr. Serge Cardin: Madam Speaker, I could have gone into much greater detail about this in my speech, but as I said, in a perfect world, trade would benefit both parties, not bring less well-off countries down even farther.

However, trade is not a cure-all. When companies invest abroad, I do not think that their first priority is improving the standard of living of the people in the countries where they set up shop. Their priority is making money.

I am not suggesting that all multinationals are brutes, but I am sure that the first priority is making a profit. Things do not balance out automatically or magically. There must be a will to improve things. Setting up shop in places where wages are low is not enough.

Still, efforts have to be made, and this has to be set out much more clearly in free trade agreements. There are no regulations governing mining companies working abroad. I said during my speech that this is important. Many foreign mining companies have their headquarters in Canada in order to exploit other countries, knowing full well that they will be free to do more or less as they please, because those countries do not have very stringent environmental rules and the companies cannot be reprimanded by the Canadian government.

I think that regulations are needed. Mining companies are a good example. There need to be strict regulations and a code of ethics to prevent mining companies from damaging and destroying the environment in other countries and contributing to population displacement. I am not saying that would happen in Peru, but we have seen it happen in other countries. This sort of thing must not happen again.

● (1640)

[*English*]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, I agree with some of the previous member's concerns regarding free trade with Peru but does he not think that some of his concerns could be addressed by virtue of the cancellation clauses within the agreement? We are all aware that the NAFTA can be abrogated, I believe, with a 90-day notice from either side. Therefore, if he is concerned that things will not work out in a couple of years the way we think they should, why should we not just abrogate the agreement at that time?

[*Translation*]

Mr. Serge Cardin: Madam Speaker, any way to improve a free trade agreement is a good way. We would have to see at that point. We are already debating this agreement here in the House, and we will debate it in committee if the opposition supports it. The Liberal Party seemed to support the agreement. Because of important aspects of the agreement, the opposition ought to be against it, which would put an end to it, because Bill C-24 would not be passed and the agreement could not be implemented.

However, it is crucial that the Conservative government's foreign and international trade policy be more open to multilateralism and that we work to create a level playing field for everyone. There are many players, but the rules are not the same for everyone. In my opinion, we need to move more and more in this direction in the future, to make globalization more equitable and give it a human face.

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Madam Speaker, I would like to ask my colleague to explain in more detail the Investment Protection Agreement in the free trade agreement with Peru. He talked about lawsuits. Under what aegis can corporations sue in relation to this agreement?

● (1645)

Mr. Serge Cardin: Madam Speaker, I would like to thank my colleague for her question.

It is relatively simple. I also talked about the term expropriation, which now refers to nearly all situations and to all intents and purposes means loss of profits. If a particular government makes regulations, for public health and environmental protection or various social purposes in its country, that prevent a multinational from making the profits it was hoping for, the corporation can sue that government for the losses it incurs.

In ordinary internal trade, that cannot be done. These are things that are not done. Why should foreign multinationals be able to do what our own corporations cannot do? Sometimes corporations are expropriated in Quebec and Canada. Of course there are evaluations done to determine how much it is worth, but that is not based on the possibility of future profits, which are often arbitrarily inflated. It is based on their true value.

Recently, in the case of 2,4-D pesticides, Dow Chemical sued the government of Quebec for losses. The curious thing is, that company sells the pesticide to farmers. It has a specific market. In the interests of public health, Quebec says that this pesticide should not be used for cosmetic purposes, that is, to beautify lawns and eliminate dandelions. As an aside, when it comes to beautiful yellow dandelions on a lovely green lawn, I have always found that to be a pretty sight, but some people do not like it. The company claims that this will cause it to lose profits. Certainly it is going to lose profits. However, what has become of the sovereignty of a country, and of Quebec, to be able to legislate in the interests of public health and based on principles of environmental precaution? At that point, those positions are not acceptable.

For that reason, the Foreign Protection Investment Agreement in connection with the free trade agreement with Peru is a copy of Chapter 11 of NAFTA and it cannot be accepted in any way.

[*English*]

Mr. John Rafferty (Thunder Bay—Rainy River, NDP): Madam Speaker, generally speaking, we oppose NAFTA style agreements that put big business interests before workers and the environment and that have increased inequality and decreased the quality of life for the majority of working people.

In the case of Canada-Peru, our concern is that a much larger and more developed economy will take advantage of a developing one and that large corporate interests will end up shaping the so-called free trade architecture to serve their needs and not the public interests of the two trading nations.

The most egregious aspects of the free trade agreement are similar to those found in the Canada-Colombia agreement that will be coming forward shortly.

I will begin first with labour rights. The Canada-Peru free trade agreement does not include tough labour standards. The labour provisions are in a side agreement outside of the main text and without any vigorous enforcement mechanism. Trade unions in Peru have expressed concern as Peruvian labour law is deficient in several areas.

The hon. member for Kings—Hants earlier was talking about enhancing labour rights and that free trade agreements can do that. I would like to use as a reference some comments made by the Council on Hemispheric Affairs with regard to the U.S.-Peru free trade agreement. It stated:

> Despite the FTA's condition that labor standards in Peru must not be lowered, a number of President García's recent decrees have put the country's Public Service workers in jeopardy. [Last year, in 2008], the Inter-sectional confederation of State Workers...organized a strike in protest of legislative decrees 1025, 1026, and 1057, which, according to the union, compromise the labor rights of public employees. The new laws are designed to "modernize" the public sector through "punitive evaluations" of current employees' work performance, as well as through a reorganization of positions and salaries. The power to implement these changes is granted to the National Civil Service Authority, omitting any possibility of collective bargaining. This leaves labor organizations with little leverage to protect the jobs of their members.
>
> While these concerns raised by organized labor in Peru are significant, much larger problems plague a majority of the country's population. Because unionized sectors in fact make up only a small portion of the nation's labor force, few have the ability to collectively protest when labor laws are changed. Worse still, even the limited labor standards presently on the books are largely unable to extend their reach to a majority of working Peruvians. According to a 2007 Human Rights Report, only 9 per cent of Peru's labor force is represented by unions, and more than 70 per cent of it works in the informal sector. Thus, regulations affecting minimum wage and working conditions do not protect most Peruvians, making concern over labor laws almost a moot point.
>
> While the national minimum wage was raised to $176 per month in October of 2007, many workers in the informal sector earn merely between $20 and $30 per month, according to the U.S. Bureau of Democracy, Human Rights, and Labor. The Bureau also reported that the Peruvian government "often lacked the resources, capacity, or authority to enforce compliance with labor laws." Hence, most Peruvian workers are not protected against the potentially damaging effects of the FTA, which could leave them even more vulnerable to the self-serving demands of foreign multinationals.

I will now talk briefly about the environment. By addressing the environment in the side agreement there is no effective enforcement mechanism to force Canada or Peru to respect environmental rights. The Canada-Peru agreement on the environment commits both countries to pursing environmental cooperation and to work to improve their environmental laws and policies but it can only ask both parties to enforce their domestic laws. If they do not, there is no consequence.

● (1650)

Let me speak briefly about investors. Copied from NAFTA's chapter 11 investor rights, the Canada-Peru free trade agreement provides powerful rights to private companies to sue governments over their public policy, enforceable through investor-state arbitration panels. We have seen through our NAFTA experience how this type of corporate rights regime undermines the legitimate role of government in protecting and improving the lives of its citizens and the environment.

The Canada-Peru agreement is a somewhat improved copy of the outdated George Bush style approach to trade, but it still puts big business before people. There is no effective enforcement of human rights and it pays lip service to environmental protection, without any real measures or dispute resolution mechanisms.

These types of NAFTA copycat agreements are meant for trade between highly industrialized and developed countries, but Peru is a developing nation. This trade deal will not help Peru grow sustainably and increase the standards of living for its citizens. Instead, it will open the country up to exploitation by multinational corporations. Canadian corporations are very active and large investors in the natural resources sector in Peru. This kind of neo-liberal trade regime is strongly opposed by civil society groups, trade unions, environmental groups and citizens from both Canada and Peru.

As the hon. member from the Bloc pointed out, Peru is not a major trading partner with Canada. Two-way merchandise trade between the two countries reached only $2.8 billion in 2008. Over $2 billion of that money was Canadian imports, of which over 50% was from Canadian gold companies operating in Peru, taking advantage in 2008 of rising gold prices.

The trade deal was negotiated in record time, which should be a cause of concern for everyone in the House, and was negotiated without any consultation with trade unions, environmental groups, civil society and citizens.

By far, the trade deal does not provide investors and labour with a level playing field. While under chapter 11 investors have the right to seek binding arbitration that they can pursue independently, a trade union in Peru does not get to pursue a case to arbitration. It can file a complaint that would lead to an investigation and report, but it is up to the government to seek remedies and damages. Our experience with the NAFTA template shows that government is unwilling to do this. Empirical evidence strongly suggests that the minister of the day will not pursue the matter.

Market access is a concern. Let me reference this by talking about, in some cases, the technical aspects of the Canada-Peru free trade agreement in relation to the U.S.-Peru free trade agreement.

Before I talk about market access, I will provide a little primer.

It eliminates the vast majority of tariffs immediately upon entry into force. For Canada, most tariffs that will not be eliminated immediately will be phased out over a three-year period, which includes things like certain types of gloves, boots, textiles and imitation leather; and over a seven-year period for boats and other floating structures.

For Peru, most tariffs that are not eliminated immediately will be gradually phased out over a 5- to 17-year period. This includes foods such as rice, and certain cuts of meat.

● (1655)

Canada did not make any commitments to reduce over-quota tariffs on supply-managed goods, and that is a concern. We have in Canada a supply management system, province to province and territory, that protects farmers, producers and consumers. Canada did not make any commitments to reduce over-quota tariffs on supply-managed goods such as dairy, poultry, meat and eggs. Eggs are a product that we always think of in Ontario. It did, however, commit to gradually eliminating the within-quota tariff on these products. Canada will also allow partial access to the domestic sugar market, and Peru is placing the same restriction on imports of Canadian sugar.

Canada pursued market access under the same terms as those granted to the U.S. Canada received the same tariff concessions as the U.S. for wheat, barley and pulse foods. Canada did not, however, receive the same concessions for pork and beef.

Regarding investment protection provisions, the agreement with Peru was negotiated using the 2003 template based on chapter 11 of NAFTA. In spite of the so-called improvement to chapter 11 from lessons learned, chapter 11 is built on the principle of a corporate charter of rights that overrides the democratic will of a nation and puts labour at a disadvantage.

Under the terms of the agreement, Canada and Peru commit that their labour laws respect the 1998 Declaration on Fundamental Principles and Rights at Work. It also includes a dispute settlement process and a financial penalty should a country fail to respect ILO principles or fail to enforce domestic labour laws. The penalty for non-compliance is determined by a review panel that has the power to require the offending country to pay up to $15 million annually into a co-operation fund. Our labour allies have made the case that, although it is a step in the right direction, those side agreements are just side agreements, with no effective and vigorous enforcement mechanisms, where the last word belongs to a bureaucrat.

In the U.S.-Peru deal, the labour and environmental sections are not side agreements but chapters in the main text, chapters 17 and 18 respectively. In the U.S. agreement, the first articles of chapter 17 explicitly restate the standards and declaration. The Canadian agreement mentions the side agreements in the preamble and then makes reference to them throughout the rest of the agreement.

NAFTA just focused on the enforcement of labour standards while each partner retained full regulatory control to establish or modify its labour and employment standards. The Canada-Peru agreement is more substantive and seeks to prohibit violating core labour standards when they have an impact on trade and investment. There is, however, no empirical evidence that this kind of enforcement mechanism actually works at all.

Let me speak briefly on the environment.

The application of domestic law trumps all other considerations. The agreement on the environment does not contain a dispute settlement mechanism or specific penalties set out for non-compliance. Basically the side agreement says that the parties agree to abide by the commitment they have agreed to.

● (1700)

Unlike the Canada-Peru free trade agreement, the U.S. incorporates the environment and the labour side agreements right into the accord. The U.S. accord provides for a consultation process, after which the parties have access to a dispute settlement mechanism.

In fact, even though the environmental provisions appear stronger in the Peru-U.S. free trade agreement, the Council on Hemispheric Affairs has reported that the Peru-U.S. free trade agreement has provided the president with an excuse to lower environmental and labour protection standards by anticipation, through a flurry of decrees aimed at facilitating foreign ownership and the acquisition of land. About 40% of these presidential decrees were deemed unconstitutional by the Peruvian congress constitutional commission.

We in the NDP have great difficulty with this agreement, and not just the chapter 11 portions of it that are much like the chapter 11 portions in our NAFTA agreement with the United States that are causing so much trouble these days. There are a whole host of problems.

I would like to end there and I look forward to any questions that hon. members might have.

● (1705)

[*Translation*]

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Madam Speaker, I listened to my colleague's speech with interest.

I myself have just returned from a mission of the Inter-Parliamentary Forum of the Americas to Peru, where I was in contact with parliamentarians, the government and the public. I observed that there was somewhat the same kind of distance as we have here in Canada and Quebec, between parliamentarians and the government, that is, when it comes to preparing agreements such as the one some would like to adopt today—there is perhaps not enough consultation of parliamentarians. We end up with an agreement negotiated between the two governments that contains elements that may be difficult to accept. For example, in this agreement we have the equivalent of Chapter 11 of NAFTA, which in my opinion gives corporations improper powers.

Does my colleague not believe that if we had developed a practice of prior consultation, we might have achieved a more balanced agreement with Peru, that would have precluded this kind of agreement? Essentially, it is not free trade that is bad, it is the way it is applied. Agreements are made that do not properly reflect the objectives of free trade, including bringing greater prosperity to both countries.

[*English*]

Mr. John Rafferty: Madam Speaker, I do agree that one of the problems with this free trade agreement is the fact that not enough consultation has taken place and not with the proper parties.

Peru has made some strides in the last number of years, just as Colombia has made some great strides in the last four or five years.

Really the question before the House in terms of consulting is, will this free trade agreement or other free trade agreements in the Americas make those countries a better place? Will they improve and promote human rights? Will they alleviate the poverty situation for the poorest of the poor and create a level playing field between the countries involved in the free trade agreement? I am not convinced that is going to happen with this free trade agreement.

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC): Mr. Speaker, I listened intently to the member's speech. He seems to be missing some of the historic points about free trade agreements. Free trade agreements tend to raise the GDP of both countries involved, increase trade of both countries, and raise the economic status of individual workers in both countries.

Canada has a duty to help increase the rights of citizens around the world and lead by example. One of the best ways is through economic engagement. Canada needs new trading partners, not fewer.

The member seems to infer that Canadian companies would take advantage of foreign workers. I find that quite insulting, because Canadian companies are some of the most ethical companies around the world and they have a history of leading by example. They raise human rights and wages for the general population around the world through economic engagement.

This is a great opportunity for Canadians and Canadian companies. My NDP colleague does not seem to understand that the future is in greater access to foreign markets, not less.

I wonder if he could answer the question, what does the NDP have against quality Canadian companies and Canadian entrepreneurs who want to help improve the lives of workers around the world through economic engagement? We have a great history of that. Why does he think this would be different at this stage?

Mr. John Rafferty: Mr. Speaker, the member's question is an important one that we need to consider with this free trade agreement.

One of the problems with labour in the Americas, as I did point out, is that unionized labour is a very small percentage of the population. In fact in Colombia it is about 5% and it is approximately that in Peru also.

When Canadian companies are there, I am hoping the conditions will improve for the workers who work for those Canadian companies, but that is a very small portion of the population. If we can raise the standard of living for the people who work for Canadian companies, that is wonderful, but let us not forget that there should be an advantage for all the other workers in those countries, where the poor continue to get poorer and poorer. While there is some advantage to unionized labour working for Canadian companies, there is not necessarily any trickle down effect or a role model that is followed by other companies in those countries.

● (1710)

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I want to congratulate the member on an excellent presentation regarding the free trade agreement with Peru.

I would like to ask him how he would improve this agreement, what the cancellation provisions are of this agreement and how they would help alleviate concerns if we were to proceed with this agreement and we found that the agreement was not working properly in a year or two.

Mr. John Rafferty: Mr. Speaker, unfortunately, when we talk about parts of a free trade agreement where there is an opt out clause, it is pretty clear that governments are loath to trigger that.

If we look at our current free trade agreement with the United States and Mexico, I believe that with a six month warning we could get out of that free trade agreement. Quite frankly, people in my riding and people I deal with particularly in the forestry industry but in other industries as well put part of the blame for the situation we are in right now on NAFTA's shoulders. We have continually asked for something to happen with NAFTA, to renegotiate it. I was glad to read in the news the other day that the Liberals have decided that to renegotiate NAFTA is a good route to go. It seems people are loath to trigger that particular mechanism, so I am not confident that even though the mechanism exists in a free trade agreement, it will be used.

[*Translation*]

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Speaker, I am pleased to speak this afternoon to Bill C-24, Canada-Peru Free Trade Agreement Implementation Act.

A free trade agreement is important for economic development. It allows us to see how two countries can do business with one another.

Before becoming a federal member of Parliament, I was into economic development support and trade financing for businesses. When it comes to economic development, it is often said that diversifying one's economy is the key. Even we, as federal members of Parliament, say so. Economic diversification is important because it allows a region to vary the sectors on which it relies, which is important in times of economic slowdown like the one we are going through. Economic diversification might have helped to a certain extent to mitigate the crisis we are dealing with.

It is the same thing with market diversification. When 75% to 80% of an economy depends on only one market we call that putting all one's eggs in one basket. In my own province of New Brunswick, about 80% of exports go to the U.S. When the American market has difficulties, our own businesses also have difficulties and our jobs are threatened.

When I worked in economic development and business support, I often repeated one thing to my clients: it is great to diversify one's economy, but the company must also try to achieve market diversification. That will allow it to react when one sector is in trouble. When one country is in trouble, the company can turn to other countries to help it get by. Today we are faced with a global crisis, one that is not limited to just one country. However, the reality is that the diversification of our market through various countries at least gives us the opportunity to identify potential markets, or a potential client or region. If it does not have the tools to identify various markets, it is difficult for an entrepreneur or a company to save jobs.

However, we have done exactly what I was talking about: we put all our eggs in one basket. In many respects, that is exactly what we did here in Canada, because we thought that was the easy route. The Americans are our closest neighbours. However, when they are in trouble, we see what happens, in other words, the current crisis. But that was an easy way. They were closest. It often represented large volumes.

Some members have said here today that that agreement gives us access to a small amount, a small market. Perhaps that is true; however, when we look at the distinctiveness of many of the provinces and many regions, we see that some of our businesses need those small markets to make a difference.

Let us look at the agreement with Peru. There was a company in my riding for which I fought a long time to ensure its survival. I am referring to Atlantic Yarns, in Atholville. That factory needed, among other things, an agreement between Canada and Peru to facilitate the export of goods to that country, and also to manufacture other goods. Earlier, I was surprised to hear some members, primarily NDP members, say that this is not a good thing. I was surprised to hear that, because when I was working with the union members of that company, they were hoping that the government would sign a free trade agreement with Peru, and they would consistently ask when such an accord would be concluded. That was urgently needed to protect their jobs.

This is now April 20, 2009. It is too late, because the government erred, and we are not seeing any concrete measures to move forward quickly.

● (1715)

Unions and the NDP often get close together. However, I can understand why organized labour in my riding is beginning to distance itself from the NDP, because they are finding out that New Democrats are not always there to support union workers.

I said that the government erred regarding this issue. It all began in 2006. Taking action back then may not have completely saved one of our companies, but it might have helped to some degree. From the beginning of the process, in 2006, until now, April 20, 2009, over three years have gone before we were able to move forward on this issue.

While I did speak favourably of the agreement, one must understand that, at some point, a government cannot take all the time in the world to act. Sometimes, it must move forward a little more quickly and take the initiative. If the government would stop proroguing Parliament, perhaps we would move forward more quickly on this issue. Moreover, if the government had not called an election not that long ago—when elections were supposed to be held at fixed dates in this country—perhaps we would already have made progress on this issue.

I remember hearing people say, precisely on this issue, that they did not want an election or prorogation. Instead, they needed us to implement these measures for, among others, Atlantic Yarns, in Atholville, New Brunswick, to which I referred. These are realities that affect people in my riding and elsewhere, and these are things that they need.

That being said, we nevertheless need to examine other issues. When we do business with other countries, we have to protect certain things, such as our supply management system. With regard to the Canada-Peru Free Trade Agreement, I was relieved and truly reassured by the fact that everything to do with supply management —the security and future of supply management—will be protected. It is rather surprising, coming from the Conservative government, because it sometimes talks out of both sides of its mouth. At times we wonder if the Conservatives simply want to get rid of supply management. At least in this document it has not been forgotten.

We will have to continue reminding them of the importance of supply management for the survival of various industries: the dairy industry and the egg and poultry industry, both chicken and turkey. These are important files. The Conservative government has at least listened to us this time and understood the importance of supply management, as clearly indicated in this bill.

We must ensure, when concluding similar agreements, that there is respect for human rights. I would like to name a few of them, five to be precise: the right to freedom of association, the right to collective bargaining, the abolition of child labour, the abolition of forced or compulsory labour and the elimination of discrimination. These are important issues for Canadian society and citizens. Citizens want these rights to be respected. When doing business with other countries and when making free trade agreements with other countries, our citizens also want those countries to respect the values of the Canadian government and people.

Our Canadian values cannot be taken away from us. The essence of being a Canadian citizen can be taken away by few people. We live in a democracy and we worked hard to achieve that. When I say we, I am including those who came before us in this House and elsewhere, those who built this country. They fought to ensure that we could keep the freedom and democracy that we enjoy today.

Let us go back to what I mentioned earlier. If we want to move forward and prosper, we must not be content to follow. We must sometimes take the initiative. When I raised the issue of the agreement between Canada and Peru a few years ago in this House, I was motivated by our neighbours to the South, the Americans, who had previously started the process of negotiating a free trade agreement with Peru.

Now, let us look at the reality. Our population is only one tenth the population of the United States, and it is certain that our economy is much smaller in volume than the American economy. The Americans, for their part, decided that it was important to do business with that country, even though it is a small market.

● (1720)

When I look at this situation, I wonder why the members of this House say that it is such a small market and that it is not worth spending any time on it, although countries with markets much larger than ours and with a larger population consider it is in their interest to have a free trade agreement with Peru. As Canadians and as a government, we must not always be followers. It is sometimes important to act as leaders. To be leaders, we ought to have started the process earlier and accelerated it. Then, perhaps,we would not be among the last to act in signing such agreements.

As I have mentioned before, while the American industry was enjoying its benefits, our Canadian companies had to suffer from the inaction of the government. There were delays in moving forward with the implementation of the free trade agreement. It must be hoped that there will not be any more job losses such as the ones in my riding at Atlantic Yarns. We must look to the future. There is no choice. If the government had moved more quickly, there would have been a choice, perhaps, but today, we have no choice.

Seeing the benefits is a responsibility shared by all parliamentarians. Whatever the agreement, there can be comments more negative than others. I am repeating myself because this is important. We have been told by the workers from these plants in our area that we had to act quickly. This might therefore be some kind of lesson, or certainly a comment that some members, particularly those from the NDP, should take into account.

Textile was mentioned earlier. Things are taking a bit longer than they would like, but the fact is that things have to be put in place so that progress can be made. Going against this will mean that nothing will ever get done. Some steps can take a bit longer than others, but that is already better than doing nothing and never being able to help the workers in our communities.

Now is the time to think about market diversification so that, once out of the crisis, we can rebuild our economy and diversify our markets. This will allow us to become even stronger and do business pretty much anywhere around the world. It will allow our companies to operate around the world, which, in turn, will ensure that long-term rather than short-term jobs are created. The next time there is a crisis, we will be able to get through it, without people experiencing the dramatic situations they are currently experiencing in all Canadian industries.

We know that the Conservative government has failed to take action on several fronts with respect to plans to stimulate the economy and the forestry industry, which is a huge part of the economy where I come from. It has failed, in general, to take action. During the last federal election in September and October, the Prime Minister himself said that there was no crisis. Well, I am sorry, but the crisis in Madawaska—Restigouche started a few months—maybe even a year—before that. The Conservative government probably figured that even if that region was in crisis, it would not touch the rest of the country. That is a shame, because if it had listened to us in the first place, it would have found out about the crisis in my part of the country and we might not be going through the crisis we are going through now.

Trying to explain that to a government that refuses to see or to listen is not necessarily easy. It is even harder when that same government buries its head in the sand, convincing itself that nothing is wrong and everything is great. As a member of Parliament and a citizen, when people all around me, including my neighbours, are losing their jobs, that is no fun for anyone. When a person loses a job, it is bad for the economy because less money will flow to our regions.

Inaction hurt us all. It is still hurting us, but there comes a time when we have to take action to ensure a better future for our people.

● (1725)

Some companies want such measures, and the people working for those companies want such measures, so as parliamentarians, maybe we should open our eyes and our ears, pull our heads out of the sand and ask ourselves if this will make things better for our fellow citizens and workers in the near future.

Personally, I think that it will. It might be a small step, a drop in the bucket. It is a small country, but that does not mean that some of our companies and manufacturers will not benefit.

So, let us ensure the well-being of our people. Let us ensure that they have work. Let us also listen to our workers and business leaders. We have to hear from them how important free trade agreements like this one are to them.

Perhaps then, within a short time, we will be able to create what we need: wealth. Our people will be able to go back to work and start spending again, which in turn will make the economy run even better so that more people can work. Efforts will have to be made not to repeat the errors of the past, by overlooking the time frame for going forward with such a plan or implementation plan or, worse yet, failing to listen to people, parliamentarians, our fellow citizens, our workers, labour as well as management of Canadian businesses. They might have been able to move things forward faster and prevent the crises faced today.

In closing, let me just reiterate what I said earlier. We are seeking to diversify our economies. That is what we are here for and what we are preaching to anyone who will listen. In our respective regions, we are telling people that the economy has to be diversified if we want risks to be eliminated. Should one falter, the others are there for support. Let us use the same logic.

I am not saying that we should necessarily take after all countries, of course. There are surely countries around the world which are having a much harder time with what we might think are good things. But in this instance, let us make a point of working toward being able to provide what is known as market diversification. Let us allow our companies to have access to additional markets and diversify their markets. That would make it much easier to go through tough times like these.

● (1730)

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I quite like the hon. member for Madawaska—Restigouche as a person but once again I think the Liberal Party is on the wrong track. Once more it is saying yes to anything the Conservatives present, especially old George Bush-style free trade deals. There is no difference between the Liberal Party and the Conservative Party. The Liberals always endorse the Conservative approach to everything. We saw it in the softwood lumber agreement, even though thousands of jobs were lost. It was very predictable. All the witnesses had said there would be massive job losses as a result.

Now we have tens of millions of dollars in fines that Canadian taxpayers have to pay, and the Liberal Party says yes. Just a few weeks ago, there was a bill that killed the shipbuilding industry. The Liberal Party said yes. There too, we saw that the Liberal Party says yes to anything at all.

I have a simple question for the hon. member: why does the Liberal Party not just merge with the Conservatives? There is no difference.

Mr. Jean-Claude D'Amours: Mr. Speaker, there is a clear difference: when we make decisions, we are well-informed because we listen to the people who need those decisions.

My colleague said he quite liked me. I understand his point, but there are limits. I can understand he likes me because the reality is that we are working hard for people. He should understand something else though. I would have preferred Atlantic Yarns to be still operating today. He would have had a chance to do what I personally did, that is, sit down with the union representatives and discuss the company's future. When I say the union representatives, I am not talking about management but the employees. These employees wanted to make progress and they wanted to keep their jobs.

I think it is important for you to understand this, Mr. Speaker, and for you to pass along the message to the NDP member who just spoke. These workers wanted to make progress. Maybe they would still have their jobs today. Maybe they could have been working today and supporting their families. That was one factor among others that might have saved the company. It shows one thing: that I took the time to talk with the union representatives and review with management what was needed for the company to survive. One of the things was the implementation of this free trade agreement. Whether it suits the NDP member or not, this is what the people out in the real world wanted. This is what the workers needed to make progress with their jobs.

[*English*]

Mr. Blaine Calkins (Wetaskiwin, CPC): Mr. Speaker, I want to bring to light something that I read this morning. I thought it was quite interesting. It is an article by Gren Winslow in the *Canadian Cattlemen* magazine.

He starts out by saying that cattle producers have a reason to be thankful that the Minister of Agriculture, the hon. member from the Conservative government, is at the helm. He goes on to say:

> It traces right back to January 9 when [the Minister of Agriculture] accepted the Beef Value Chain Roundtable recommendation to create a market access secretariat within Agriculture and Agri-Food Canada that will direct the efforts of industry, government and producers to open up new markets for agriculture commodities.

He then goes on to say that the minister jumped on a plane to test out the concept and was the head of a trade mission to India and Hong Kong, which of course is in China. Equally important is the fact that Hong Kong is the gateway to mainland China. The author of the article continues on and basically says what a positive step it is to get that first step in the door when we get into these emerging markets.

He goes on to actually say that we are actually doing so well that the U.S. Meat Export Federation President and CEO Philip Seng noted that the U.S. has some catching up to do in terms of market access in Hong Kong. He goes on to praise, obviously, the work that we have done in Jordan, basically, creating an opportunity there, where it has now spread and we have some agreements where we have some under 30-month beef going into Saudi Arabia.

Could the hon. member provide some more examples of what good policy can do when we actually create these free trade agreements? It creates a network of countries working together to improve the lives and benefits of all of their citizens.

● (1735)

[*Translation*]

Mr. Jean-Claude D'Amours: Mr. Speaker, obviously, many things can be done to improve the lot of our businesses and workers. One thing I liked in the comments of the hon. member opposite, is when he talked about a gateway. A gateway is a means to give us access to markets and make trade easier between two countries.

As I said earlier, it may not be a big country or a major player, but there is a link with the diversification of our markets I was talking about earlier. This diversification of our markets is just as important as economic diversification within our own borders. It is the same kind of approach that can help find a way out of our problems when a market is in crisis and help our businesses take a wider perspective. True, businesses need to work hard, and spend time and energy if they are to access new markets. If they are not provided with the right tools by the government, it is hard for them to do it. But in all of this, we have to take stock of the situation. There are hard facts that should be considered. It is not all wide open, and we should be realistic and reasonable.

The supply management issue is important. Supply management must be protected. We cannot tell other countries this will be sacrificed. We have already given too much in the past. At this time, there are situations where other countries do no respect the same limits we set for ourselves. And our own people end up paying the price. Today, we must work with our people. There are numerous examples. We should be able to maintain some balance. Some things are acceptable, but there are things we should preserve for ourselves. We should make sure we fight for our important and vulnerable industries.

Ms. Monique Guay (Rivière-du-Nord, BQ): Mr. Speaker, in Quebec, we are in favour of free trade and we have always been. However, we must take into account the nature of the two countries involved. Canada is a developed country and Peru is a developing country. When we negotiate agreements, we must sit down and examine the real opportunities for both countries. In our view, the agreement that is proposed does not meet both countries' needs, particularly not those of Canada.

We must take the time needed to reach good agreements. We believe that this agreement has not been examined thoroughly enough to allow both countries to get their fair share.

I would like to hear my colleague talk about that.

Mr. Jean-Claude D'Amours: Mr. Speaker, it would seem that the benefits of such an agreement are not immediately clear to some parliamentarians. There can be no benefits without an agreement. That much is clear. In order to move forward, we have to look to the future and see what opportunities would open up for Canadian companies to do business with a country like Peru if the agreement were implemented starting today.

We may not be talking about a huge volume of trade or a large country, the economic situation in our two countries is different and the size of the economy in our countries may be different. I realize that. However, nothing is exactly the same around the world. In doing business with other countries or companies, seldom are quantities and volumes equal.

Opportunities have to be assessed nonetheless. What opportunities will our companies have? That is what we should think about. If we do not act today, then there will not be any opportunities to enjoy tomorrow. If nothing is done today, then tomorrow's jobs will not be saved.

We have to rebuild from the mess inherited from the Conservatives and figure out how to improve the lives of Canadians and workers, and perhaps preserve the future of those plants affected by job losses because of government inaction.

● (1740)

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, I am happy to speak today to Bill C-24, the Canada-Peru Free Trade Agreement Implementation Act.

A few weeks ago, I took part in a parliamentary mission to Peru as part of the activities of the Inter-Parliamentary Forum of the Americas. I had the opportunity to meet Peruvian parliamentarians, government representatives, representatives of the Canadian mining industry and people involved in international cooperation. I found that there were many potential affinities between the two countries and that it would be useful to develop ties with Peru.

But a red light went on in my head when the Peruvian parliamentarians invited us to take a close look at the contents of the agreement. It is a good thing to want to engage in trade and create wealth in both countries, but the Canadian government has decided to incorporate the equivalent of chapter 11 of NAFTA into this agreement. This chapter allows a company to sue a government if it is not satisfied with an application or a new law.

In this case, it is said that these regulatory or legislative amendments must be comparable to direct or indirect expropriation or a measure equivalent to expropriation.

We understand the Conservative government's rationale even better. I am somewhat surprised at the Liberals' position on this. The Conservative government wants to allow Canadian mining companies to operate in Peru with virtually no restrictions. They have financial power, and they are faced with a democratic country that wants to carve a place for itself, but does not have our abilities.

There is another argument. For example, if the Peruvian government were to decide to reorganize how the lands of the indigenous Quechua people are distributed and wanted to improve ownership for the indigenous people who have lived in Peru for centuries and were there even before the Spanish came, the agreement as written would allow a company to say that the government cannot do that without compensating it. That is a fact. I am not making anything up. NAFTA already has such a provision. The Canadian government itself, under the Liberals, was taken to court over its ban on MMT.

MMT is a gasoline additive, a known nerve toxin. The Canadian government had banned that additive. The American company went before the courts and won its case, and the Canadian government had to pay compensation to that company. That is the tail wagging the dog. Including a provision in an agreement like this one will simply ensure that republics like Peru stop putting forward protectionist measures because it could never compete with companies like we have in this country.

This visit was also an opportunity to realize how important it would be for such free trade agreements to follow consultations among parliamentarians from each country.

Had the parliamentarians in the House of Commons and their Peruvian counterparts had the chance to discuss before the drafting of the agreement between their two countries started, I think there would have been lessons to be learned and the agreement eventually signed would not have included such a provision.

It does not make much sense and does not reflect well on Canada's reputation. Canada signed an agreement with northern European countries. We supported that agreement which did not include a provision like chapter 11. These being developed countries, it was agreed that our countries would deal with one another as equals and that no increased powers would be given to companies. When signing bilateral agreements with developing countries, we take the liberty of creating a framework that is not in line with the will and development of each country.

● (1745)

During my visit to Peru I saw that that there was a will to change things. People also hoped that the agreement, which had been negotiated during economic good times, could survive the economic slowdown. Experts who made presentations warned us against the impacts of the agreement on agriculture in Peru and also in Quebec and Canada. The supply management system has been protected. It is not included in the agreement per se, which is a good thing, but the agriculture sector will continue to be treated as any other market sector. That is not good for the future of our agriculture and of the Peruvian agriculture.

I also had the opportunity to visit the beautiful village of Chincha Baja, which has suffered greatly from natural disasters, including an earthquake. CIDA has a house building project there. The village is on the fringe of Lima, the huge capital city with 8 million inhabitants, where we can see all levels of poverty and wealth. In the village's rural setting I could witness the importance of giving the agriculture sector in a country like Peru the opportunity to organize itself well enough to be able to access our market, but on a level playing field.

I was reminded of the situation in Africa. Some African countries produce cotton that is more expensive than the cotton they could import from the United States because of the subsidies the U.S.A. gives to its producers. Agricultural producers in Peru could find themselves in the same situation because we have a well structured agricultural sector and unions. Over the years, we have developed some tools that they do not necessarily have in Peru.

For this agreement to become acceptable, we would have to remove the clauses that are similar to NAFTA's chapter 11. Those clauses give excessive power to companies, which can sue governments if their operations are adversely affected. In this case, this is a serious matter, because we are talking about the mining sector. In Peru, Canadian companies are the main stakeholders in that sector. This agreement is going to give them more power, and that is dangerous. This comes at a time when the government itself refused to follow up on the round tables asking to adequately regulate the operations of extractive mining companies. We reached the point where a member of Parliament had to table a bill saying that the government's position was inadequate, and that we want something that reflects more closely what was proposed by the round tables. The Bloc Québécois also drafted a bill along those lines. Today, the Conservative government is going in the exact opposite direction. It is opening up the floodgates, so that mining companies can really do as they please.

Earlier, a Conservative member talked about the reputation of Canadian companies abroad. The vast majority of Canadian companies have a good reputation, but a number of them have really engaged in excessive things, and we should be able to discipline and control them. One way to do that would be to follow up on the recommendations made by the round tables. Another would be to at least ensure, in agreements such as the one before us, that we do not give them increased power, such as what the chapter similar to NAFTA's chapter 11 is going to give them.

Let us not forget that we are talking about a country that is a democracy and that is trying to move forward, but that is also experiencing difficult circumstances.The Sendero Luminoso organization, or Shining Path, is a terrorist group that is still active and that did things just last week. We must be very careful before going ahead with agreements that will exacerbate existing problems. We must provide more opportunities for these problems to subside and disappear, so that we have a much more rational and concrete reality that will achieve the desired results.

Why is the Bloc Québécois opposed to this agreement, not to mention the issue of investment protection?

● (1750)

Bilateral agreements often lead to agreements that put richer countries at an advantage over poorer countries. That is what is happening at this time. We would much rather see the development of multilateralism, in other words, a group of countries around the world that agree on conditions so that negotiations are more balanced. A group of developing countries could get together, thereby strengthening their bargaining power. There may be common interests shared by one developed country and one developing country that are not shared by other countries. Ultimately, this would allow for a much more balanced agreement.

A bilateral agreement like the one with Peru is not the most problematic; the one with Colombia is much more so. There are problems in Colombia related to a failure to recognize workers' rights and environmental rights. That is a part of daily life in Colombia, although it is not the case in Peru. But we hope to see that situation improve, rather than deteriorate.

The agreement signed by the Canadian government almost seems to suggest that the government is a corporation. It is looking solely at the economic advantages for Canadians in the short and medium term, but is not considering the impact it will have on the other country and is acting like an invader, which is not Canada's tradition. As members of the Bloc Québécois, we have a responsibility to hope these things will be corrected.

The problem is that a free trade agreement such as this cannot be changed. We must decide whether or not we will support it. It is an important issue. Naturally, we will debate it and show that we find it lacking. In the past, ancillary agreements have sometimes mitigated negative effects, but they do not have the same force. In this case, the agreement in its present form is unacceptable for the reasons I gave, especially on the issue of investments.

It is unfortunate because Peru is a country with abundant resources and a great deal of potential. It may not previously have developed the structures for distributing wealth such as we have in Quebec and Canada. During my stay, I was very surprised to see that it does not have any type of employment insurance or social welfare. The informal economy is very pervasive and there is no declaration of income or payment of taxes. There is barter, which does not contribute to collective wealth. Other practices should be developed in this regard.

If, in the future, we wish to sign agreements that foster globalization with a human face, they should contain provisions ensuring that both countries will agree, for example, that the developed country will help the developing country establish a better support system for the distribution of wealth and that it will provide the developing country with the expertise required to accumulate this wealth.

Peru's economic growth is presently in the order of 7% to 9%. This is a very good rate of growth that is closely tied to the mining sector. When the economy slows down, as it has in recent months, the situation becomes much more difficult. We are facing a very paradoxical situation. We are signing an agreement at a time of increased economic growth. Canadian firms and the Canadian market needed these resources, but now there is a slowdown and we find ourselves facing a new reality.

Peru, which depends heavily on exports, has signed numerous agreements of this kind. It has agreements with various countries. When I went there a few weeks ago, it was negotiating an agreement in principle with China, which wants to get natural resources by the same method. Obviously this aspect, the fact that the rules of the marketplace alone govern the situation, places an additional responsibility on the Canadian mining industry, which has a major presence there, to ensure that our corporations conduct themselves ethically and serve as a model.

● (1755)

This is the case for some corporations, but not for all corporations. For example, it is the case for junior mining companies that are most often involved in mining exploration. Often, the corporations do the mining themselves, but small companies that do not comply with the basic requirements are also tolerated by the system.

We would have liked to see Canada impose standards, in signing this kind of free trade agreement, that could then become a model. We hear that argument when we are being sold the free trade agreement, and we are told that with this kind of agreement we will have to fix the situation here at home. In fact, however, the provisions that govern investments and the right of corporations to bring suit will have the exact opposite effect. It will give corporations more power in relation to governments, which certainly need to be on firmer footing and be in more control.

We have seen this in Quebec. There is nothing new under the sun. Fifty or 60 years ago, as the members from Lac-Saint-Jean and the North Shore know, we frequently made very major concessions to attract businesses. It took years to try to fix that situation, and even today we can see that when companies are sold, these kinds of concessions are still being made.

They did it when Alcan was sold to Rio Tinto under secret agreements, under a Canadian law that lacked the teeth to impose conditions regarding employment. In any case, the Conservative government did not want to.

As regards Peru, a country I visited very briefly, I tell myself it should be given an opportunity to avoid this type of situation, rather than increase the risk of the same thing happening.

It was the same for trade with Costa Rica. In the present matter, even if trade between Quebec and Peru and Canada and Peru were possible and substantial, there are businesses on location there, and also some international cooperation. However, following my meetings with various international cooperation NGOs, I note that they are very careful to ensure a clear distinction between purely capitalist market-oriented companies—such as the mining sector—and aid to communities, so that no link between the two can take away their independence of action.

The Canadian government is no example. We saw it remove some countries in Africa from its aid list, in order to do business with Peru and Colombia.

Does that mean that Peru and Colombia do not need aid? No. We agree, and, in any case, the Canadian government could have done more in the area of international aid. What is unacceptable is taking aid away from Africa, which is desperate for it, in order to turn a policy of international cooperation into a policy of support for economic development rather than a true policy on international aid. The Canadian government is acting as if it managed a private company rather than a government. I do not think Canadians and Quebeckers expect this type of behaviour from their government.

I will conclude my remarks on this point. Peru is a country that deserves solid cooperation. This free trade agreement will not do it. And because the agreement as such cannot be amended during negotiations, the Bloc prefers to vote against the bill for a free trade agreement with Peru, even if it means calling on the government to redo its work to ensure that the rules of the game are clear and will benefit both countries involved—both Peru, a developing country, and Canada and Quebec.

● (1800)

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I congratulate my colleague from Montmagny—L'Islet—Kamouraska—Rivière-du-Loup on his speech. I have absolutely nothing to say against the position of the Bloc Québécois and I am jubilant, since that was not the case in the past.

What we just heard from the Bloc Québécois is an important reversal. As we well know, the softwood agreement was bound to cause massive job losses in Quebec. The industry in Quebec said that it would cause job losses. The position of the Bloc Québécois was that we could not reject free trade agreements signed by the Conservative government. We know very well that that is not true. We even have the responsibility to reject agreements of this type.

When the House dealt with an agreement that targeted shipbuilding, the workers in Quebec said that it must not jeopardize those jobs in Quebec. The Bloc voted in favour of that. I congratulate the Bloc Québécois on its present position, which is against this agreement. The only question that I have is why it took so long for the Bloc to finally reach the position it did on free trade.

Mr. Paul Crête: Mr. Speaker, I would say to the hon. member that the Bloc has a pragmatic rather than dogmatic approach to issues. That is often the difference between the NDP and the Bloc.

How did we come to that position? We went to Peru. We met people from Colombia when we studied an agreement with that country. As for the softwood lumber agreement, many businesses in my own riding were affected. We took part in the consultation process to see if we should support the agreement. Companies and unions told us that the agreement had to be signed and that the companies needed the money as fast as possible to avoid bankruptcy. That was the position of all regions of Quebec and not only of my own. That was a pragmatic position that took the context into account. We never said that the agreement was a great deal. We said that entrepreneurs and all other partners wanted us to support it. Unions and communities wanted us to take the position we took and so we did.

As for the agreement with Peru, I am glad to hear my colleague say that he thinks our position is interesting. Personally, I would hope that next time there are preliminary consultations so we can support agreements that are beneficial to both parties. We are not here to vote down measures, but rather to come up with good agreements. Unfortunately, in this case, the agreement is not in the best interests of Quebec and Canada, particularly when we know the impacts of chapter 11 of NAFTA, which gives private companies unacceptable rights over the power of governments to impose conditions, namely to protect the environment.

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, I agree with my NDP colleague, who described our positions as well thought out and balanced. I agree with what he said.

I would like to come back to investment agreements, which were included in the agreement with Peru and are similar to chapter 11 of NAFTA. Considering what we have experienced and the numerous lawsuits of various multinationals, whether concerning Mexico, the United States or Canada, I would like to ask my colleague the following question. Considering that we have asked this government repeatedly for years to ensure that these investment agreements do more to protect the businesses and individuals in the respective countries against foreigners who come in and exploit businesses, and want to have control in terms of public health and environmental precautionary principles, how can this government propose such agreements? The result is an automatic loss of sovereignty and control for each of the respective governments. I would like to ask my colleague what could possibly make a government like the Conservative government keep repeating the same mistake.

● (1805)

Mr. Paul Crête: Mr. Speaker, I heard the answer to that question from a Peruvian Quechua representative, an indigenous representative. She explained to us that her people had been there for hundreds, even thousands of years before the Spanish. She said that the Quechua had organized their lands and found ways to transport water, among other things. Under this kind of agreement, if the Government of Peru decides to restore lands to indigenous peoples, companies affected by direct or indirect expropriations can submit complaints, the matter could go to court, and the company could be entitled to compensation.

What is the Government of Peru supposed to do with that? It would spell the end of social change. The Conservatives have chosen to put the interests of private companies before the common good. That is what is missing from this agreement, and that is what we are against.

Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ): Mr. Speaker, I would like to congratulate my colleague on his speech. I have a brief question.

I would like to know if the companies that set up shop in Peru or in neighbouring countries—mining companies, for example—will be expected to comply with Canadian laws or the laws of the country in which they are operating. I would like more information about that. What responsibilities will they have to the people in terms of the environment?

Mr. Paul Crête: Mr. Speaker, that is the crux of the problem. Mining companies have to comply with the existing laws in both countries. The Conservative government is saying that it will not follow the round table recommendations, that it will not give the necessary authority, that it will not appoint an ombudsman. As a result, companies will be subject only to the laws of the host country.

Developing countries do not have the structures or the strength necessary to negotiate with companies on an equal footing and therefore agree to environmental conditions or working conditions they should not agree to. We have to admit that we did the same thing in Quebec 50 or 60 years ago. This is unacceptable. We are giving companies too much latitude and an unfair advantage.

[*English*]

Mr. Ron Cannan (Kelowna—Lake Country, CPC): Mr. Speaker, we have heard from previous speakers about the importance of securing other markets for Canadian companies during this global economic crisis. Canada is a global trading nation. It has been identified that the United States ratified an agreement with Peru a couple of months ago. Every day that passes, Canadian companies are at a disadvantage.

Is my hon. colleague not concerned about providing opportunities and a level playing field for Canadian businesses in the free and fair trade agreement that is being proposed?

[*Translation*]

The Acting Speaker (Mr. Barry Devolin): The hon. member for Montmagny—L'Islet—Kamouraska—Rivière-du-Loup for a brief reply.

● (1810)

Mr. Paul Crête: Mr. Speaker, I am very concerned about this issue. I want Canadian companies to have access to other countries under reasonable conditions, but I do not believe, for example, that we have to give those companies rights beyond the existing rights in those countries. We need to negotiate longer to make sure that there are appropriate concessions on both sides.

We know from our experience with the North American Free Trade Agreement that chapter 11 gives companies excessive power. We are making the same mistake in this case. It is inappropriate. Often it is American companies that have gone to court in Canada. We are going to find ourselves in the same situation in the case of Canada and Peru.

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, we are here to talk about an act to implement the Free Trade Agreement between Canada and the Republic of Peru, the Agreement on the Environment between Canada and the Republic of Peru and the Agreement on Labour Cooperation between Canada and the Republic of Peru.

I want to say first that the Bloc Québécois is opposed to this bill. Although it is important to reach agreements on trade and on markets for our companies, we feel that this should not be at any price. We think that a very well organized and highly developed country like Canada should help increase the wealth of the people of a country that is less fortunate, that might be a developing country which is not so rich. Canada could become a major contributor to socio-economic development, but certainly not under the free trade agreement between Canada and Peru.

In order for this agreement to help increase the wealth of the Peruvian people, it would have to contain measures to ensure sustainable development and help the people to thrive. In addition, the free trade agreement between Canada and Peru contains a clause to protect investment that was copied from chapter 11 of NAFTA and will enable companies to sue governments. We think that this clause could impede the social and economic development of Peru.

NAFTA's chapter 11 on investment allows investors from a country in the North American free trade area to seek compensation from the government of another NAFTA country when they think they have suffered damages as a result of regulations being adopted that change the conditions under which their company operates.

For example, if a country decides to issue regulations or make changes to its legislation on health, the environment or the work done by people within its borders and there are resultant changes to the conditions under which a company operates, that company can institute legal proceedings against the government in question.

We have seen this happen in the past in the United States, in Mexico and even in Canada, and it has led to payments of millions of dollars in compensation. That means that the government itself is no longer master in its own house, is no longer master of its own territory, because of this famous clause, which is similar to the one in Chapter 11 of NAFTA. It creates a drain on the public treasury. For example, that clause is used in land expropriation cases, but it is also being used increasingly when a corporation can prove that it has lost profits. When that happens, it can bring action against the government of the country.

Chapter 11 provides a dispute settlement mechanism.

● (1815)

The Bloc Québécois believes that disputes should be settled openly and transparently, and that is not the case.

Very often, then, arbitrators are not familiar with the issue involved and do not necessarily have the qualifications to decide it, and so they may make mistakes and make an unfavourable decision.

We are also opposed to the free trade agreement with Peru because we believe that in terms of the environment and labour, we have no guarantee that our corporations can do business with that country and also respect human rights, labour rights and environmental rights. On that point, I would note that a rather unflattering report was made, one that was in fact disregarded by the present Conservative government. The report related to the social responsibility of Canadian corporations abroad. The social responsibility of Canadian mining companies has been a long standing issue.

Many corporations do an excellent job; they respect the environment and abide by the principles of the International Labour Organization. Some mining companies, however, are appalling, and seek to make profits at any cost. Human Rights Watch and the United Nations have pointed fingers at them. That is what the Bloc Québécois wants to avoid. This agreement provides no guarantee that the laws will be strong enough, and have enough teeth, to compel our Canadian mining companies to respect human rights and the environment.

The agreements that were recently made and that we will be discussing this week, the free trade agreements with Peru and Colombia, have similarities that absolutely must be pointed out. First, Peru and Colombia are not very significant trading partners for Canada. Canadian exports to those countries account for something in the region of 0.1% to 0.7% of our exports. It is important to note, however, that our mining and oil companies make major Canadian investments in those countries. To protect those companies, we have to enter into bilateral agreements that have not been approved by parliamentarians in either country. Those agreements are quite often made by stealth and in great haste, and do not contain protection clauses. If they do, those clauses are so vague and so general that ultimately they are meaningless.

One of the main things that make Peru attractive to Canadian investors is, of course, natural resources, and mining resources in particular. The same is true of Colombia. Canadian investments in Peruvian mining hover around $5 billion. We are told that 80 Canadian mining companies are conducting mining exploration in Peru. This makes Canada the top investor in mining exploration in Peru.

● (1820)

Naturally, it might be tempting for Peru to do business with Canada. People are told that the mining companies will bring money, generate trade, carry out exploitation activities and give them work. Attention also has to be paid to the impact of these companies' activities. They have responsibilities. I keep coming back to the need to protect the environment, to protect human rights and to meet ILO standards.

While supposedly creating prospects for Canadian businesses, the real intention of this government is to allow Canadian mining companies to go even further. As we know, Canadian mining companies have not had to comply with any standards thus far, in terms of the appropriation of land.

In the past, the OECD has even asked Canada to put forward standards that our mining companies would have to meet in order to ensure that their operations do not harm or displace any aboriginal or other populations.

Canada never responded. Canada has always maintained that the host country, the one in which our mining companies operate, should put forward its own legislation to protect its territory. However, the host countries are not always in a position to do that, either because they lack the parliamentary resources, because they do not dare do so or because, in the case of Colombia, the government is so corrupt and so close to paramilitary organizations—and the latter can use aboriginal lands—that they will allow a Canadian mining company to set up there and operate with no accountability.

We referred to National Roundtables on Corporate Social Responsibility and the Canadian Extractive Industry, which included representatives of the extractive industry. They prepared excellent reports.

This was 12 to 18 months ago. The Government of Canada never responded. The roundtables resulted in excellent reports, with supporting evidence, and asked that a Canadian corporate social responsibility framework be established, among other things. They asked for mandatory corporate social responsibility standards that Canadian mining companies would have to respect when working abroad. They asked for punitive measures for offending companies. They asked for an independent ombudsman who would conduct impartial investigations in order to determine whether or not complaints are founded.

This government, the Conservative government, never responded to these roundtable reports. Recently, when the free trade agreements with Peru and Colombia were signed, the Minister of International Trade simply stated that the position of ombudsman would be created and that the incumbent would report to the minister.

Thus, he will not be independent and this investigator will not necessarily have the room to manoeuvre when conducting his investigations and determining if the Canadian company is an offender.

● (1825)

Neither the Government of Canada nor Canadian companies will ever put forward preventive measures to govern the activities of Canadian mining companies abroad. As I said earlier, all we want is for the host countries to consider barriers to uncontrolled development by Canadian companies a priority.

I would add that, when it comes to the environment and the International Labour Organization, the agreement under consideration should offer guarantees that companies will respect the environment. In Columbia, for example, Canadian mining companies polluted rivers in a certain region so badly that they turned pink because of heavy use of nitrates and other strong chemicals in the extraction process. Whole populations were poisoned because of it. In Peru, one company has already been taken to task because the level of sulphur in the air around the mine was harmful to residents.

Without such guarantees, and given that the environmental provisions of the agreement are so vague, we cannot vote in favour of it.

Since I do not have much time left, I am going to conclude by saying that, when we are doing business with a country, we must at least make sure that we are not just trying to do business at any cost, but that we do so with the protection of individuals and of the environment in mind.

Unfortunately, the agreement with Peru—as is the case with the one with Colombia—is being condemned by several environmental groups. The Peruvian civil society is also opposed to that accord. Canada is losing credibility. We are doing trade and, seemingly because we are going through a global crisis, we are promoting markets. However, we are in fact promoting the mining industry or, in the case of Colombia, the Canadian oil and gas industry.

The Bloc Québécois is proposing changes to Canada's trade attitudes. Canada must focus on creating a more level playing field. There is no policy on corporate accountability. That is unfortunate. What we have here is a philosophy that gives priority to trade, at the expense of human rights.

Some members have a skeptical look on their faces. I find it rather strange that, when we are part of a political party in Canada and when we are told bluntly that the agreement goes against human rights and the environment, we would not have the heart to check and to see what environmental groups and human rights protection groups think about the whole issue.

I would like hon. members to go and meet with the Canadian Council for International Cooperation. A nice 45 page report was published on the agreements with Peru and Colombia. This is a nice document written by lawyers and environmentalists, who are saying that Canada should be ashamed to sign such accords. I would like hon. members opposite to reflect on this and to have the heart to think about the fact that some individuals are going to lose their shirts in these dealings.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

● (1830)

[*English*]

EMPLOYMENT INSURANCE

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, I am following up on a question I asked about employment insurance. Since I asked that question, as members in the House know, the situation has only become worse. While we were away from Parliament, Canadians continued to be laid off in record numbers and employment insurance continues to be a huge issue for many Canadians.

Last week I had the opportunity to be in Toronto with my colleague from Don Valley West where we talked with people in his riding about employment insurance, people in organized labour, people working in anti-poverty, people who are being laid off from their jobs. They simply cannot understand why they do not have benefits. The Conservative government has abandoned them. The government does not seem to care. On the issue of access to EI, the Conservative government is silent.

The minister speaks quite often about 82% of people who are eligible to get EI are getting EI. That is a false argument which totally ignores the fact that people are being excluded from being eligible to get EI.

The Caledon Institute, which has done a lot of work on employment insurance, has a chart which shows that right now less than 44% of Canadians who are unemployed are receiving regular EI benefits. That has changed in the last number of years.

There are many who would say that it was changed for a good reason back in the 1990s. The government under Mr. Mulroney left the country in terrible shape. There is no question that changes had to be made and those changes were made. In the 1990s nobody was talking about stimulus. We never heard the word "stimulus" mentioned. It was the opposite. It was contraction. We wanted to get the debt and the deficit under control.

According to the December 2008 Caledon Institute report, "The Forgotten Fundamentals", at last count only an estimated 44% of unemployed Canadians qualified for benefits under the so-called social insurance. Those were 2007 numbers. In Alberta 24% and in Ontario 29% qualified for benefits.

The report stated:

> Some of Canada's most vulnerable groups—older workers, part-time workers, recent immigrants, new entrants to the labour force, persons with disabilities and low-wage workers generally—are typically excluded from EI.

We have a big problem. People are not qualifying for EI even though they have paid into it. It is a false statement by the minister and her acolytes when they say that 82% of people who are eligible for EI are getting EI. It just ignores the problem.

Another problem Canadians have, and this is one that I raised in the House last year on November 27, is the delay in getting employment insurance. The minister said it was not a problem, that everything was under control and claims were being processed in 28 days. We knew that was not the case. On December 19 I sent a letter to the minister to follow up on that. First of all there was denial and then I was told it was being handled. A few weeks ago the minister finally came out and said that the government has to put in $60 million to bring back people from retirement and hire more people to process EI claims.

This problem has been ignored. It has been put aside. Workers in Canada are paying the price. They cannot access EI when they want it. They cannot even get support from the government to get their claims processed. It is a shame. It is an abomination. This problem has to be fixed. When is it going to be fixed?

● (1835)

Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I can assure members that the government takes it very seriously when even one Canadian loses a job. I can assure the hon. member for Dartmouth—Cole Harbour that our government is very concerned. We are taking action to ensure that we minimize, as much as possible, the impact on Canadian families when they lose their jobs.

All of us in this place know the challenges many Canadians are facing in these uncertain global economic times, particularly, as unemployment rates rise. I think the member is ignoring the situation of the world itself and how great Canada's position economically is compared to the rest of the world. However, we are not, by any stretch of the imagination, ignoring the plight of Canadians, especially when they face the low demand by international markets and, indeed, ultimately job losses.

We understand the stresses that many Canadians workers and their families face and we empathize with them. During these difficult times, the priority of the Conservative government is to ensure that Canadians who are eligible to receive EI benefits receive these benefits as quickly as possible.

That being said, our government and the Department of HRSD have already taken steps to make significant investments to meet the increasing numbers of EI claims and those efforts continue today, and will continue into the future, in the best interests of Canadians.

To this effect, we have allocated $60 million for EI processing, including hiring additional staff, to ensure that Canadians who need help get that help as soon as possible. Beyond this, we have taken many steps to meet the increased demand.

In fact, we have hired or recalled additional employees and retirees all across the country to process claims more quickly. We have redistributed the workload to increase speed and efficiency and to help maintain consistent service levels across all regions of Canada.

We have listened to Canadians and we have reacted with speed and with steps that will help Canadians and their families facing job losses.

We have also increased overtime. We have increased the level of automation of claims processing. We have opened EI call centres on Saturdays, which will go a long way to help Canadians who are in need today and will process claims more quickly.

Through these measures, the department has processed significantly more claims nationally this year than over the same time last year, and we continue to take action to meet this increasing demand.

Let me also mention that under the Canada skills and transition strategy, the government will invest $1 billion over two years under existing labour market agreements so the provinces and territories can train an additional 100,000 EI eligible Canadians. The training is for their future and the future of Canada. This new money will support workers and their families in hard hit industries and regions throughout the country.

This government understands the needs facing Canadians at this time and we are doing everything possible to solve those needs and to do it in the best interests of Canadians, unemployed workers and their families.

Mr. Michael Savage: Mr. Speaker, I appreciate the comments of my colleague, but just the simple fact of what he recited, all these things the government says it is doing, having a call centre open on Saturdays and bringing back workers who are retired and extra hours for people, shows it has completely mishandled this crisis. We told the government in November that there was a problem, but it said there was no problem. We told the government in December there was a problem, but it said there was no problem. It was not just me, but the member for Madawaska—Restigouche and the member for Cape Breton—Canso told the government there was a problem. It ignored the fact that there was problem, it stonewalled it and then, finally, it scrambled.

The government talks about other countries. The United States is adding up to a year of employment insurance for people who are losing their jobs. Other countries are doing much more.

We can do more for Canadians who are losing their jobs. It should start with processing their claims in an expeditious manner, without having to panic at the last minute. It provides no faith for Canadians to think that the government knows how to handle this crisis, and we are not sure the crisis is yet at its bottom.

Mr. Brian Jean: Mr. Speaker, among other things, we have also extended and expanded the work-sharing program, an innovative method by the government to keep more Canadians employed.

We have extended the duration of EI benefits, exactly as the member asked, by expanding nationally a pilot project which already provided five extra weeks of EI benefits to EI claimants in areas of high unemployment. Can he not take yes for an answer? We have also increased the maximum duration of EI benefits available under the EI program, from 45 to 50 weeks.

Through our economic action plan, we will help over 400,000 people benefit from these additional five weeks of EI benefits. We will help 190,000 Canadians, including long-tenured and older workers, get retrained to find a new job and put food on the table for their families. We will help create tens of thousands of new jobs while building and renovating tens of thousands of homes for those most in need.

We are getting the job done for Canadians in the best interests of their families.

● (1840)

STEEL INDUSTRY

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Speaker, I appreciate the opportunity to come back to a question that I asked in February about an industry that is at the heart and soul of the economy of my community of Sault Ste. Marie.

I asked at that time why the government was not in Washington, standing shoulder to shoulder with the steel workers union, negotiating with the Obama government, as it came to terms with the recession that was hitting that country, and negotiating a deal that would protect our industries, particularly our steel industry, in the same way as we knew that the Americans would do. In fact, that has turned out to be the case.

At that time, the parliamentary secretary to the minister suggested that I was misleading the House and the people of Canada in suggesting that was even possible, but I went on to say to the minister's assistant that within NAFTA and the WTO, Canada was permitted to put in place a buy Canadian strategy, which is what the Americans were looking to do at that particular point in time and on which they have since begun to move forward.

Not only is it legal, but domestic procurement strategies are in place with our NAFTA partners, the U.S. and Mexico. It seems that Canada is the only jurisdiction that is satisfied with spending billions of dollars of taxpayers' money to stimulate the economy and not guarantee that a chunk of it, at least a percentage of it, will stay in Canada to support the communities and the jobs that would be saved by that action alone.

I ask the parliamentary secretary today to please take my question a bit more seriously than previously, and explain to me, to the people of Sault Ste. Marie, and to the people of Canada why the Canadian government is not willing to go to bat for Canadian industry in the same way as the Americans, and protect the jobs and the communities that are supported by those industries? Why will the government not look at the possibility of a Canadian procurement policy that would direct at least some portion of the billions of dollars that we will spend of Canadian taxpayers' money to Canadian industry, Canadian communities in order to protect Canadian jobs?

Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, this government does take this issue very seriously because it is about Canadian families, Canadian jobs and about keeping Canadians at the high standard and quality of life that we enjoy.

The government has and will continue to stand up for all industries in Canada, including the steel industry. However, as a trading nation, our steel producers must have access not only to markets but to the tools they need to be competitive, including the ability to address unfairly dumped or subsidized imports. This is particularly true of the steel industry as it is a global industry.

The steel industry competes in a highly competitive, global market that continues to face many challenges, especially today with what is happening in the world. These include global overcapacity and trade distorting policies such as subsidies, as the member mentioned, in many countries.

The Canadian industry is highly integrated in relation to the North American marketplace. In fact, more than 80% of our exports go to the United States and we import just as much. It is amazing to see the integration of that particular market. With specialized factories on both sides of the border, specialized factories doing one thing but not the other, steel products move back and forth across the border in processed and in finished form.

Any threat to market access in either country would simply disrupt this critical industry that is so important to Canadian families and Canadian workers. That is exactly why our government was so heavily engaged with the United States when the buy American provisions were included in the economic stimulus package. We were worried and we took it very seriously and took very serious steps immediately. We continue to encourage the U.S. administration to implement the provisions in a manner that is consistent with its international trade obligations and consistent with our relationship with the United States.

We recognize the gravity of the current economic situation and its role in the promotion of growth and prosperity. In budget 2009, this accelerates and expands federal infrastructure investments with almost $12 billion in new funding over two years. This is great news for the steel industry, for Canadians, for Canadian workers and for their families.

At the same time, the government recognizes that all Canadian industries, including steel, can be confronted with injuries such as dumping or subsidized imports. That is why we have measures, such as our Special Import Measures Act, that allow Canadian producers to seek protection from such imports. That is very important and we have the tools in place to do so. This law is there to protect Canadian producers and the steel industry is one of the most frequent users of this law. Canada has anti-dumping or countervail duties in place against imports of six steel products from twelve different countries, including major exporters like China and India.

On April 15, 2009, Canada, along with the United States and Mexico, submitted formal comments on the Chinese government on China's 2005 iron and steel industry development policy. These comments were the most recent action in continued pressure by NAFTA countries on China to limit government intervention in the steel sector.

We are standing up for Canadian workers. We are standing up for the steel sector.

● (1845)

Mr. Tony Martin: Mr. Speaker, it seems that the parliamentary secretary has once again missed the point of the question. He needs to go to Hamilton and speak to the families that used to be supported by the jobs that existed at Stelco. He needs to go to Sault Ste. Marie and talk to the 600 workers who are no longer working at Essar Steel. He needs to go to Sault Ste. Marie and talk to the workers at Tenaris who are off work right now while it goes through a shutdown waiting for the market to turn.

He should have listened to the members of the steel industry who were here only a week ago to lobby us about some of the issues that they are confronting. They tell us that the Americans are moving aggressively, as they always do, to put up countervailing duties against China. They know that once they put up that wall the steel coming from China will just change direction and come into Canada, and we in Canada have no protection against that. What does the parliamentary secretary have to say to that?

Mr. Brian Jean: Mr. Speaker, I appreciate the member's concern for the families that he represents, the same as I have concern for the families that I represent, but what he is suggesting would have no long term or short term benefit for the families he is trying to help.

Indeed, Canada on its own, in concert with other NAFTA governments, has raised concerns regarding steel policies around the world in relation to the World Trade Organization, in relation to the Organization for Economic Co-operation and Development and bilaterally, for instance, with the Chinese officials on a number of occasions over the last several years.

Canada's producers have access to anti-dumping and countervail measures to defend themselves in this very particular situation against dumped and subsidized imports that can injure them. Our government will continue to stand up for the steel industry and we will ensure that Canadian families and Canadian workers benefit.

The Acting Speaker (Mr. Barry Devolin): The motion to adjourn the House is now deemed to have been adopted. Accordingly the House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 6:49 p.m.)

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