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OFFICIAL REPORT
(HANSARD)

Tuesday, October 20, 2009

—
Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, October 20, 2009

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

• (1005)

[English]

INTERPARLIAMENTARY DELEGATIONS

Mr. Gordon Brown (Leeds—Grenville, CPC): Mr. Speaker, pursuant to Standing Order 34(1) I have the honour to present to the House, in both official languages, the following reports of the Canadian delegation of the Canada-U.S. Inter-Parliamentary Group respecting its participation in the following three meetings: one, the Canadian/American Border Trade Alliance spring meeting held here in Ottawa, May 3 to 5, 2009; two, the 2009 annual meeting of the Western Governors' Association held in Park City, Utah, June 14 to 16, 2009; and three, the National Governors Association 2009 annual meeting held in Biloxi, Mississippi, July 17 to 20, 2009.

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COMMITTEES OF THE HOUSE

STATUS OF WOMEN

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the eighth report of the Standing Committee on the Status of Women in relation to the reports of both Amnesty International and the United Nations regarding the hundreds of young aboriginal women who have disappeared or been killed over the past 30 years.

In this report the committee is asking the government to respond to the Amnesty International report and the United Nations report.

* * *

CANADA MARINE DAY ACT

Mr. Malcolm Allen (Welland, NDP) moved for leave to introduce Bill C-462, An Act respecting a day to honour Canada's marine industry.

He said: Madam Speaker, I rise today to present a private member's bill about a marine industry national holiday for those workers in the marine industry.

It is appropriate to do so at this time of year, as many marine workers and their representatives are on the Hill.

I take great pride in introducing the bill because it was the marine industry that brought my family to this country in the first place. My father was a marine worker. In fact he was a shipwright and was recruited by the Canadian Immigration Board to come here to build ships. That is how our family actually immigrated to this great country and was able to set down roots and establish itself.

Clearly it is an industry that is hugely important to all of us across the country. There are literally hundreds of thousands and millions of tonnes of cargo that go through the shipping lanes.

In my riding of Welland we call it the H₂O waterway which of course is affectionately known as the Welland Canal. It runs from one end of my riding right through to the other, climbing the mountain, as we call it, in Thorold where we have the twin locks.

It gives me great pleasure to put this bill together and present it, and hopefully it will be adopted by the House.

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

* * *

PETITIONS

VEHICULAR HOMICIDE

Mr. Ed Fast (Abbotsford, CPC): Madam Speaker, you may recall yesterday I presented petitions signed by over 3,600 British Columbians. Today I have another set of petitions, again dealing with the same issue, signed by 2,881 petitioners. The petitions deal with the whole issue of dangerous driving and the scourge of impaired driving and criminally negligent driving.

The petitioners call upon the government to amend the Criminal Code of Canada to allow a new charge of vehicular homicide. They draw attention to the fact that vehicular homicide needs to be added to the Criminal Code because it is such a scourge to our society.

FIREARMS REGISTRY

Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC): Madam Speaker, I am very pleased to present a petition today from my constituents asking the government to repeal the long gun registry which continues to be burdensome for our rural community.

Government Orders

AIR PASSENGER BILL OF RIGHTS

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, citizens of Manitoba have signed my petition to call upon the Parliament of Canada to adopt Canada's first air passenger bill of rights, Bill C-310, which would provide compensation to air passengers flying with all Canadian carriers including charters, anywhere they fly. The bill includes measures on compensation for overbooked flights, cancelled flights, and unreasonable tarmac delays. It deals with late and misplaced baggage. It deals with all-inclusive pricing by airline companies in their advertising. It would ensure that passengers be kept informed of flight changes whether they were delays or cancellations. It will require that the new rules be posted at the airports and that the airlines inform passengers of their rights for compensation. If the airlines follow the rules, they will not have to pay one dollar in compensation. On behalf of the constituents who signed the petition, I am very pleased to present this and ask that Parliament support the bill.

• (1010)

FIREARMS REGISTRY

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): Madam Speaker, a number of petitioners would like to draw the attention of the House to a number of things. First, the current long gun registry program is an ineffective and costly program. It has cost taxpayers in excess of \$2 billion. The long gun registry program has not reduced violent gun crimes as intended and it unfairly targets farmers, hunters and sport shooters. They therefore ask the House of Commons in Parliament assembled to support Bill C-391, An Act to amend the Criminal Code and the Firearms Act (repeal of long-gun registry).

CANADIAN INTERNATIONAL DEVELOPMENT AGENCY

Mr. Brad Trost (Saskatoon—Humboldt, CPC): Madam Speaker, I have the pleasure of presenting a petition today from Canadians of Ontario, Saskatchewan and B.C. who call upon the House of Commons and the Government of Canada to stop the funding of Planned Parenthood by the Canadian International Development Agency. This is particularly relevant since CIDA is tasked with helping to promote and eliminate poverty around the world whereas Planned Parenthood, as the petitioners note, promotes the destruction of innocent unborn human life.

CANADA POST

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Madam Speaker, I have a petition from my constituents, mainly from the town of Esterhazy, who express concern that the current moratorium on post office closures may end. Our public post office plays a key role in our social and economic life by providing infrastructure for healthy communities to thrive and for businesses to grow with the assistance of the local post office. They call upon the Government of Canada to maintain the moratorium on post office closures and withdraw the legislation to legalize remailers. They call upon the Government of Canada to instruct Canada Post to maintain, expand and improve postal services.

* * *

QUESTIONS ON THE ORDER PAPER

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

The Acting Speaker (Ms. Denise Savoie): Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[English]

CRIMINAL CODE

The House proceeded to the consideration of Bill S-4, An Act to amend the Criminal Code (identity theft and related misconduct), as reported (without amendment) from the committee.

Hon. Gordon O'Connor (for the Minister of Justice and Attorney General of Canada) moved that the bill be concurred in.

(Motion agreed to)

The Acting Speaker (Ms. Denise Savoie): When shall the bill be read the third time? By leave, now?

Some hon. members: Agreed.

Hon. Gordon O'Connor (for the Minister of Justice and Attorney General of Canada) moved that the bill be read the third time and passed.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Madam Speaker, it is a pleasure to rise to speak to the third reading of Bill S-4, which would amend the Criminal Code to address the growing problem of identity theft. Bill S-4 has been reported back from the Standing Committee on Justice and Human Rights without amendment.

As the witnesses who testified before the committee agreed, this legislation is urgently needed. The new and constantly evolving technologies that dramatically improve our lives are being exploited by enterprising criminals.

Identity theft is growing, both in the number of incidents and in the amount of losses to consumers, retailers, service providers, financial institutions, and also governments.

However, as the witnesses and experts also made very clear, identity theft is not just about money. There is a great deal of fear among Canadians that their identities are being exploited and being abused by criminals. When identity information is used in the course of a fraud, a travel-related offence or another offence, the ramifications for the victim can be severe. Victims of identity theft suffer psychological harm and feelings of being violated. In extreme cases, Canadians can lose their life savings, and sometimes even their homes, or they can be left with a poor credit rating, based on the criminal acts of others.

Government Orders

Long after these victims spend their time and energy clearing their good names, there remain lingering feelings of vulnerability and loss of control over their lives and anxiety for years to come over whether the nightmare is even over. The fear of having their identities misused again at some unknown point in time in the future is a constant for these victims.

Police are increasingly seeing links between identity theft and organized crime, and even terrorism. Organized criminals use other people's identities to camouflage their own identities and to commit crimes to generate large profits. We are seeing identity information collected in one place and instantaneously shipped over the Internet to criminal gangs in other countries for manipulation. The criminals are getting ahead of us in their level of organization and sophistication.

RCMP witnesses who testified before the Standing Committee on Justice and Human Rights explained that the key components of Bill S-4 are new offences that would close legislative gaps. Right now, criminals can collect, possess and traffic in identity information for criminal purposes, but they may not be guilty of any crime. While the ultimate criminal or fraudulent use of other people's identities is clearly criminal under a variety of offences, such as fraud or personation, Bill S-4 would directly target the early phases of identity theft operations which today may fall through the legal cracks. The new offences contained in Bill S-4 would allow the police to take action and lay charges even before a fraud is committed or a person is impersonated or someone unlawfully crosses the border with phony documents.

As the RCMP witnesses testified before committee, Bill S-4 would bring our laws one step closer to protecting not only individual Canadians but also the integrity of the Canadian economy.

Other aspects of Bill S-4 would clarify and complement existing offences in the Criminal Code. For instance, in addition to existing offences regarding the protection of the mail and Canada Post operations, new offences would be added to address redirecting mail and stealing mail from a mailbox, both of which are known techniques used by identity thieves to gather information.

As I already mentioned, new offences concerning the collection and possession of identity information are included in the bill, as is the new offence of trafficking in identity information. The offence of personation already prohibits the fraudulent use of another person's identity, and this would now be renamed "identity fraud".

The idea here is for the criminal law to clearly reflect the full sequence of identity crime activities. Identity theft, the collecting and possessing of identity information, is followed by trafficking in identity information, which is then followed by identity fraud, the actual fraudulent use of the identity information.

Bill S-4 would also extend the restitution provisions in the Criminal Code to help victims recover some of the costs they must bear to obtain new documents and otherwise rehabilitate their identities if they are victimized. This measure would, hopefully, go some way toward remedying the damage done to Canadians who struggle to cope with having lost control of their identities.

●(1015)

Other vital aspects of Bill S-4 are the narrowly tailored exemptions relating to the manufacture and use of false documents for use by undercover police officers. One exemption permits people who make false documents to be shielded from liability if they do so in good faith and at the request of a police agency or government department. The other exemption permits peace officers to make and use false identity documents without criminal liability solely where they do so for the purpose of maintaining a covert identity.

In the House, in committee and in the Senate some concerns were raised about the exemptions because they do not contain an oversight or accountability mechanism. The government considers it entirely appropriate to grant these exemptions as the making and use of false documents for covert investigations as fundamental to effective law enforcement. The exemptions are very narrow. They do not permit anyone to commit fraud, identity theft, impersonation or any offence outside of a few narrow forgery offences.

Peace officers can use false documents only for the purpose of maintaining their covert identity. They will fall outside the scope of the exemption if they use the forged documents for any other purpose. The government considers these exemptions to be close parallels to the exemption provided to police for the carrying of a firearm. There is no oversight required for each occasion on which a police officer carries his or her weapon. The law simply makes it clear that officers may carry firearms whenever they are on the job.

Similarly, requiring oversight for each instance in which an undercover agent makes or uses a false identity document to support his or her covert identity would be administratively burdensome, if not impossible. More important, as there is no conceivable harm that can come to Canadians by these limited exemptions, oversight would serve no conceivable useful purpose. The government is confident that the exemptions in Bill S-4 are both necessary and appropriate.

It bears mentioning that in the Senate the legal and constitutional affairs committee amended this bill to put in a five year review of the legislation. The government is pleased that the legislation will be reviewed so that parliamentarians can consider how effective the law has been at helping to reduce and prevent identity fraud. That evaluation will give us an opportunity to appreciate whether any additional amendments or any other improvements should be made to better protect Canadians from identity crime.

Bill S-4 would not immediately bring an end to identity crime. No piece of legislation alone would be capable of doing that. Still, Bill S-4 is a giant step forward and would provide law enforcement in this country with some tools that are currently missing from its toolbox. Witnesses have been clear that Bill S-4 is urgently needed.

As technology advances, so too must criminal law and the Criminal Code. I, therefore, encourage all hon. members to pass this legislation without further delay.

Government Orders

• (1020)

Mr. Francis Valeriotte (Guelph, Lib.): Madam Speaker, I also have presented a private member's bill with respect to identity theft that would reverse the onus onto the accused to establish that he or she is in possession of another person's identity with the permission of the person whose identity is being carried.

I was not at the committee meetings and I am wondering if the member opposite could tell me whether the idea of reversing the onus onto the person charged to establish that he or she is in possession of that identity with permission was discussed in committee.

Right now I understand the law to be that the police must establish that the stolen identity is in a person's possession for the purpose of committing a crime. I believe the onus should be reversed onto the person who has been charged. I wonder if the member opposite can answer that question.

Mr. Brent Rathgeber: Madam Speaker, the issue of reverse onus is problematic. As the member will undoubtedly know, the Charter of Rights and Freedoms provides that an accused charged with any Criminal Code offence is presumed to be innocent until proven guilty and that the crown bears the onus of establishing each and every element of the offence.

The short answer to his question is that there was no serious discussion about reversing the onus with respect to Bill S-4. However, the member should be happy to know from a reading of Bill S-4 that simple possession is an offence. There is no longer a requirement that the possession be for some further unlawful act or for the purpose of committing a fraud, impersonation or some other Criminal Code offence. Possession of someone else's identity is an offence in and of itself.

• (1025)

[*Translation*]

Ms. Nicole Demers (Laval, BQ): Madam Speaker, I listened carefully to the speech by my colleague.

According to the Privacy Commissioner, the real fight against identity theft happens in small claims court, which is under provincial jurisdiction.

Should this bill be adopted, does the member intend to put pressure on his government so that it works in cooperation with the provinces to put an end to identity theft?

[*English*]

Mr. Brent Rathgeber: Madam Speaker, the government believes that co-operation between all levels of government and between government and police agencies is absolutely necessary to put an end to identity theft.

The police were unequivocal in their testimony before the committee that this type of tool is required in their toolbox.

Yes, it is the intention of the justice committee, of which I am a member, and the government to co-operate with law enforcement and other levels of government, municipal police agencies, the federal police agency and the RCMP to work collaboratively and co-operatively to put an end to this growing area of crime.

[*Translation*]

Hon. Dominic LeBlanc (Beauséjour, Lib.): Madam Speaker, I want to thank my colleague from Edmonton—St. Albert for the speech he made a few moments ago.

I work with the member for Edmonton—St. Albert on the Standing Committee on Justice and Human Rights. He is very much interested in improving our Criminal Code and strengthening measures to protect the most vulnerable. The bill before us today, Bill S-4, deals with identity theft.

I do not intend to speak at length because the Liberal Party supports Bill S-4, which was in fact introduced in the previous Parliament. The bill was first introduced in the House of Commons, but this time around, the government introduced it in the Senate. We have discussed it in the Standing Committee on Justice and Human Rights and we believe these are reasonable and appropriate measures to address a problem that increasingly affects our seniors.

I had the opportunity to speak this morning with a man from my riding, Roger Dorion. He represents a group of francophone seniors. They are obviously very aware of the harm that identity theft can cause to a person. Those who traffic in stolen identities or try to steal identities or mail often choose seniors as their victims.

[*English*]

The bill basically sets out three new criminal offences to deal with identity theft. As my colleague from Edmonton—St. Albert noted, there are additional and new provisions around being in possession of stolen identity documents, not only having to use those documents for a further criminal purpose, but simply being in possession, for example, of redirected or stolen mail or a key to open a mailbox that is not one's own. At the root of identity theft, we often find tampering with mail. The consequences can be devastating.

The new offences are all subject to a five year maximum sentence. We think that is an appropriate balance to send a message to those sometimes involved in organized crime who think that identity theft represents an economic gain for them at devastating consequences to the victims of these crimes.

[*Translation*]

On behalf of the Liberal Party, I am giving the House of Commons today an opportunity to dispose of this bill as quickly as possible. We do not intend to start a long debate. We already discussed this bill in the previous Parliament.

• (1030)

[*English*]

I have spoken to our House leader about this and it is our hope that perhaps while other parties are speaking on Bill S-4, we might find a mechanism, by unanimous consent, to pass this bill this morning at report stage and third reading. It is a bill that has been around for a long time and we think there are other important criminal justice measures on the order paper today that we are anxious to debate and to move forward expeditiously.

From our perspective, any measures that can be taken by the government or other parties to ensure that this bill passes this morning or later today, including the third reading stage, the Liberal Party will be very co-operative.

Government Orders

[*Translation*]

Mr. Robert Vincent (Shefford, BQ): Madam Speaker, I think it is commendable that they are willing to move quickly and to have a bill passed quickly. But the member forgets that he is not the only one concerned. There are people at home watching us on television, and these people want to understand this bill, because it affects them personally. He spoke about identity theft, and that affects the people watching us at home today.

Why does the member want to rush things without allowing viewers to listen to us and truly understand this bill? He would rather act quickly and dispose of this bill, so he can move on to something else. That is my question for the member.

Hon. Dominic LeBlanc: Madam Speaker, the member for Shefford misunderstood. At no point did I propose that we dispose of a bill before the House to prevent those watching on TV from understanding. However, the member for Shefford will agree that there are no new measures in this bill that were not debated during the last Parliament, as part of a bill that was nearly identical to the one before us today.

We have had discussions in the House of Commons standing committee. Debates were held in the Senate over this bill. So, I disagree with the member for Shefford that we must avoid proceeding quickly with Bill S-4. I simply suggested to the other members that we could quickly pass the final form of this bill in order to move on to other bills. Viewers at home have had plenty of time to understand this bill, and many documents were brought before the parliamentary committees, either during this Parliament or the previous one. This is not a new measure. I think that this bill should be passed, and I think we should do so as quickly as reasonably possible in this House.

Mr. Robert Vincent: Madam Speaker, that is the answer I was expecting from my colleague. I understand that the bill was studied in committee and debated in the Senate and that a lot of documents were submitted, but that was done internally. I am very familiar with the bill but I am thinking of those who are at home. A year has gone by already. Many things can happen in a year.

Why do we not give people enough time to understand what we are discussing today? It is easy for us to say that we have been talking about the same bill for a year. We studied it here and in committee, we received all kinds of documents, we are ready, of course, and we want to move on to other things. It seems very important to me to give people enough time to become familiar with what we are debating today and to come to a conclusion, namely that this is a good piece of legislation. But for that, they have to understand it.

I would like my learned colleague to confirm that, indeed, people have to be able to understand this bill. We understand it, that is one thing, but others have to understand it too.

Hon. Dominic LeBlanc: Madam Speaker, it is indeed with great humility that I take the compliment from the hon. member for Shefford. The admiration is mutual.

We are not saying two different things. The public and viewers take an interest in this type of justice bill, as do the representatives of the Fédération des aînées et aînés francophones du Canada, including those from Quebec, with whom I met earlier this morning.

These people take an interest in this bill, as the hon. member for Shefford knows full well.

I think that people are also interested in seeing legislation passed that will strengthen the Criminal Code to protect vulnerable individuals. Passing such legislation will send an unequivocal message to white-collar criminals and perpetrators of economic crimes. In fact, I think that identity theft falls under the umbrella of economic crime. The life-altering consequences of such crimes have to be covered by the Criminal Code, through new provisions like a maximum penalty of five years imprisonment, which I find appropriate under the circumstances.

Here again, judges are given discretion. Still, a maximum penalty of five years imprisonment does send a message. It is important, in my view, that this Parliament take seriously an economic crime that is unfortunately on the rise. One does not exclude the other.

Wanting to pass legislation as soon as possible does not preclude anyone at home this morning—who is enjoying our speeches and is no doubt following closely what people like the member for Shefford and myself are saying about the issue—from understanding and agreeing with our desire to proceed seriously and, then, pass this bill which I think is really in their interest.

• (1035)

Ms. Nicole Demers (Laval, BQ): Madam Speaker, while I understand my worthy colleague's desire for quick action, and he is surely right to compliment both my colleague from Shefford and himself, I wonder if we are not proceeding too quickly without considering what the Privacy Commissioner has told us, namely, to be careful.

The Privacy Commissioner is telling us to be careful because the Criminal Code is very cumbersome. As a tool, it is very difficult to use in getting convictions. The Privacy Commissioner also reminds us that it is absolutely necessary to work in concert with the provinces.

Furthermore, as we know, although I did ask the question of my colleague from Edmonton—St. Albert, in recent years the government has not demonstrated a capacity to work properly and openly with the provinces. We saw this with the Kyoto protocol and in many other files, such as the forestry and manufacturing sectors.

So we wonder whether there might be a stumbling block here that we must avoid. We must ensure that the government agrees to work in concert with the provinces to make this bill as effective as possible.

Hon. Dominic LeBlanc: Madam Speaker, I thank the hon. member for Laval for her question. I am in complete agreement with her.

A measure in the Criminal Code as important as the one I hope we shall pass today, which can affect the privacy of individuals and personal and private information, should be passed with special care. I fully agree that this is a question of balance.

Government Orders

The Privacy Commissioner has had the opportunity to inform the Standing Committee on Justice and Human Rights of her opinion, which I take very seriously. We have to find a balance that strengthens the Criminal Code and protects vulnerable persons, but that also respects the need to understand and respect privacy in a balanced way.

In closing, my colleague from Laval noted a concern which I share regarding the government's collaboration with the provinces. As we well know, in matters of criminal law, the consequences, costs and administration of justice are often the responsibility and duty of the provinces.

For example, in my province of New Brunswick, there are very few resources to set up a justice system and a justice administration such as we would like to see here in Ottawa, or for that matter, I am sure, in Fredericton and throughout New Brunswick.

I would be much more encouraged if this government were to sit down with the provincial justice and public safety ministers and demonstrate some openness. What can the federal government, with funding from the federal treasury, do to better support measures in the areas of justice and justice reform in the provinces?

In passing, I must say in closing that Quebec is a model in many respects for other provinces and for the federal government as regards the administration of justice.

● (1040)

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Madam Speaker, I will start by saying that the Bloc Québécois supports this bill, which has come to us from the Senate. Once again, this rebuts the repeated arguments made by the Minister of Justice that the opposition systematically blocks its criminal law bills.

This is a well written bill, which is designed to solve an urgent new problem in modern society. It provides solutions that are nonetheless somewhat incomplete, because in fact there needs to be extensive collaboration with the provinces. Still, it provides essential solutions.

This is a modern problem. I think that even when I started practising law in 1966, we could not have imagined that stealing people's identity could provide so many benefits to someone who did it. We were thinking rather about obtaining a false passport and things of that nature, but with the development of modern transactions, and particularly computer transactions and the use of credit cards, we have realized that identity theft can have terrible consequences.

I think we are already a little behind other countries. In 1998, the American Congress created a new criminal offence dealing specifically with identity theft. At that time, it prohibited the use, transfer or possession, knowingly and without authority, of a means of identification of another person with the intent to commit, or to aid or abet, any unlawful activity.

The bill that has come to us seems to me to be 11 years late already. In this case, we cannot say that this government, which was elected in 2006, has been particularly diligent, especially since the bill was apparently ready in the former government's files, according to what I have heard from the other speakers.

The bill covers obtaining and possessing information relating to identity with the intent to use it deceptively, dishonestly or fraudulently in the commission of an offence. The first offence is therefore theft of identity information, the second offence is trafficking in identity information, and the third offence is unlawful possession or trafficking in government-issued identity documents.

This bill is relatively complete, and also provides for offences relating to possession of instruments for creating false identities. The bill also incorporates a new power, one that may be debatable in constitutional terms: allowing a court to order an offender, in certain cases, to make restitution to a victim of identity theft or identity fraud for the expenses associated with rehabilitating their identity.

I acknowledge that there are already similar provisions in the Criminal Code when the evidence of the offence discloses damages that are relatively simple to assess, to avoid a victim having to go to a civil court and initiate additional legal proceedings. This allows a judge, in sentencing a person, to order them to make restitution. Although we are, in a way, the guardians of the powers we exercise as a nation-state, I do acknowledge that this measure, which is more efficient and makes life easier for victims, is justifiable in the circumstances.

It must be understood that identity theft can have terrible consequences. A journalist in Montreal came home from vacation to find that someone else was in his house. Someone had purchased his house while he was away. He went to a notary. The person had evidently acted in good faith. The journalist had to take very expensive and very complicated legal action.

● (1045)

It is easy to imagine the shock a person feels arriving home and finding someone else living there. It is a tragicomic scenario. Fortunately, I believe the journalist had the psychological strength to deal with it all. He went through it and told the tale. The notary, who was acting in good faith, was taken in as well by the ID the vendor, obviously acting fraudulently, had shown him.

So it is far from trivial. All the other things come to mind such as purchases on the Internet and the use of credit cards. Very often, after our identity is stolen, the individual obtains credit cards in our name. Then they start spending, but we are the ones getting the bills much later on and we are the ones left with all the problems.

Most companies and banks absorb a large portion of the damages caused by identity thefts. It seems to me that, in 2002, the figure involved in identity theft was over \$2 billion. I am providing these figures from memory, because I cannot find my notes. Good heavens, it is more than that. In 2004, something over \$50 billion U. S. was associated with identity theft. The Canadian Council of Better Business Bureaus estimates that, in 2002, consumers, banks, credit card companies, stores and other businesses lost \$2.5 billion as the result of identity theft.

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There is obviously some comfort using a credit card in the fact that the companies cover the losses. I myself have experienced this when my credit cards were stolen. However, there is no doubt that, in the end, the consumers bear the cost.

The problem was becoming increasingly urgent. I believe that it was time to legislate in this area. I see that the government is legislating as well with a law I consider well formulated to deal with the problem. Rather than turning to its pet subject, as it does these days with minimum sentences, the government realized that there could be all sorts of reasons behind identity theft. Both the young amateur hacker testing the limits of his computer talents and organized crime systematically committing theft can steal identities. This is one more example, as with many other crimes, in which the court must have the freedom to choose a sentence appropriate to each individual case before it. A sentence can be as long as five years in the most serious cases.

We will support this legislation, which is even a little too late. We will support it in the hope that the government will continue and cooperate with the provinces. The Privacy Commissioner, Ms. Stoddart, has made suggestions in this regard, and I think she did so because she noted that the federal government was not cooperative enough.

I would like to use a little, but not all, of the time I have left, to mention what I pointed out at the start. The Minister of Justice claims that the opposition systematically rejects his legislative agenda. He can see that we have cooperated with him once again in committee and will always cooperate fully with him in an effort to improve his agenda. We oppose only when he takes a route completely different from one we consider effective in the fight against crime.

• (1050)

More and more he is saying that we must be tough on crime. That is what the Americans have done. They have been so tough on crime, established so many minimum sentences, and taken so much discretionary authority away from judges with regard to sentencing that that country now has the highest rate of incarceration in the world. Yet Canada had similar incarceration rates 25 or 30 years ago. What have they gained from that? They are now beginning to see for themselves that it does not make any sense. In July, the Vera Institute of Justice reported that at least 22 American states were about to curb their tough on crime measures, because the current system has reached its breaking point in terms of human and financial resources. It is this approach that we do not wish to see in Canada or Quebec.

Of course in the short term, one might think that imposing minimum sentences and showing that we are tough on crime would be more popular. However, when you go into specifics, studies have shown that, while people may initially support minimum sentences, when they are presented with specific cases, they tend to gradually come around and say that some exceptions must be made, then many exceptions, and finally, so many exceptions that there is no point in imposing minimum sentences to begin with. That is what we have seen in all Commonwealth countries in recent years. The Minister of Justice must know this, since this information can be found in one of his studies. We noted in particular that he said that no studies have

shown any difference in crime rates after minimum sentencing had been imposed, rather only variations in incarceration rates.

As I was saying, the U.S. currently has the highest incarceration rate in the world with 762 people per 100,000 population compared to 117 people per 100,000 population in Canada. In all the western European countries we made comparisons with the rate is roughly 100 people per 100,000 population. It is not insignificant that in countries like France and Belgium, where juries participate with judges in arriving at sentences, the rate is lower, namely 93 in France and 88 in Belgium. What we see is that, although initially people seem to approve of minimum sentences, when they look at specific cases they suddenly realize that they should not be used indiscriminately.

What is more, this system is very expensive. The annual cost of keeping an inmate in a federal institution—I asked a commissioner of the federal correctional service this in committee—is \$101,000 in Canada. We are told that almost all of that cost relates to the security measures taken in the prisons because of that \$101,000, only 2% of a little more than \$2 billion goes to rehabilitation programs.

Frankly, I am one of those who think that what is important is increasing the chances of being caught and I think I applied that in our province. By modernizing police squads, we have achieved remarkable results in the fight against organized crime and \$101,000 is roughly the cost of one investigator for a year; that is roughly what it would cost for the necessary modernization of the squads that should be fighting the major fraud we are currently witnessing.

Again, to focus strictly on being tough on crime is to be stupid on crime.

• (1055)

People who are tough on crime think it is stupid to be soft on crime. Both are stupid though. The important thing is to be smart on crime, to be smart in the way we deal with offences. We must work on prevention, on increasing the chances of catching people, and on dealing with offenders, who all have their particular problems, so that the sentences they receive take fully into account not just the crime that was committed but the person who committed it, his motivations, his past, and so forth. That is how we will get results.

Here is an example. I was surprised to learn—we are currently studying the Canadian penitentiary system at the Standing Committee on Public Safety and National Security—that 39% of the inmates in Ontario have been diagnosed with a mental illness. I have long known that a primary characteristic of the inmates in our prisons is that they are socially maladjusted. I was aware but did not quite realize the extent to which it is mental illness that leads to social maladjustment. What does someone who has been diagnosed with mental illness know about the minimum sentences our legislators have provided to dissuade him from committing crimes? His motivations are obviously very different.

Government Orders

That is why it is so important for judges to have input on sentences. We have an especially good system in Canada because our judges are professional and independent. We have made efforts in all the provinces to ensure that the people who are appointed to the bench have met a certain number of tests. We have selection committees consisting of members of the public, the bar and the judiciary. There are still politically motivated appointments of course. I have never made any, but I know it does happen. At least all those who are appointed turn up. They are also appointed for life. They are independent and do not have any more political ties. In addition—at least in Quebec—we often make probation officers available to judges to provide psychological backup. This support is not for the judges themselves, of course. They can go and get that elsewhere if they need it. There are considerable resources available for judges who handle juvenile cases.

In our opinion, measures like these help us fight crime in ways that are smart. Just being tough on crime is stupid. It is even stupider both to be tough on crime and to try to discredit people who want a smarter, necessarily softer approach. People who are tough on crime inevitably want the toughest sentence, the one that takes least account of the prisoner.

I think that what we should be doing in the House is looking for ways to fight crime effectively. Following the same path as the United States means achieving the same results as the United States, where the crime rate is higher than in Canada, in some cases, appallingly so. Americans are three and a half times more likely than Canadians to be victims of homicide. Even worse, spouses in the United States are five times more likely than their Canadian counterparts to be victims of homicide. Why is that? It is because of other factors.

I repeat that our objections do not concern the agenda the government is introducing today. These measures are justified and aimed at fighting crime in ways that are effective. When the government tables something that is smart and well thought out, we are in favour of it, and that is why we are in favour of this bill today.

• (1100)

Ms. Nicole Demers (Laval, BQ): Madam Speaker, I again listened very carefully to the speech by my hon. colleague from Marc-Aurèle-Fortin who does not cease to amaze me with his extensive knowledge of criminal law.

Given the speech he just gave, I believe that he would probably agree with me that, in terms of criminal law and the legislative agenda, the government is currently attempting to have us pass a number of bills in the area of criminal law. Unfortunately, the government wants to give the impression that it is taking action much more than it wants to establish and develop coherent strategies to deal with the various crimes on the legislative agenda.

Does my colleague agree with me?

Mr. Serge Ménard: Madam Speaker, unfortunately, yes I do.

That is the impression given by the Minister of Justice since he took office. I believe that his constant talk about being tough on crime is not about lowering the crime rate. He need only look to the United States.

It is obvious that his model is mainly based on that of the Republicans in the southern United States. If he were to carefully examine their results he would realize that it does not work. His goal is to show that he is doing something. I look forward to seeing his initiative for major fraud. I do not believe that the minimum sentences served as a deterrent for Norbourg and Vincent Lacroix, who perpetrated the biggest fraud in Canada to date.

I look forward to reviewing the agenda to be presented by the minister for the modernization of police squads through the systematic use of forensic accountants and true professionals. I think it may be promising because the risk for those who commit fraud will be greater than at present.

[English]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Madam Speaker, I rise in general support of this legislation. It is important to set this in a historical context. This is legislation that is badly need in this country and that need has been identified for the better part of the past decade.

We saw an initial attempt by the former Liberal administration in the 2004-06 Parliament to bring forward this kind of legislation. We saw it reincarnated under the last two Conservative Parliaments and we are finally getting to it now.

Following up on some of the comments of my colleague from the Bloc who just finished speaking, it is important to view this in the context of the focus of the government on other areas of, as the Conservatives see it, reform in sections of the Criminal Code when in fact the areas covered in this legislation should have been given priority. This legislation should have been in our laws. It has been in a number of other jurisdictions, for example, in the United States, England and Australia, for a number of years, well ahead of where we are at this point. In fact, those countries continue to be ahead because there are one or two significant gaps in this legislation in terms of dealing with what every member of the House knows is a serious problem with regard to identity theft.

We have all heard the horror stories. We have heard the estimate of at least \$2.5 billion a year in losses as a result of identity theft, primarily of credit cards and debit cards, small personal loans, that area. That is one of the gaps in this legislation and I will spend some more time on it.

We also heard that there is a corresponding value loss with regard to real estate transactions, both in terms of residential and commercial property. We have a similar loss of \$2 billion to \$2.5 billion a year. This bill does not address that area at all. I will come back to that because there is definitely more work that needs to be done at the federal level in that regard.

The bill is a significant step forward in combatting this type of crime. It introduces some expanded concepts of what official identity documents are. One of the problems police forces, prosecutors and judges have had in enforcing the existing provisions of the Criminal Code is that the code did not cover new developments in official identity documents.

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We have expanded what those are significantly. There is a lengthy list in this bill and hopefully in the law when it comes into effect that will make the prosecution of these offences much more effective and efficient.

A second major thing this bill does is it addresses what we know is a huge problem. It involves a way that small street gangs as well as more expansive organized crime gangs get identity documents. They steal them out of people's post office boxes or their residential mailboxes. We have made that a specific crime. It is very clear what the offences are. They involve not only committing the theft but being in possession of the documents stolen.

There is protection for people who would be entitled to obtain documents from people's mailboxes. For instance, if people are away on vacation and their neighbour picks up their mail, the neighbour would not be in breach of the code. That is a major step forward.

I say this because of personal experience. One of my neighbours was confronted with this problem a few years ago. In talking to the police at that time about their investigation. Criminals were targeting systematically specific residences where they knew people were not home during the day, oftentimes where there was only one adult in the family. It was obviously well organized and the criminals were very efficient in gathering that type of personal information, which they then used to commit crimes of fraud and forgery, et cetera.

● (1105)

The third area that is addressed in the bill has to do with identity information. This is a reflection of the need to modernize the code. People involved in mostly more sophisticated organized crime will gather information, as extensive as including DNA samples, in order to establish a totally false identity but with that degree of certainty in order to prove they are somebody else.

We have set out a very long list of what that identity information is. It includes fingerprints, DNA and all sorts of more technologically advanced sampling that we can do than when these sections of the code were made law as much as 100 to 150 years ago. Those are major steps forward in the bill.

From that perspective my party is quite prepared to support it. In fact, we are going to be supporting the passage of this legislation.

There remains problems and I want to deal specifically with the issue of the gap in not addressing the whole issue of identity theft as it affects real estate transactions. I repeat what I said earlier. The amount we are losing in that regard is as significant as the amount we are losing on the other issues that the bill addresses. It is in the range of \$2 billion to \$2.5 billion a year.

There is no question that there is responsibility on the part of provincial governments to deal with this. For instance, I know from practising law that the law societies across the country have dramatically increased the responsibility of lawyers and notaries to identify accurately the clients who are sitting in front of them that they in fact are the people they claim to be. We have taken that on as an additional professional responsibility.

Real estate agents similarly have had quite significant additional responsibilities imposed on them in identifying the purchasers and vendors in real estate transactions.

There is a role for the federal government. There are specific sections now in the Criminal Code that deal with the issue of fraud and forgery with regard to real estate transactions. They are clearly out of date.

One of the witnesses whom we heard from at the justice committee was a witness on behalf of the title insurance associations of Ontario. They tend to be one of the major victims because at the end of the day they oftentimes are the ones who end up having to pay when there has been an identity fraud transaction. The witness clearly pointed out the inadequacies of the existing sections in the code and even had a model from experiences in the United States, which the government has opted not to pursue. I forget which state it was but it was one of the more advanced pieces of legislation which effectively makes that type of transaction an illegal transaction and makes it much easier to get a conviction. It has been very effective in that state which is one of the southern states in the United States. It is something that we need to do.

I intend to pursue that because the indication I have had both from the justice minister and the Conservative Party is that they are not going to be moving on that. They are leaving this responsibility entirely in the hands of the provinces. That is not the role the provinces should be playing, so we will be moving ahead to bring that before the House, hopefully within the next month or so.

It will modernize the Criminal Code so that it deals with the modern criminal activity that is going on. The code clearly is inadequate in that regard.

There is another point I want to raise in terms of the legislation and the way it is worded. I am quite concerned that on identity information there is one section that deals with how that information is used. It is proposed section 402.2 of the Criminal Code, clause 10 of the bill. The term "the reckless use of this identity information" is used. Being reckless is almost like a criminal negligence type of concept; being so reckless that it amounts to a crime.

● (1110)

The Supreme Court of Canada has had difficulty with that terminology in the past, and I am worried that this section may not be effective. I proposed an amendment to it, based on recommendations we had heard from the Canadian Bar Association. That did not get majority support at the committee. The wording is still in there. I caution the government in the course of this speech to monitor this. I think it will pose a problem for our police and prosecutors to get convictions, if the court treats that terminology the same way the Supreme Court has in another major case. That is a problem.

The other one caused me a good deal of concern as well. I credit the Canadian Bar Association for bringing this to our attention. There are two sections which in effect allow a very wide scope of officials to procure false documents. It is in section 7 and then again in section 9. Section 9 is less problematic because it limits the scope of that section to police officers, who are already defined elsewhere in the code in section 25.

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Section 25 sets up a regime where it is recognized that from time to time our police officials will be required to break the law. This is a relatively new section. It is only about 10 or 12 years old, I believe, but it has a whole regime of how that is regulated, how it is supervised by senior officers and when it is permissible. It requires reporting to this chamber on an annual basis, in effect, the use of criminal activity to combat criminal activity. I believe it has worked quite well, and I say that from having looked at the reports. Actually, the justice committee did a review of section 25 two or three years ago and came away quite satisfied that it was working very well.

Section 9 exempts police officers from the provisions of the bill, but it does not have the regulatory function that section 25 has. It clearly also exempts them from section 25. I got no satisfaction from the responses we got as to why they were doing that. I believe that the police officials should be regulated by section 25. It has worked. We may want to modify it to some slight degree in terms of the reporting function in particular, but it is a tool that has worked very effectively and allows the police to conduct criminal activity in order to catch criminals, but it has safeguards to prevent it being abused.

The other section, though, was even more problematic, and that is section 7 of the bill. Section 7 basically provides a defence to anybody who provides an identity document “as long as it is requested by a police force”. I do not have any particular problem with that. It also stipulates “the Canadian Forces”. Every single soldier in this country could ask for a forged document. Then it goes on, “or a department or agency of the federal government or the provincial government”. Every single employee of the provincial and federal governments could ask someone to prepare a forged document. They could go to MasterCard and Visa and say, “I want a fraudulent card in this name”. They would not have to give any explanation. They would just have to say that they are a public official, a teacher, a social worker or a worker at the LCBO, in the case of Ontario. All of those are entitled to ask for forged documents. The person can give it to them without having to worry about committing an offence.

Corresponding to that, because of the way the rest of the bill works, the person asking for that document is not, I believe, committing an offence. It is wide open to abuse, up to and including rogue police officers. I am not worried about the police force. I quite understand the need for the police force to have that. I still think police forces should stay under section 25.

• (1115)

This does not require approval by a senior official in the department or provincial ministry. Anybody can ask for a forged document. I received no satisfaction. It is problematic. I agree with the government that this section has to be monitored.

As I said earlier, we are going to support the bill because the rest of it is badly needed, but section 7 is wide open to abuse. We need to monitor it very closely.

We have needed what is covered by the bill for the better part of seven years. Police and prosecutors have been telling us how badly they need this provision. It is a shame that we have given priority to other amendments to the Criminal Code and put this on the back burner. We badly need to get this done, get it through, and get it into

place, so our police and prosecutors have the tools they need to prosecute these offences.

Mr. Alan Tonks (York South—Weston, Lib.): Madam Speaker, the member has dealt extremely well with the issues.

As he indicated, theft would come out of mail boxes. These would be specific crimes. Organized crime and smaller criminal elements are intrusive and invasive in the manner by which they defraud individuals.

The House is concerned about the elderly. As immediate kin provide less support to elderly people, they become more dependent on institutions through estate probate, through guardianship and so on.

My colleague has indicated which officers of the Crown and the province would have access to information in a probate situation. Are there mechanisms that would protect those who are virtually wards of the court? I am speaking in particular about the elderly with no kin and who are totally under the protection of government institutions through estate law, through trusteeship and guardianship. Would the same degree of checks and balances protect them in a situation like that?

The member talked about the law society and the real estate sector, but I am speaking more in terms of the invisible accountability that exists to protect seniors through probate, through the courts, and through a series of checks and balances to ensure fraud would not occur and that they would not be taken further advantage of.

• (1120)

Mr. Joe Comartin: Madam Speaker, the answer generally would be yes. In a situation involving probate, where someone has passed away, the executor or trustee of the estate would have the same protection, so if somebody was trying to impersonate that person, they would have the same protection. That would be as equal an offence as if they were trying to impersonate the deceased person. Yes, that protection is there for them.

In terms of the situation where individuals are still alive and someone is operating under a power of attorney or a court order and authorized to take over control of their assets because they are no longer capable, the protection would extend to the trustees and the attorneys in those circumstances.

Mr. Dennis Bevington (Western Arctic, NDP): Madam Speaker, coming from the Northwest Territories, one of the big concerns that I have with identity theft is of course the inter-family aspect. Perhaps this was alluded to by the previous questioner, but there is a potential in the system for elder abuse. Very often in society, people within a family are taken advantage of in the short-term when their credit cards are taken and used where they should not be used. These types of things go on inside families.

How practically would this law protect people within that realm and yet not put it to a point where family relationships are disrespected? There is a fine point of law here that is not always black and white, but grey. Using his knowledge, I would like my colleague to comment on this.

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•(1125)

Mr. Joe Comartin: Madam Speaker, I would have to say that this bill does not address that issue. Generally speaking, this is a bill that deals with identity theft occurring at arm's length by strangers.

The type of problem that my colleague is asking about is much more common. I saw this in my own practice repeatedly. It occurs in one of two ways. Individuals have themselves authorized by way of powers of attorney to take control of the assets of the elderly person, or they have been appointed by a court to do that and then they abuse that fiduciary relationship. That is controlled by other sections of the Criminal Code and, quite frankly, more so by common law in the civil courts.

The other situation, and I think he was making some reference to this, is simply where the abuse amounts to extortion, threats or actual violence against elderly persons to force them to sign a cheque or sign over assets under that kind of duress. These amendments to the Criminal Code do not address that area at all.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, I think that this is another great example of a case where the horses have already escaped from the barn. In fact, the Liberals had a majority government here 10 years ago. They had ample opportunity to deal with this issue.

We were quite aware in those days that the banks were looking at a smart card system. They were looking at phasing that in and they actually had figures, which anybody could get, that indicated the cost of the problem. Every year, the losses due to identity theft regarding credit cards were going up and up, and yet the banks were ignoring it because it was simply a cost of doing business.

This encouraged the fraudsters because they basically knew that they could get away with it. My colleague talked about the real estate industry. We are talking about \$2 billion to \$2.5 billion on the credit card side and even more on the real estate side. This bill does not deal with that.

When is the government going to come to terms with this issue and not wait another five years before it deals with the real estate side of it? That is an even bigger developing issue. Once the fraudsters know that they can get away with it, they get even more organized and more determined. They do more and more of it. We must put a stop to this.

Mr. Joe Comartin: Madam Speaker, I have a quick anecdote.

I was actually sitting on a credit union board in that period of time when we were looking at enhancing the security of both debit cards and credit cards. The member is dead on with his comments about the large banks simply seeing this as an expense of doing business.

What that meant to them was that they passed on that expense to the consumer. It is part of the reason we have somewhat higher interest rates, both on our credit cards and consumer loans.

It would have been a time for the government, not so much under the Criminal Code but under the industry department, under commercial activity in this country, for that responsibility to have been imposed because it was not done voluntarily by our financial institutions. They did not end up bearing the costs. We, as consumers, ended up bearing the costs.

We could have done that quite a number of years ago. The technology was there. I was sitting on those boards more than 10 years ago and the technology was already there at that point. We are just starting to see it at this stage.

There has been a misdeed here on the part of both the banking institutions in this country and the government.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Madam Speaker, I am pleased to indicate to the House my support for Bill S-4, as I think all members of the House have indicated today and previously. I do not recall very much dissent, although some caution is urged in relation to one or two sections of the bill.

The bill has been a long time coming. I guess it is pretty clear on the record that we are at third reading stage. Somebody offered earlier today to expedite its passage but it would be pretty tough to expedite it much faster than the speed at which it is already going. I do not know whether I am the last speaker but at some point today the debate will end, the House will adopt the bill and it will be over. I congratulate all those who wanted to expedite it because they will get their wish.

As members have said, the concept behind the bill has been in the drafting stage for about 10 years. There were complexities that did delay it in the early years. There was a bit of a moving target with respect to personal information. This is an area of evolving legislative activity. I think it was the intention of the original drafters that we get a good definition of what "personal identity information" is, and the bill has a pretty good definition, which I will get to later in my remarks.

I recall going through the bill very carefully at the justice committee one or two Parliaments ago. The bill, however, was always pre-empted by a parliamentary dissolution. It was not that nobody wanted to see it pass. It was always a problem of Parliament ending in a dissolution before the bill was fully passed.

However, there is a section that has created an offence involving the possession of a Canada Post mailbox key. This type of key is the one postal workers use when they distribute and pick up mail on the street. All Canadians are familiar with those big post boxes and those big keys that the postal workers use. I think the original intention was to create an offence for anyone who was in possession, without authority, of one of those keys.

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Now, that makes sense. Why did it take us 100 years to get to this point? I am not sure. Maybe it is because the post office always did a pretty good job of keeping control of its keys. However, it has become a problem, which is the basis for this proposed offence. I think this has been expanded to include possession of any key that would open a post box receptacle, which means my post box key and the keys of everyone here. There are probably millions of post box keys across the country.

I think somebody has thought this out, but it is not an offence just to be in possession of somebody else's post box key. There needs to be an intent to use it fraudulently or to commit an offence described in the section. However, had I had such an opportunity at committee, I would have scrutinized very carefully the implications of creating a new offence that made it an offence simply to be in possession, with a fraudulent intention, of something that is so common. I could say that if we are going to make it an offence to possess someone's little mailbox key, then why do we not make it an offence to possess somebody's house key? The house has much more value than a post box. Here we may have unwittingly treaded into a territory that we have not thought through.

However, in any event, it is in the bill and I will not object to it but my gut tells me that down the road, at some point in time, there will be a case and a fact scenario that will raise potential issues with respect to somebody's possession of a simple mailbox key. I am not talking about the big post office key. I am just talking about an ordinary residence or apartment building mailbox key. We all have them.

● (1130)

I am very pleased to see that in the bill we grappled with and nailed by definition the concept of credit card and debit card in a way that would allow police and authorities to clearly identify an offence when it happens. Up to now, a credit card was just a piece of plastic with some information printed on it but we all regard credit cards as something more than that. It is our access to credit, cash or whatever. Up to when we started amending the Criminal Code, that little piece of plastic was just a piece of plastic. The bill, essentially, completes the initiative to place an intrinsic legal value on the information contained on the credit card. Credit and debit cards have magnetic strips with personal information, credit information, digital information and now they also have chips, with who knows how much information, but all intended to better secure the credit realm, if I can put it that way.

Also, the bill gets into the issue of identifying and defining the personal identification number, the PIN, that is a necessary partner to some types of credit or debit access, either person-to-person or machine-person-to-machine. That would be helpful for the police as they carry out investigations. For example, if there is a reason to arrest somebody who is suspected of being involved in a fraud or a crime and that person was in possession of what appeared to be PINs, up to now, those numbers would just be numbers and it is actually not an offence to be in possession of a bunch of numbers. However, if they could be identified as personal identification numbers to be used in association with credit and debit transactions, it is a new offence, and that is a good thing.

Up to now, when there was theft from the mail, the police, authorities and prosecutors always had difficulty trying to figure out who was the owner of the mail when it was stolen. Certainly when it is in the possession of the post office, there were offences dealing with theft from the mail from the post office, but what if the post office had not taken possession of it yet or what if the post office had already delivered it to a residence? After it has been delivered by the post office to a box sitting outside a front door somewhere, is that theft from the mail or is it theft from somebody in the house? What if the name on the letter does not match the name of the owner of the house? These were always problems.

I suppose I could ask why it has taken us 100 years to figure this one out, but the answer is that in the good old days, in the early 1900s, maybe there was not so much theft from the mail. Maybe it was not a big problem. However, the police and prosecutors have identified it now as a weakness in public security. We have managed to clarify that so mail that is sitting delivered to a house, a residence or in a box, not only is the key somewhat protected but so is the mail and that will allow better police enforcement.

I want to raise a concern, as my friend from Windsor—Tecumseh did earlier, about the exemption of public officers from prosecution when they use a forgery technique in their work for public safety.

● (1135)

The exemption is somewhat circumscribed. The alleged offence, and only an alleged offence because it says they are exempt, must be committed for the sole purpose of establishing or maintaining a covert identity for use in the course of the public officer's duties or employment. As my friend pointed out earlier, the term "public officer" is quite a broad definition. One wonders why this particular exemption could not have been folded into section 25 or subsection 25(1) of the Criminal Code where there are statutory exemptions from prosecution for police or public officers in the course of their duties.

The most common case one thinks of is the work of an undercover police officer who assumes a false identity for the purpose of a covert undercover investigation. Citizens accept that. However, under section 25 of the Criminal Code when a public officer commits an act that would otherwise be a criminal offence, there must be a record of it and a justification for it in writing. The exemption claimed by the officer and agreed to by the police force that he or she is a part of is recorded in the House. A report is introduced in the House every year that describes each and every instance of exemption of a police officer from prosecution when an act is committed that would otherwise be a criminal offence.

One wonders why we would not require this type of exemption in this bill, clause 368.2, to be included in similar reports. Some people will say that there is just too much police and public officer covert activity going on and that instead of having a small volume filed in the House of Commons, the report would be 12 or 24 inches thick. That is possible, which is why I wanted to put it on the record and join my friend who spoke earlier on this as raising a possible concern.

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The public should be much more satisfied that the bill has managed to bring in protection for a whole lot of personal identity techniques and information, which I will read for the record. The identity information protected includes: a fingerprint, voice print, retina image, iris image, DNA profile, name, address, date of birth, written signature, electronic signature, digital signature, user name, credit card number, debit card number, financial institution account number, passport number, social insurance number, health insurance number, driver's licence number or a password.

I wanted to get those on the record because so many people routinely use all of those things. I wanted the record to show that this legislative amendment captured all of those things and gave people at least some protection under the Criminal Code. It does not mean that there will not be thefts of identity. It just means that the code identifies these things as protected items and, if they are stolen, used or misused, the prosecution will be easier and more focused.

Will it deter the bad guys? We do not know. The bad guys will always be out there looking for a chance to steal and plunder, although we hope there are fewer and fewer of them out there, but at least this amendment attempts to capture all of the things we have become used to as personal identity items.

• (1140)

The bill has a sentencing component. I am very pleased it does not engage in this mindless political posturing of throwing the book at those convicted with mandatory minimums. The bill quite properly proposes sentencing ranges for those convicted of these offences. Sometimes it is up to five years, or it is up to 10 years, or it is by indictment or it is by summary conviction, but the sentencing ranges look appropriate.

As we have always done in our Canadian justice system, and in most justice systems in the modern world, the decision making on sentencing is left to informed judges. I wanted to make this point because a number of the criminal law amendment bills we are looking at in this Parliament, and in the previous Parliament, all seem to have as their objective the rewriting of the sentencing regimes. In some naive way the proposers of the bill think that by tweaking the sentencing, we are going to get a safer country. I do not understand this.

I have had a close-up look at the Canadian justice system. I have been privileged to be in the House for many years. I was on the justice committee for 15 years. I had the privilege of seeing the criminal justice system up close, and it was not always pretty. I saw it working reasonably well. It is not like there were never any mistakes.

I cannot accept that by throwing a mandatory minimum sentence into a particular offence, we are suddenly going to have a reduction in the number of offences. The criminals out there, the would-be criminals, the maybe criminals do not know what the sentence is for any particular crime. In fact, I challenge anybody here today, any member of the House, to get up and tell us what the sentence would be for a particular offence, even under this bill. One could not know. The reason is we have provided for sentencing ranges. When people are convicted, they do not know what the sentence will be until the judge finally decides.

If we do not know what the sentence is, how could those would-be criminals out on the streets know what the sentencing would be? In their mind, as I have always seen it, it is binary in reaction to the criminal justice system. Either they are going to get their deterrents, or they are going to get caught or they are not. It is not about what the sentence is. They do not get out their little calculators and calculate what the sentence is before they hop into the car. Their whole view of this is whether they are going to get caught. If they think they are going to get caught, they are not going to do it that night. If they think they are not going to get caught, they might.

I do not understand the mentality that urges upon the House that if we suddenly put in a whole bunch of mandatory minimum sentences, all those bad guys will know what the sentence is and they will stop their criminal activity and we will be safer. I just had to get in that sentencing issue.

I am pleased to have had a chance to talk about the bill. It looks like we are going to have ourselves an identity theft bill.

• (1145)

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, the hon. member's presentation was excellent. He dealt with some of the shortcomings of the bill. One particular area he neglected to mention was the whole issue of the real estate exposures, which the member for Windsor—Tecumseh talked about as being an area that was missing from the bill.

We are looking at \$2 billion to \$2.5 billion in real estate losses in the country alone. It is certainly increasing rather than decreasing. Would the member agree with the analysis of the previous member and does he see this as a possibility with this bill or would it require a separate legislative initiative?

Mr. Derek Lee: Madam Speaker, it is a good question and I think there is a good answer, but it may not be the answer the member wants to hear.

First, the member is not talking about people selling worthless bags of dirt dug up from fields. What he is talking is fraud in real estate transactions. Real estate transactions and the whole jurisdiction of real estate is provincial. The management of those transactions, the verification of the documents and the procedures are all provincial. Up to now that has been the case in securities matters. Those are provincial transactions and they regulate them.

When it comes to fraud, the Criminal Code has a fairly robust and very old fraud section. Therefore, all the illegality in fraud, to which I think the member is referring, will be currently covered by the Criminal Code fraud provisions. However, we do not have to say it is a fraud involving real estate, or involving securities, or involving currency, or involving the sale of bananas, or apples, or goats or horses. It is a fraud.

Government Orders

Therefore, there is Criminal Code coverage for it, but in terms of those who would falsify a mortgage in a land transaction, those offences, the false document presented to a provincial land registry, whether it is a mortgage, a deed or a transfer of land, those are covered. It can also be a federal offence.

However, I accept that there is not a specific Criminal Code section that says that if one does a fake land transfer, it is a special Criminal Code offence, but it would be a Criminal Code fraud.

• (1150)

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Madam Speaker, it is a pleasure to take the floor for this interesting debate on Bill S-4. First of all, certain things need to be said. One is that the Criminal Code has always trailed a little behind the social problems that people have experienced, are experiencing and will continue to experience. Having been a criminal lawyer for 30 years, I have seen some changes. Identity theft is the best example. If someone in this House or elsewhere is listening to us and is not aware of the fact, right now you can be prosecuted for a criminal offence if you steal someone's telex or telegram. As far as I know, the telex and telegram have been long gone from Canada. But they are still in the Criminal Code. There are some pretty anachronistic things in the Criminal Code, which definitely needs to be amended to bring it into step with 21st-century needs, and identity theft is one of them.

For those listening to us, we should explain a little about what constitutes identity theft at present. Today, on October 20, 2009, identity theft means deliberately assuming someone's identity—not too complicated, so far—or the identity of another person—this is where it gets complicated—generally for the purpose of committing fraud. At the moment, that is what has to be demonstrated. For example, many sections of the Criminal Code refer to forgery and uttering forged documents. The stealing of cheques does not constitute a criminal offence. If I take them and do nothing with them, I am not committing a criminal offence. It becomes criminal only if I use them. Of course, it is a criminal offence to steal someone's cheques, but if the cheques are not used the offence is less serious. So at present, in the Criminal Code, we have what is called forgery and uttering forged documents, for example, taking a cheque and endorsing it. This used to be a regular occurrence on the first and fifteenth of every month. It was quite flagrant. A person would go to all the mailboxes, collect the cheques, endorse them and cash them. This is what was called forgery and uttering forged documents.

Today this is no longer the case. Why not? Because we have direct deposit. We do business with the federal government, the Quebec government or the government of some other province, and what does the government do? It deposits the money it owes us directly into our bank accounts. Employment insurance is a very good example. The employment insurance benefits to which a person is entitled are deposited directly into their account. And yet, here too there was and still is a theft problem. It is a very serious problem, and I will return to it in a few moments, with some figures. This is a problem that now exists. Someone lines up behind us in the credit union, the Royal Bank, the National Bank or any other bank. He watches us enter our PIN, because everyone now enters a PIN, a personal identification number. So what does this person do? He watches us enter our number and he remembers it, because today

people remember numbers. In that way, with a duplicate of your card—procured illegally, of course—he can empty our bank account. That is the identity theft problem.

But that is only a small part of it. People can steal credit cards from the mail, when mail is redirected, for example. They take the mail and then there is false pretence or intrusion into data banks. How often have we seen this in recent months? They use a scanning device to collect the information on credit cards.

• (1155)

What does that mean? Some people were becoming experts. We have to be careful when we hand over our credit cards in a business and an imprint is taken. When it is printed, an imprint of the credit card is taken. Some places, there are three copies. We get the original copy back, the one on top, but there are two other copies underneath. We have to watch those other two copies. An honest merchant will tear up the second part and use the third copy for deposit. Thieves get the imprint from the second part with the help of accomplices in the business. Some people had become so expert that they were able to get the imprint. What do they do once they have the imprint and they know the name of the card owner shopping at the business? They watch the person and note down their personal identification number, their PIN. When they have the PIN, they empty the bank account.

They do not just empty the bank account. The problem is that with the PIN they can get a lot of things. That is why people are told not to give out their social insurance number. Someone who steals your identification cards today, for example your social insurance card, your health insurance card, your driver's licence, or even your passport, can steal your identity. Those items are worth a fortune.

What does that mean? We do not realize it until someone tells us there are two people with the same name walking around with the same identification. Each one should have different identification. It is like fingerprints: they are supposed to be different. Someone who steals another person's identification can do a lot of things. They can steal, borrow and defraud.

My former colleague from Hochelaga who is no longer here, Mr. Ménard, drew the government's attention to this by presenting some revealing figures. It is becoming big business. In 2004, the costs associated with identity theft exceeded \$50 billion a year. I repeat: the costs associated with identity theft every year exceeded \$50 billion.

In Canada alone, the Canadian Council of Better Business Bureaus estimated that in 2002, consumers, banks, credit card companies, stores and other businesses lost \$2.5 billion because of identity theft.

Government Orders

In 2006 it got even bigger. PhoneBusters, created in 1993, is an anti-fraud call centre. Generally, we receive the centre's telephone number with our credit cards. It is often written on the back of the card, but it is best not to just leave it there, because if your card is stolen, that information is not very useful. Put it somewhere else. It is a telephone number to use to report that a credit card has been stolen or that someone is trying to use it. In Ontario and several other places in Canada, PhoneBusters received 7,800 calls reporting identity theft in 2006 alone.

It had therefore become urgent that attention be given to this problem, which causes billions of dollars of losses every year, not just in Canada, not just in Quebec, but everywhere in the world.

● (1200)

When we look at the legislation, we note that the United States started attacking this problem in 1988. In the Standing Committee on Justice and Human Rights we had an opportunity to hear from a variety of experts on identity theft. It was extremely interesting, and we learned a lot. In terms of insurance, for example, incredible frauds have been committed. We have to find a way to deal with such fraud. How? One way to deal with it is Bill S-4, which concerns identity theft and will amend a number of sections of the Criminal Code. I do not want to list all the sections, but I consider clause 10 very important. The subheading will now be "Identity Theft and Identity Fraud", and it will have an impact on sections 400, 402, 402.1 and so on. The nomenclature will be entirely different.

And what does it involve? I will try to provide a quick list. The new section explains identity theft. It is simply the theft by an individual of a person's name, address, date of birth and written signature, electronic signature or digital signature. I will translate that into plain language for those watching. A written signature is not complicated—that is when we sign. Increasingly—and this is why the bill makes up for dozens of years of lost time—many people authorize an electronic signature. All MPs in this House have what is called an electronic signature, but how many businesses have also established the principle of the electronic signature? If someone steals it, that will be illegal. Obviously, there are social insurance numbers, health card numbers, drivers' license numbers, credit card numbers and debit card numbers as well. For those watching, it is not simply the theft of the plastic card that is dangerous, it is the transmission of the number. How many times do we make calls, visit eBay or do business with someone in a store? We simply give our credit card number over the phone. Is there anyone in this House who has not ordered chicken from St-Hubert barbecue or Checkers or pizza? What do we do? We give our credit card number over the phone. That is becoming very dangerous. We must make sure when the delivery comes that the correct number appears on all the documents we are asked to sign.

The new section 402.1 also includes our passport number, user code, password, fingerprints or voice print, retinal image, iris image and DNA profile. I think this is a good thing the government has done. We are moving forward. We are moving forward in time and are anticipating what is coming.

In 2007, my colleague Réal Ménard from the riding of Hochelaga called for this, and the government responded that it was not

necessarily urgent. Today it realizes that it is extremely urgent and that considerable losses have occurred and are still occurring.

There is going to be a new section. Obviously, mere possession of someone's name and address is not illegal, but the definition of identity information in clause 402.1 will apply to a new offence. The bill creates a new hybrid offence that involves the transmission, making available, distribution, selling or offering for sale, or possession of another person's identity information.

Basically, having someone else's name, address and phone number is okay because we all have that kind of information on our contact lists, no matter which political party we belong to.

● (1205)

But if a person has someone else's social insurance number, personal identification number or credit card number, the prosecutor will assume that he or she obtained these documents illegally and must prove that the accused trafficked in identity information about another person knowing that it would be used to commit a crime based on fraud, deceit and lies.

I believe that the House should vote in favour of this bill. This clause will ensure that any person who takes an individual's information without authorization, illegitimately and illegally, faces the legal consequences.

For the benefit of the House, my colleagues and the people watching us, once wallet and identity theft occurs—say someone steals a woman's purse—it costs the victim around \$500 to recover her identity. Getting a new passport, new identification cards, new driver's licence and so on will cost the victim about \$500.

But there are worse consequences. It is no secret that some companies investigate individuals. Take Equifax, for example. What does this company do for people? It establishes their credibility, their financial power.

When a business conducts a credit check, it generally contacts a company like Equifax or Crédit Nord-Ouest, which collects, stores and keeps information. Now, when a person's identity is stolen, the incredible effort it takes to notify these companies is completely disproportionate to the crime that has been committed. When someone's belongings are stolen and their identity is used to commit fraud and theft, that honest person will unfortunately have to go through a very long and difficult process to have the poor credit rating removed from his or her file at the credit company.

Government Orders

This extremely important bill is very timely as we enter the 21st century. Identity theft is an insidious crime that destroys a person's identity. Often, people who are victims of identity theft have a very hard time proving that they are not thieves or fraudsters, because someone has used their identity, even though they had no right to do so. That is illegal, and it was high time the government took action.

The question was asked earlier, and I am going to answer it. Companies even testified that they wanted minimum sentences. We objected strongly, and we are going to continue to object strongly to minimum sentences. Why? Because we are going to start by implementing this bill.

I hope that this House will vote quickly in favour of this bill and that it can be implemented very quickly. Once it has been analyzed, then perhaps some thought can be given to revising the potential sentences. But we should let the courts do their job and ensure that anyone who commits such an offence receives a fair and appropriate punishment.

Mr. Speaker, I know that you gave me a signal a few moments ago, so I will just say in closing that we feel it is important that this bill has finally reached this House. We hope it will be passed quickly so that we can implement it.

• (1210)

[English]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, we have already admitted that the bill has been 10 years in coming; in fact, we needed it about 10 years back. The legislation is only part of the problem. The real problem, and I think the member alluded to it, is the area of preventing identity theft in the first place. The real way to prevent that is to deal with the whole issue of the smart card programs. The member talked about biometrics, whether it is a fingerprint or an iris scan. Three or four years ago, the British government was using the biometric iris scan process at Heathrow airport. I am not sure how successful it has been, but it is being done. Fingerprints are another biometric that can be put on a smart card.

The whole issue here is that the government has to encourage industry to start rolling out the smart cards. The government has to roll out its smart cards as well and get card readers in the police cars and wherever the readers need to be so that the cards can be read. Through that process, which is going to prevent people from stealing identities in the first place, we are going to solve the problem.

The legislation is great. It is 10 years overdue. Let us get it passed. The bottom line here is that the government has to play a role in encouraging the technological development of the smart card system in Canada. By the way, it has been around for 10 years; we are just very slow to develop it.

[Translation]

Mr. Marc Lemay: Mr. Speaker, I agree with my colleague. If I recall correctly, he testified before the committee. I would like to repeat for the benefit of the House what he was told at the time. He was told to speak instead to the Standing Committee on Industry, Science and Technology, once this bill would be in effect. We are only laying down the framework for future legislation to fight identity theft. As far as prevention is concerned, it is clear that the

Standing Committee on Industry, Science and Technology should be the one studying this matter.

But, I would like to seize the opportunity to invite people who are watching right now to be cautious with their identification numbers. People should not go around sharing their PIN and showing it when they are at the bank. That must be done in private. People are too quick to share their PIN with certain individuals. A PIN is a secret number, and the same thing goes for passports. The public must be invited to be more cautious, and I think this bill will do that. We are clearly putting in place something which will be used for the next 10 or 15 years. This process has been going on for 10 years, and it is now time for this bill to be adopted.

• (1215)

Mr. Robert Vincent (Shefford, BQ): Mr. Speaker, if my colleague had wanted to include, in this bill, a measure to make things tougher for identity thieves, what specific measure would he have come up with?

Mr. Marc Lemay: Mr. Speaker, that is a good question, and it is certainly not a planted question since I must admit that I do not know what to say. We have spent so much time studying this bill. I thank my colleague.

The last thing my former colleague Mr. Ménard from Hochelaga, my current colleague from Marc-Aurèle-Fortin and I wanted was that minimum prison sentences be imposed immediately. That was out of the question. As for the rest, we will have to see how this works. It seemed important and interesting to us that the bill pass quickly. Another thing we did not want was clauses that had 10 or 12 paragraphs. We wanted simple, concise and precise clauses that dealt directly with the problem. That was the objective of the bill.

To answer my colleague, I will say that, unfortunately, I do not see right now what we could have done better for this bill. However, what we can do that would be good right now is to pass it and implement it quickly.

Mr. Nicolas Dufour (Repentigny, BQ): Mr. Speaker, the brilliant presentation made by the hon. member for Abitibi—Témiscamingue is going to be a tough act to follow. After hearing his speech and that of my colleague, the member for Marc-Aurèle-Fortin, one might think that there is very little left to explain about this bill. However, since I am a very resourceful person, I did find something to add to this debate.

This is a very interesting discussion, particularly considering the ever increasing use of new technologies. For example, 15 or 20 years ago, online purchases accounted for a very small percentage of transactions, but they are now exploding.

As my colleague for Abitibi—Témiscamingue mentioned earlier—and I am going to refer to his comments throughout my speech because, again, he made a brilliant presentation—it is even possible to order a pizza with a credit card. Considering all the means that we use, one can see the situations that could lead to identity theft, given the personal information that must be provided to make the transaction. For example, in the case of a credit card, a signature is required. If an individual appropriates someone else's identity, he can do really despicable things in terms of fraud and theft.

Government Orders

Earlier, I referred to online shopping, which is expanding at an incredible pace. I must say that I personally make great use of new technologies. I am not the only one. People may be too naive or ill-informed. For example, because it is on the Internet and some business logos seem to guarantee the safe use of credit cards, people trust these sites, without even double checking and trying to find out which company provides that guarantee of security, or to determine whether there are indeed firewalls to prevent theft.

Unfortunately, we realize all too often that Internet sites are not safe enough to make purchases without any concern. There are of course good systems that can do the job but, unfortunately, they are not used enough and this is why we need legislation like this bill.

Despite the fact that the Bloc Québécois has been talking about this issue for years—and I am thinking of the member for Hochelaga and the work that he did in this regard at the Standing Committee on Justice and Human Rights—the government was, as usual, slow to act. But at last it did propose a bill which, all in all, made a lot of sense. There was not a lot to add to it. It was almost perfect. It only needed some fine tuning.

Earlier, I mentioned that identity theft is quickly becoming a major problem. The hon. member for Abitibi—Témiscamingue said that it represented close to \$50 billion annually. I think we all agree that this is not peanuts.

For the past few minutes, I have been talking about credit cards, but there are many other examples. There is the theft of a debit card PIN number and, later on in the bill, there is even a reference to retina image. As we can see, for once the government is trying to get a bit of a lead over technologies, even though it had a very hard time to do so.

We can also see that identity theft can go very far. It is no longer merely about having someone else's social insurance number, as was the case some 30 years ago. Today, there are so many tools, whether they relate to payment options or communications, among others, that the amount of personal information that can be stolen has increased significantly.

Let us take for example the social networking site Facebook. This is a new technology that has been in place for a few years already.

• (1220)

These sites are very widespread. What is available on these social networking sites? People can enter their name, address, date of birth, telephone number, and so forth. This is a mine of information for identity thieves who collect it online and use it for nefarious purposes.

I am not opposed to these social networking sites, far from it. They have their place, but it is easy to see how people can sometimes naively put information on the Internet thinking it will only be used for good purposes. Unfortunately, this is not always the final result. People with evil intent can take advantage and use the information against the owner. It is very sad.

It is worthwhile taking some time to explain this to the people watching us. I can never say often enough how important education can be as a tool in the fight against identity theft. We have an

excellent tool here in this bill, although not much will be achieved if we fail to add public education and awareness to it.

I just mentioned Facebook. When we use other online tools, for example, MSN Messenger, they make the effort to remind us not to give our PINs or credit card numbers to just anyone without protecting ourselves and knowing to whom we are giving them. We have to be very cautious. People should be reminded, therefore, to be very careful in this regard.

Even if we are very cautious, as I myself usually am, sometimes mistakes are made, and that is where this bill comes in. I want to use myself as an example to show how easy it is for anyone to be taken in. Once this summer, when I used my debit card it was cloned. This is not confined, therefore, to particular classes in society. Everyone is affected. Anyone in the modern world can have his identity stolen without even realizing it. I will not give the name of my bank, so as not to make people jealous, but thank heavens that it moved quickly to contact me and block this fraud.

Perhaps I can remind people what identity theft is. It is deliberately assuming the identity of another person, generally in order to commit fraud, such as accessing the finances of that person, or committing some crime or infraction anonymously. Almost all these definitions refer to the illegal use of the personal information of another person. This information is obtained in various ways, ranging from direct, not necessarily illegal activities such as searching garbage pails to very sophisticated phishing techniques.

The other ways of getting personal information are the theft of ID cards or credit cards, the redirection of mail, by false pretences such as pretending to be authorized to obtain certain information, and the use of devices to collect information from credit cards or PINs. When fighting crime, we must always be aware that our adversaries, the criminals, are very ingenious and innovative.

Being enormously interested in this subject, I have watched a lot of documentaries, particularly on how this works in the United States. Canal D screens some very good documentaries to provide a little education, to engage in prevention and to remind the public to be vigilant. These documentaries show how people are able to put false tops on the usual boxes where we enter our PINs. These people manage to put another little box—that looks like the original—right on top of the box, and it can record the codes we enter. Once they have our debit card numbers, it is no problem to clone our cards.

Some of the other ways to procure personal information include the loss or theft of a personal computer or other data storage devices containing confidential information that could be re-used to commit fraud, and the complicity of an unscrupulous employee working within an organization.

• (1225)

To get back to the bill, the Bloc Québécois is in favour of it, and like other parties in the House of Commons, we would like to see it studied quickly. The faster this bill is studied, the faster it can be passed and the faster we can start taking action against this crime which is claiming more and more victims.

Government Orders

As I was saying and can never say enough, this is not strictly limited to one class of society or one group of people. Everyone in Canada is a potential victim of fraudulent identity theft at any time of day or night, and at any time of year.

However, the battle against identity theft also requires coordinated action by the various levels of government. The Bloc Québécois acknowledges that amending the Criminal Code will not be enough to resolve the problem of identity theft. Other measures will have to be introduced by the government, as I was saying earlier, to educate the population, raise its awareness and increase its vigilance.

There is the matter of regulation so as to provide an improved management structure, for example the storage, disposition and other use of information by companies. I was saying earlier that when we make purchases on the Internet, for example, we agree to provide companies with our credit card numbers. So it is absolutely necessary to educate the population to be curious about the company to which we are giving our credit card numbers. We have to do some research to find out if it has a history, if it has had problems with data storage before, or if it has been a victim of theft in the past. We may have trusted a company enough to provide it with our credit card number, but if the company itself is a victim of personation or theft, then we have a problem which is not necessarily our fault or the fault of the individual or the company. So it is really necessary to be informed, to pay attention and to be vigilant.

There are also measures that target the uniformity and enhanced security of processes for issuing and verifying identity documents. Unfortunately, the federal government has a bad track record on personal information management, but that is another subject. So the bill aims to combat identity theft and the unauthorized collection and use of personal information, usually for criminal purposes. A person's name, date of birth, address, credit card number, SIN or social insurance number, and any other personal identification number can be used to open a bank account, obtain a credit card, forward mail, subscribe to a cellular telephone service, or lease a vehicle. So one can see the full scope of the crimes that can be committed using personal identification numbers or personal documents.

The bill thus creates three new basic offences, all of them liable to a maximum sentence of five years. It refers to obtaining and possessing identity information with the intent to use it in a fraudulent, dishonest or misleading way as one element of a crime.

There is trafficking in identity information. There is also another offence. For example—and to be sure, I would never do this, Mr. Speaker—people can clone debit cards and take money out of their victims' bank accounts. One need not go that far to be a criminal. I could simply take another person's information, possess it and transfer it to someone else who would use it illegally. The middle man between the criminal and the victim would also be punished. I would like to reassure the House once again that I have no intention of stealing anyone's debit card.

This bill will create another offence: illegal possession of or trafficking in government-issued identity documents that contain information about another person.

●(1230)

Further amendments to the Criminal Code include creating a new offence for redirecting a person's mail or causing it to be redirected; creating a new offence for possessing a counterfeit Canada Post mail key; creating additional forgery-related offences, such as trafficking in forged documents and the possession of forged documents with the intent to use them; redesignating "personation with intent" as "identity fraud"—this adds clarity to the legislation; clarifying the definition of "fraudulently personating another person"; and adding the offence of possessing instruments for copying credit card information to the existing offence of possessing instruments for forging credit cards.

Consequently, if a person has tools to forge credit cards, that person is considered to be a criminal. However, now, simply possessing information will become a criminal act.

The bill also introduces a new power that would enable the court to order the offender, as part of the sentence, to make restitution to a victim of identity theft or identity fraud for the expenses associated with recovering the stolen identity, such as the cost of replacement documents and cards and costs related to correcting their credit history.

For victims of identity theft, it is not just the financial loss that presents a problem, but the whole process of taking back their identity, which can be very expensive, long and painful.

I said earlier that when it happened to me, my bank acted quickly and I was not out of pocket. But the problem is that you have to be able to find all the information you have lost, which can be an extremely long process. The average person simply does not have the time to go looking for all that information. It can be extremely difficult for a person to obtain a new SIN, cancel and reactivate credit cards and deal with all the complexity and the paperwork involved.

The bill provides for two exemptions that would protect individuals who make false documents for covert government operations against prosecution for forgery and would allow public officers, that is law enforcement officers to create and use covert identities in the performance of their duties.

Government Orders

As I said, identity theft is an extremely serious problem. According to the Minister of Public Safety, identity theft is one of the fastest-growing forms of crime in Canada and the United States. In 2004, the costs associated with identity theft were close to \$50 billion, as my colleague from Abitibi—Témiscamingue mentioned. Identity theft is costly not only for the consumers who are duped, but for the banks and businesses that find themselves with a problem. If a fraud artist buys \$2,000 worth of merchandise from a business that then discovers that the credit card used was falsified, this will create a huge problem for the business, which cannot afford the financial loss due to theft.

In 2002, the Canadian Council of Better Business Bureaus estimated that consumers, banks and credit card companies, stores and other businesses lost \$2.5 billion because of identity theft.

As I said, the Bloc Québécois is in favour of passing this bill as quickly as possible. The victims are not just individuals, but businesses as well.

• (1235)

[English]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I listened with interest to the member's speech. He recognizes that the legislation is just part of the puzzle and understands that closing the loopholes through the use of smart cards and other technological advancements and so on is actually going to be the way we ultimately solve the problem.

One other area we have to look at is getting the governments and police forces to work together after we pass this legislation. I've had a lot of examples over the past few years of cases that have had a number of grey areas with regard to whether they should fall under the jurisdiction of the Winnipeg Police Service or the RCMP. I have found that there is too much buck-passing going on in our police forces in the country, and I am sure the same principle applies to governments.

I know the member will certainly be interested in knowing how this bill will be implemented vis-à-vis the federal government and its involvement with the various provinces and police forces. I would ask him to comment on that area.

[Translation]

Mr. Nicolas Dufour: Mr. Speaker, I want to thank my colleague for his question.

I see that he is well-informed about this subject. I must admit that there will have to be an agreement among the various levels of government about this. As my colleague emphasized, it is extremely unfortunate that there are some failures in this, and that people do nothing but pass the buck back and forth. Such behaviour can be a problem. While departments or police forces are wasting time passing the buck back and forth, the fraudsters have time to escape or hide. We will have to make sure that, in the bill, we stay out of all provincial jurisdictions. Given the excellent work being done by the Sûreté du Québec on this issue, I have no doubt that it will be able to do its job thoroughly.

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I would like first of all to thank the member for Repentigny for his excellent presentation. It is even more

important because he is part of the younger generation in this House. I hope that he will feel comfortable with letting us know his age. I think that one of my sons is the same age. It is important because I often have discussions with my son about the importance of protecting yourself. The young generation has too much of a tendency to trust the whole system and never hesitates to give their information. They often use the Internet, which is good, and they make transactions on it. I would like the member to repeat what he said, for we have a chance, today, before adopting this bill, to let our messages be heard.

As a representative of young people, I would like him to send a message to his compatriots, to let them know how important it is to be able to protect their own identity.

• (1240)

Mr. Nicolas Dufour: Mr. Speaker, I want to thank my colleague for his question. I am not at all afraid of saying my age. I am 22 years old. The member is putting a lot of pressure on me by asking me to explain to young people, in 30 seconds, how important it is to be cautious when using networking websites such as Facebook. It is not the kind of awareness campaign one can do alone.

My colleague from Argenteuil—Papineau—Mirabel hit the nail on the head when he said that our generation may be a little bit too trusting. We do not have this kind of fear, we are less afraid of fraud, we feel more protected, we think that those things will not happen to us. We feel totally immune to that, but we are wrong to feel that way. Actually, it is the exact opposite. Our generation—perhaps mine more than yours—is probably the one that will be greatly affected by that because we use those websites, like Facebook, that are information-sharing sites. What we have on Facebook is information on who we are, as I was saying earlier, our name, our age, our address, all those things. It is extremely dangerous and it makes the work of identity thieves a lot easier. We really need to raise awareness among our younger generations to make them understand that they should be extremely cautious and should not, under any circumstances, give out personal information such as their social insurance number or credit card number.

Mr. Jean Dorion (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, I listened with great interest, like the rest of the House, of course, to the speech of my young colleague from Repentigny and I would like him to comment on other aspects of the question that are not directly related to the subject of the bill, but which are nonetheless part of the issue. I would like the member to comment on the need for the Canadian government to work closely with Quebec and the other provinces on this issue.

In May of 2007, the Privacy Commissioner told the Standing Committee on Access to Information, Privacy and Ethics that the real solution to the problem of identity theft included civil proceedings. She said:

... we should look at civil sanctions that are very easy to prove and easy for citizens, for example, to take to small claims courts, which may provide a more easily accessible deterrent to the growing industry of ID theft. This means, of course, that the federal government has to work closely with the provinces, because a lot of what happens in terms of ID theft falls within provincial jurisdiction.

Government Orders

We in the Bloc recognize that this change to the Criminal Code will not be enough and that the Canadian government will need to cooperate with the provinces. I would like the member for Repentigny to elaborate on that.

Mr. Nicolas Dufour: Mr. Speaker, I thank my colleague from Longueuil—Pierre-Boucher for his excellent question.

My colleague sits on the Standing Committee on Government Operations and Estimates and I can assure the House that he is in a very good position to know the extent of the federal government's chronic inability to negotiate with the provinces, despite its promise to respect provincial and federal jurisdictions and to lead by example. In fact, the government is doing the exact opposite. My colleague from Longueuil—Pierre-Boucher sees it every day, just like every other Bloc Québécois member, and that is why we are sovereignists.

The federal government must also lead by example on this file. It must not only be able to negotiate with the other provinces. Let us not forget that this bill also has enormous repercussions for other provinces in terms of civil rights, for example. Therefore, the government must also lead by example.

The federal government is proposing to penalize people who make fraudulent use of identity documents such as social insurance cards. However, it is not doing enough to protect and strengthen the integrity of the social insurance number. In June 2006, we learned that the Auditor General estimated there were 2.9 million more social insurance numbers in circulation than the estimated number of Canadians aged 30 and over.

So we have a government that, on top of being incapable of negotiating with the provinces on a wide variety of subjects, is incompetent. That is why we voted in favour of a non-confidence motion.

• (1245)

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I am pleased to continue this debate concerning Bill S-4, An Act to amend the Criminal Code (identity theft and related misconduct), and to follow the brilliant speech by my colleague from Repentigny.

My question about my colleague's age was not without a point. He is 22, and I am 52. So there are 30 years separating us. I am going to tell my story. I also want to say that the Bloc Québécois is a party with a good balance between the generations. Obviously, that is to the advantage of the Quebecers who elect us. There is a good ratio between men and women, one that we need to improve. We must always work to increase women's participation in our political parties. And there is a good balance among the different age groups in the representatives of the Bloc Québécois.

Why did I stress that question? In his reply, my colleague from Repentigny told us about his experience with a cloned debit card. At a very young age, I also had my identity stolen, as I discovered several years later. The mistake made by the people who wanted to steal my identity was that at the time they did it I was a full-time student. I did not have the necessary income. Obviously, they found themselves facing the harsh reality of someone who was not a person of means.

Fifteen years ago, when I applied for a credit report—Equifax or TransUnion do it free of charge—I wanted to know how my credit was and how those firms regarded me. When I received the results, I realized that a name that was not mine appeared on my credit record. I took the necessary steps to ask those firms why there was a name that was not mine. They told me a credit application had been made in that person's name—which was not my name—and that the person had my social insurance number, my birth date and all the information needed. They had had to add that person's name to my credit record for my whole life. Why? Because one application was made. At the time, given that the application was excessive, since I had no income, I had not even been informed or contacted. That may be because I had left to study outside Canada. That was probably why. I had not even been aware of it, but 30 or 35 years ago some people had got hold of my personal information, probably from my university applications. That is what we figured out at the time. Those people had got hold of my registration form and, for one reason or another, had thought I was wealthy. There are not just young people at universities. The average age of people at university is between 35 and 40 years, depending on the university. Someone had tried to commit this fraud against me.

Identity theft is not new. We must understand that. Young people too must understand that. I put this question to my colleague from Repentigny. The sites where we give our credit card numbers are not secure just because they are on the Internet. Once the information is there, thieves can get information on us. Inevitably, the result is terrible. We are faced with debt that is not ours. Credit cards are stolen. My colleague was lucky, because he says his bank very quickly realized what had happened and that he was reimbursed for the money taken from his account. Others are less lucky. It is a tough situation.

That is why a measure like Bill S-4 is important. The Bloc supports this bill. Today we are taking the time required to explain why to our viewers. Bills are often passed very quickly. People learn about them through a paragraph in the media. Not all bills make the headlines in the media. Bill S-4 is very important because it aims to fight identity theft, the collection and unauthorized use of personal information usually for criminal purposes.

• (1250)

It is important we take the time to understand identity theft. It is the act of deliberately taking the identity of another person, generally with the aim of committing fraud, such as accessing the funds of the person or committing an offence or an anonymous crime. Nearly all of these definitions refer to the illegal use of the personal information of another individual.

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This personal information is obtained in various ways from direct but not necessarily illegal means, such as from rummaging in the garbage, to highly perfected phishing techniques. Experts provided definitions of other ways to obtain personal information such as theft of identity cards or credit cards, redirecting mail, pretexting—claiming to be authorized to gather information, hacking into computer data bases, using skimming devices to gather information off credit cards or debit cards. Stealing PIN numbers consists in looking over a person's shoulder as they enter their PIN or other information at an automated teller machine.

Obviously, the importance of this must be understood. I know that all of the banks are running campaigns to stop people from giving out their PINs. They must be discouraged from doing so. There are people who do not use a banking machine as easily as others. Young people are more capable. I personally at 52 have been using them for six or seven years, but there are people who have a harder time dealing with these electronic money dispensing boxes.

Some people take longer, and when you take longer others have the chance to have a look. So care must be taken. We must make sure that the people behind us are far enough away. There should be no hesitation in asking them to move back in order to enter the PIN number. Some people, if they go too quickly, may make a mistake and have to start over. This does not help those waiting. So we can say we will take the time we need to enter our information and ask people to step back. If we go too quickly, we have to start over and this does not make things easier for the next person.

Often in the lineups at ATMs, the problem is that people are in a hurry and people behind us in the line try to pressure us. We should then take the time to say, "I am going too fast, you are pressuring me. I will probably make a mistake and it certainly will not go any faster then". If the person still insists, it may well mean that he is trying to steal our PIN. There are people who are experts in stealing PINs, people who pressure us to try to influence us and maybe move closer to us. That is how they get our PINs.

There are other ways as well, such as the inadequate disposal of documents. Machines can be bought, such as paper shredders. It is important to do this. The first machines cut paper into strips, but experts could re-assemble it. Now there are new versions that do the shredding differently so that it is impossible to reconstitute the document. It is important, therefore, when we have documents at home not to just throw them in the garbage because people can search it and find our information. We should make sure to shred all documents with personal information very carefully, even if they are going straight into the garbage.

There is also the loss or theft of personal computers. These computers are very valuable and should not be left in cars. We should be very conscientious about this because our computers are an easy way to steal our identity.

•(1255)

Someone mentioned redirecting mail. If we get mail about a credit card or are expecting information about one—we have applied for one, or it is being renewed, or we have lost ours and requested another—we should be very aware of the expected arrival date. If we are renewing a credit card or have applied for a new one because ours has been changed or does not work any more, we should be

very careful. We are given a date by which to expect the new one. As soon as that date goes by, we should call to ensure that the card was sent. If it was, we should ask for a new one because people can get their hands on mail through devious means and try to gather the information on a credit card or even get the credit card itself.

More and more credit card companies are sending their cards by registered mail. We have to sign to get them. However, not all companies do this. We have to be cautious and always make sure that credit cards and documents with personal information have the proper address and that we take possession of them to ensure that someone else does not get them.

As for illegitimate access to databases, the experts in that are known as hackers. As soon as we notice an unusual problem with our computer, we must be cautious. Detecting hacking is not easy, but there are many kinds of software to do that on the market. We must make sure that our computers are equipped with the latest versions of hacking prevention software because hacking is a way to get personal data.

Bill S-4 would create three new specific offences that would all be subject to five year maximum sentences. Adopting legislation is one way to deter that kind of crime. Another way consists in creating new offences with prison sentences.

Those three new offences are the following. The first one is obtaining and possessing identity information with the intent to use the information deceptively, dishonestly or fraudulently in the commission of a crime. Therefore, the person who obtains or possesses the identity information of another person with the intent to commit a crime exposes himself or herself to the five year maximum sentence.

The second offence is trafficking in identity information. Some persons do not intend to use the information they have stolen but are willing to sell it to another person. We see in the media stories of people, businesses or fraudulent systems that steal the content of databases. The individual who sells that information would also automatically risk a prison sentence.

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The third offence is unlawfully possessing or trafficking in government-issued identity documents. Earlier I spoke about the credit cards we may receive in the mail, for which we must check that the promised time frames for receipt are respected. If they are not, calls have to be made. Information that governments send us also has to be included. We do not always know when the government is sending us correspondence. When it sends us a cheque, we are pleased, and usually we appreciate it. When it is a bill or a notice of assessment, we don't want to know, and what is more, we do not know when it is sending us one. These documents could come into people's possession. Our social insurance number is often recorded on these documents. Obviously this is very important information for stealing identity. Thus, if certain citizens, with unlawful or illicit purposes, attempt to take possession of or traffic in government-issued identity documents, there would be another maximum term of imprisonment of five years.

And other amendments are being made to the Criminal Code. There is the new offence of redirecting a person's mail or causing it to be redirected. As I was saying earlier, one method of identity theft is to take possession of credit cards or documents containing our information that are issued by various levels of government.

● (1300)

The redirecting of mail by a person will constitute a new offence, as will possession of a counterfeit Canada Post mail key. We know that mailboxes do not have unbreakable locks. First, they are supplied by the government and are not the latest in anti-theft locks. Thieves have techniques of inserting different gadgets or forging keys. If someone had a key that was not for his own mailbox, that would be a counterfeit.

Additional forgery offences are created, such as trafficking in and possession of forged documents for the purpose of using them. People may look for and find information on our identity, but then they will need to produce documents. If they apply for loans, they have to fill out forms. Using our name, they could falsify income or make false statements on forms. They could apply for a loan using our numbers and our name but change our address to their own. It might also be a case of forged credit cards: new credit cards could be issued with the numbers they obtained. This would then be a criminal offence.

The offence of personation is now designated by the term identity fraud. When referring to the offence of personation, the term identity fraud is used. Furthermore, the meaning of "personating a person" is clarified.

In my case, as I was saying, someone applied for credit a number of years ago. The name of that person is still on my credit history. So, if someone falsely claims to be someone else, that person could be criminally charged. I am currently trying to remove the person's name from my file, but it is impossible. No other applications have been made in the past 25 years. If my social insurance number and my date of birth ever appear on an application it will automatically be denied by the credit companies because that other name is on my file. I have not been able to press criminal charges, but under this bill I would be able to. The offence occurred 25 years ago when it was not illegal. From now on, people who go through a similar experience will be able to press criminal charges.

The offence of possessing instruments for copying credit card data is being added because making credit cards requires a plan and the necessary equipment for copying credit cards. Every person in possession of materials or equipment for copying credit cards could be charged with the criminal offence of identity theft.

The bill also adds a new power that would enable the court to order the offender, as part of the penalty, to make restitution to the victim of identity theft or identity fraud for the expenses associated with rehabilitating their identity, including expenses to replace cards and documents and to correct their credit history. That is important. What is required of a victim of identity theft? Earlier my colleague from Repentigny said that the bank alerted him. He did not suffer any monetary losses, but the fact remains that often people who lose their identity have to replace their cards and file new applications. This takes a lot of time. Often, the time this can take and the money it can cost to file all these applications is rather significant and can cause problems. This could be added up and the criminals could be made to pay.

● (1305)

Mr. Robert Vincent (Shefford, BQ): Mr. Speaker, I am pleased to speak to this bill. I believe it is a good bill, and the Bloc Québécois supports it. All members in this House agree that this bill should have been passed at least 10 years ago.

For those of us who are just joining us on television, I would like to talk about the three new offences created in this bill.

The first offence involves obtaining and possessing identity information with the intent to use the information deceptively, dishonestly or fraudulently in the commission of a crime.

The second involves trafficking in identity information, an offence that targets those who transfer or sell information to another person, with knowledge of or recklessness as to the possible criminal use of the information.

The third involves unlawfully possessing or trafficking in government-issued identity documents that contain information of another person. These three offences are the most common in our system.

Furthermore, this bill would add a new power permitting the court to order, as part of a sentence, that an offender—and this is the best part—be required to pay restitution to a victim of identity theft. Not only can the offender be sentenced to prison, but he must also pay restitution to the victim. All of the expenses incurred by a victim of identity theft can be reimbursed by the criminal himself. That is important, and worth noting.

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I would add that the Privacy Commissioner said the same thing. I will quote her further on. This is particularly important because she has made a number of calls for changes to the Criminal Code so that we can more effectively fight identity theft. She herself has said that this tool is not very effective.

She said:

I don't think it's just an issue of the Criminal Code. As you know, our law administrators hesitate to use the Criminal Code: the standards of proof are higher, and the charter may apply, and so very often you have to have a fairly clear-cut case to use the Criminal Code.

She goes on to say:

Civil sanctions are very easy to prove and easy for citizens, for example, to take to small claims courts, which may provide a more easily accessible deterrent to the growing industry of ID theft. This means, of course, that I think the federal government has to work closely with the provinces, because a lot of what happens in terms of ID theft falls within provincial jurisdiction.

This is where it gets important. If offenders are forced to reimburse the victims whose identity they have stolen, by dealing directly with the courts of each province, this would make things much easier for us, and it would be easier for the victims to get their money back. By going through a provincial court, like small claims court for example, which can hear cases up to \$7,000, if I am not mistaken, the offender can be ordered immediately to reimburse the victim.

I certainly understand how this list of new offences created might seem repressive, but the fact remains that we have not addressed the idea of prevention.

Prevention is important to the Bloc Québécois. Why? Because regulations allow us to better manage the storage and retrieval of the information held by businesses. As well, the government should take additional measures when it comes to amendments regarding identity theft. What other measures could be added? How does someone have their identity stolen? I understand that personal identification can be stolen using someone's PIN, by copying or stealing someone's credit card, or at an ATM.

● (1310)

The fact remains, however, that many businesses do not take good enough care of the documentation and personal information submitted to them. For instance, I am sure everyone has read about ID documents found in the trash in an alley behind a convenience store, because employees decided to throw away their copies of credit card statements. Drugstores have also thrown away all sorts of information. Businesses that manage our personal assets are not as careful as we are. We can protect our personal information. We have PINs. I am sure every one of us is very careful when using a PIN, a credit card or any other document.

When we are at the mercy of businesses that are not careful, we can be in big trouble, and the resulting process can take a very long time. You realize, for example, that the balance in your bank account is lower than it should be or that someone has used your credit card, and you do not know how it could have happened. You learn that your personal documents have been found in a trashcan and used by criminals to obtain other credit cards and get more money. It is easy for a criminal who knows someone's date of birth and social insurance number to open a bank account under that person's name.

It is very easy. With all the right information, it is even possible to obtain a line of credit by phone and use it to make withdrawals. Therefore, it is important that businesses be as careful as we are with our personal information.

In a future bill, we should really consider introducing prevention at the level of businesses. I am not speaking of just small businesses. How many others have contributed to identity theft? Banks have lost personal information. Information is stolen or accessed by hackers from other businesses. They readily admit that millions of dollars have been stolen from them. In the end, everyone pays because the banks are not saddled with the loss. The loss is written off and that is that. We continue to pay for those who do not protect our identity.

We should really examine this issue and do something in terms of legislation to protect people against those who are not careful with our personal information. This does not affect just the private sector. If that were the case, it would be another matter. The government also referred to all the questions asked about this bill but what has been happening with this government? As one of my colleagues was saying, with regard to government, in June 2006—which is not so long ago and we know who was in power then—the auditor general estimated that there were 2.9 million too many social insurance numbers circulating. That is not a small number. We are not talking about 10,000 or 100,000, which would still be too many.

How can the government have 2.9 million more social insurance numbers in circulation than the estimated number of Canadians who are 30 and older? Do you see the paradox? We are prepared to find and punish, in some way, people who steal the identities of others. Yet, the government is immune from all that.

That figure of 2.9 million is quite something. How much identity theft occurs in one day? The figures are probably appalling. We could report the statistics but businesses will never admit to having had the personal information of 100,000 people stolen from them.

● (1315)

No one will admit to it because any trust in these companies would then be lost. Follow-up by companies is all the more important if the government does its own. What has the government done since 2006 about the extra 2.9 million social insurance numbers? Nothing. We have not even heard a peep about that.

For those listening, this has to be appalling. How can one have any confidence when hearing about bills to protect society when our own government cannot even ensure our protection? That is not all. In 2004, when the Liberals were in power, the Minister of Transport was questioned at length about items, supplies or uniforms that I can list.

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In 2004, the media reported that the Canadian Air Transport Security Authority, for which the greatest efforts are made to ensure its protection, had lost the control over its uniforms. Between January and September 2004, of approximately 75,000 uniform items that had been distributed to some 4,000 screeners, a total of 1,127 items were reported lost or stolen, including 91 shields, 78 shirts, 30 windbreakers, and 25 sweaters, all of which bore the agency's logo. According to the CBC, some uniform items were even offered to the highest bidder on eBay, an online auction site.

It is one thing to ask something of others, but it is another to ask the same of oneself. That is what the public wants governments to do: stop imposing things they themselves do not do. That is where it should start. They do not do prevention work and they keep taking the easy way out, by imposing prison terms. The same sentence would apply to those who have committed this offence. However, we are already hearing about people serving one sixth of their sentence, something that is causing discontent among political parties and that the Bloc Québécois had been denouncing. It is all fine and well to say that a five-year minimum sentence was handed down, but for a first offence, the time to be served is two months, and one sixth of that full sentence means that, after a few short days of imprisonment, the offender is free again. Moreover, those who remained in custody pending trial might be done serving their sentence and be released immediately following trial.

What message do we want to send the public? First, care must be taken, which makes a lot of sense. Second, the public expects the government also to use care with respect to personal documents it keeps or issues because, with a social insurance number, it is easy to take someone else's name, let alone to falsify information.

Today, computers make everything possible. The Internet is used for phishing. For example, people are fooled with logos into giving their PIN. Many things can be done to start with, and the first is to inform people. When I see the government spending \$100,000 just to advertise the programs it is setting up, I know it is perfectly capable of spending some money on informing the public about the way to protect personal information. That is one thing. But, there is also a way for companies to protect the information they receive from us.

After a credit card transaction at the convenience store, we keep a paper copy. But, what do we do after two years? We want to get rid of it. The easiest way is to throw it in the garbage. That is why the example that keeps coming back in the House of Commons is the garbage can.

● (1320)

Some people have nothing to do but search through garbage cans to find these documents. They line their pockets because someone did not dispose securely of personal documents belonging to somebody else. I am sure that such a person would act otherwise with his own personal information. That person would not leave a piece of paper with information on a credit card transaction lying around; he would throw it in the garbage. However, we need to educate people to show them that someone else might have to live with the consequences and could be in greater trouble.

Let us take the example of a student who lost his wallet. Everyone knows that students do not have pots of money. Their bank accounts

are always nearly empty. If a student trusts the convenience store and someone at the store manages to empty his bank account where he had the money to pay his university fees, the student will be faced with a rude awakening. Really, awareness among those people must be raised.

The appropriate solution would be an advertising campaign to raise awareness. However, it is also important to train people working in businesses. Employees need to be shown how to dispose of these documents.

I sat on the committee that looked at the documents pertaining to the Personal Information Protection and Electronic Documents Act. I wanted to include a clause in the bill that would fine businesses that were caught leaving documents belonging to other people in alleys, garbage containers or elsewhere. It is important not only that businesses be made aware, but that they be punished for thoughtlessly leaving documents where anyone can find them.

I was told that this was not a good solution and that businesses should install shredders instead. One of my colleagues even went so far as to suggest conducting a study on shredders. I believe that Parliament has more important things to do than conduct a study on shredders or how to dispose of personal documents belonging to other people. I believe that that was taking matters a bit too far.

However, I do feel that we can take other bills further. This is a good bill. It is a start. We had to start somewhere, and this bill is a step in the right direction, but we must carry on and not rest on our laurels and say that three new offences have been introduced to solve the problem. This bill will not solve the problem. It will address the problem of people's wallets being stolen, but we should go further with a new bill that allows victims of identity theft to go to small claims court to recover lost money from people who stole their identity and withdrew money from their account. I believe that that would be a good thing, and it should be in a new bill.

In closing, I will say that I am in favour of this bill. I do not see why we could not propose new initiatives in a new bill and really raise awareness among members of the public and businesses.

● (1325)

[English]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I enjoyed the member's comments about the mixed messages the public must deal with on this and other issues.

He mentioned that the federal government had issued 2.9 million more social insurance numbers than there are people. I am mindful of 10 or 15 years ago when the government, headed by the member for Toronto Centre, was looking at Americans coming across the border in Windsor and Fort Frances for medical operations. When it started to look at the smart card process, it found that there were seven million people in the province but that there were eight million OHIP cards.

Government Orders

People look at this and say that the government itself cannot keep its house in order and yet it expects them to be responsible, to buy shredders and to get their security settings fixed on Facebook so others cannot obtain their information. Clearly, the government needs to look at its responsibilities.

It is great that we will be passing this legislation but we need to ensure we do everything necessary, not only in terms of how the government is run but how the program is promoted to the public and that there is co-operation with the provinces in developing and enforcing this legislation.

I would ask the member if he would like to elaborate further on any points I missed.

[*Translation*]

Mr. Robert Vincent: Mr. Speaker, I think that my colleague understands and has defined the issue very well. That is the problem. We often hear the old saying: Do as I say and not as I do. The government gives us a good example of that since it tells us not to do something that it does itself.

I thank my colleague because it is true that in Ontario and elsewhere in Canada, more social insurance numbers were issued than there are people. That is a scourge we are not through with. The fact is that not only does the government give out more SINs than there are people, but we know that there are also forgers and that SINs are like gold and sell very well.

How could the government, which knows that SINs are like gold, issue a surplus of 2.9 million of them?

I cannot imagine that there is nobody in the department and in the government who can assume the responsibility to check what is done and tell us how they will eliminate this problem.

Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ): Mr. Speaker, I want to congratulate my colleague for his very interesting speech. He gave us several examples of cases where identity theft can take place. We see that the bill does not say anything about preventive measures. Could the member enumerate some such measures that could be included in the bill?

• (1330)

Mr. Robert Vincent: Mr. Speaker, I will answer my colleague, who is also vice-chair of the Standing Committee on Industry, Science and Technology. One of these days, ways of dealing with this problem should end up before that committee, of which I am also a member.

Yes, it is important. I touched on it earlier. When the government wants to promote all the measures it wants to implement, it will stop at nothing. We saw the government spend \$100,000 recently just for one announcement. Therefore, if it has that kind of money for self-promotion, it should have enough money to inform the public on how it can protect itself. That is the first thing.

The second thing is that businesses should also be informed. Not only do they need information, but they also need training. How to dispose of personal documents from people who buy things from them or have other dealings with them? I could give all kinds of examples, such as buying clothes. People can buy things on the Internet. If we could provide training and information and raise

awareness, I think that we would be in a much better position to eliminate this problem and we could do other things.

Mrs. Josée Beaudin (Saint-Lambert, BQ): Mr. Speaker, I thank my colleague for his speech. I have been listening to all my colleagues for the past two hours and I have a question for my Bloc Québécois colleague. The purpose of the bill, which in fact is necessary, is to address identity theft. After having heard all that has been said, I have the following question for my colleague, who broached the subject briefly. If this bill is passed, will identity theft be a thing of the past?

Of course, criminals can be punished, but as far as prevention goes, what can we do to stop identity theft?

We spoke earlier about collaborating with the provinces. I think collaboration between provincial and federal governments is essential to address this problem. It would have been better if the government had started to collaborate before proposing the new measures in the bill; in other words, establish a coherent strategy before changing the Criminal Code, then implement this strategy at the provincial level and make sure the provinces have the necessary tools and resources.

Can my colleague expand upon the importance of collaborating with the provinces, particularly with Quebec, to make sure that the measures contained in this amended bill can be implemented and that the provinces have enough resources to implement them?

Mr. Robert Vincent: Mr. Speaker, I would like to thank my colleague. In my view, she did a good job of defining the problem we have been discussing for two hours.

For the past two hours, we have been dealing with limitations in the Criminal Code. But, the problem is not only those limitations as such. It is also that, due to the limitations, gathering the evidence needed to recover the money under the Criminal Code is much more problematic than if the money were recovered through the provinces. It would be much easier for people to recover the money they lost if they did it through the provinces.

Therefore, the problem is perfectly defined. But, we know very well that not encroaching on provincial jurisdictions is not the strong point of the government. If the government could solve all problems across Canada without involving the provinces and if it could manage all provinces while turning its back on them, it would be, in my view, as successful as it hopes to be. But, this is not the case, and we will not let the government act that way.

That is why the Bloc Québécois is a sovereigntist party defending the interests of Quebec.

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, I am pleased to rise to make my contribution to this debate, which is certainly one of the most important debates we have had this year.

Government Orders

My colleagues will agree with me that the crime of identity theft is one of the most heinous crimes that can happen to us and that we can be the victim of. From a number of examples our colleagues have given this morning, we have seen what can happen to people whose identities are stolen.

We agree with this bill, with its intent and with what it proposes. Some people have told us that we should still be careful because the bill as a whole is not perfect. There are in fact clauses in the bill to which we must pay close attention because if we do not pay attention we risk finding ourselves with legislation that does not really meet the needs that have been expressed and that led to it being introduced.

This bill is a good one, however, and it is a necessary one, because we all know very well that since the late 1990s we have been buffeted by all the new electronic data and all the kinds of identification and ways of identifying ourselves we can have. It is very easy to get all sorts of information on the Internet. It may be tempting for fraud artists to use that information against us without our being aware of it.

We are increasingly engaging in electronic transactions. I do it myself. I make sure I see the padlock when I am conducting electronic transactions. But I know that some fraudulent businesses use electronic commerce and various methods to get hold of the data we send, be it our credit card data or information from our personal papers. That data will then be misused.

What is most disturbing, as has been said several times this morning, is the fact that seniors are probably the victims most often targeted by fraud artists for this type of crime. We suspect that this is because seniors are much more vulnerable and much more isolated. Some of them, unfortunately, are also illiterate and do not understand all the ins and outs of what might happen if someone were, unluckily for them, to get hold of their identification.

I had my PIN stolen once myself. I was aware of it, however. I had stopped at a service station to fill up and I saw that there were several people inside the station. It was a small service station on a very busy street in Montreal. I saw several people who did not seem to have any reason for being there. That made me sit up. I said to myself that I would pay attention and be careful. But I did have to pay for the gas I had put in my car.

So I went into the service station and I noticed that the young man behind the counter welcomed me with a big smile, but he had shifty eyes. There was someone quite close to me, and two other people came up as I provided my card with my PIN to make the payment by Interac. I was not carrying any cash. Since the 1990s, no one carries cash. It is easier to pay by Interac.

I was aware of all that around me, but I was a woman alone and I was afraid. I did not know what would happen if I reacted. Would I be attacked if I did not want to use my card and tried to find another way to pay? Would they beat me up if I turned and tried to leave? I told myself I would pay and as soon as I got out I would call the Caisses Desjardins, my service provider. And that is what I did.

• (1335)

As soon as I left, I hurried into a side street and parked. I called the Caisses Desjardins to tell them that I strongly suspected that my

Interac number had been taken by the people in the service station. The Caisses Desjardins immediately cancelled the privileges attached to the Interac card. They were thus able to prevent a crime. Representatives of the Caisses Desjardins called me back to tell me that the people had indeed tried to use my card with my PIN. My card itself was not involved, because I had got it back, but they had taken a sort of imprint. They were able to take an imprint of the card while I was using it in the machine. They got my card and my PIN. It really worried me and I realized just how easy it is for people to take personal data, even though we are careful, alert, hardened and in good shape.

My remarks this afternoon will be directed at one of the exceptions in this bill. It contains a very notable exception, which struck me at first. I wondered why. The bill provides two exemptions which would protect from proceedings for falsification those persons who create false papers for covert government operations and would allow public officers, that is law enforcement personnel, to create and use covert identities in furtherance of their duties.

In the light of what we have heard in recent days, I simply wondered whether usurping the government's identity would not be considered fraud. Some of our colleagues in the Conservative Party have usurped the government's identity by putting the Conservative Party logo on their cheques along with their name and their signature. I wondered whether, if these people were sentenced for fraud through theft of identity—false—they would be considered covert law enforcement officers. Should this be considered work never mentioned, covert operations and be kept quiet? Would these persons be considered thus or as having truly committed fraud against the government and guilty of the offences set out in the bill?

Whatever the case, I assume that the guilty parties will be very happy today that the members of the Bloc continually oppose minimum sentences.

Some hon. members: Oh, oh!

Ms. Nicole Demers: You realize that, had there been minimum sentences in this bill, we would have here people who are required, because they broke the law, to serve—

Ms. Paule Brunelle: —long years in prison.

Ms. Nicole Demers: Yes, long years in prison, as my colleague from Trois-Rivières has said.

Government Orders

It may seem odd but we have to be careful when drafting a bill. This morning, I asked my colleague from Marc-Aurèle-Fortin if he thought that the government was in a little too much of a hurry to pass its bills and everything to do with its law and order legislative agenda. In fact, it seems that they want to move quickly, that they want to ram it down our throats so that citizens will think that it is the kind of good government that defends the widows and orphans. That kind of government does not necessarily advertise the replacement of doorknobs, as occurred recently. They spent \$100,000 to announce that some doorknobs were going to be replaced. I have serious doubts about the pertinence of certain aspects of this bill.

● (1340)

I have serious doubts and at the same time, out of concern for those people we must protect, we must ensure that the bills put forward will truly meet the needs of our citizens and our society.

To that end, we truly need a government that works with the provinces and territories to ensure that we have all the structures required to implement the bill. If we do not have enough police officers or enough supports in place to implement this bill, we will not be able to thwart those who have been engaging in fraud for a very long time and who will continue to do so.

My colleague talked about a person who went away on vacation and returned home to find someone else living in his house. That could happen to anyone. We have to recognize that in our society, fraudsters are the most obvious bad guys, but they are not the only bad guys on the list. Other individuals help carry out these crimes. There have been corrupt notaries, corrupt lawyers, and less-than-honest bank and financial institution employees. We have to understand that perpetrating fraud can involve several people.

We saw that with Vincent Lacroix and Norbourg. The bank he was dealing with gave him tips for committing fraud. That is not right. Individuals who should be trustworthy betrayed the trust of people who placed their money in such institutions. The important thing is for the government to work with the provinces, but I have my doubts.

As my colleague from Shefford pointed out, this government is not interested in working with any of the provinces on a long-term basis on issues that really matter. It claims to be open, to want to work with the provinces, but when real things happen, when real situations arise, they ignore the National Assembly of Quebec's unanimous—that being the operative word—decisions. We have seen this happen with Kyoto, with the securities commission, and now. The government is willing to go to the Supreme Court to make sure that it can implement something that nobody other than the federal government and Ontario want because they are the only ones who would benefit.

We have to be wary of this government. I say that because I know that someone tried to impersonate me in my riding, to impersonate my office by sending my fellow citizens various brochures. I did not send these items, which were about the Conservatives' so-called recovery plan, their so-called Bill C-268. They accused Bloc members in general and me in particular of speaking against children and for molesters and abusers. That too is fraud. That too is taking advantage of people's weakness, taking advantage of elderly people

who are isolated. That is playing on people's fears. It is not honest, and it is not right.

Having seen such false advertising, who can blame us for doubting the government's good faith when it says that it wants to pass its law and order legislative agenda to help victims of crime? If the government wants to help these people, it should do something about the 500 First Nations women who were murdered and raped. Nothing was done for them, nobody looked for any answers, nobody tried to figure out why it happened or find the people who did it. If the government really wants to help victims of crime, it should act on the information we already have, in areas under its jurisdiction that it has the power to do something about.

● (1345)

It should not try to intervene in areas that are not under its jurisdiction.

I will close by saying that we will vote for this bill because we truly believe that white-collar criminals should be punished and put in jail.

I would remind my colleagues that such criminals should be very glad we voted against minimum prison sentences, because as of now, those sentences would have applied to them.

● (1350)

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, first of all, I would like to congratulate the hon. member for Laval for her excellent presentation on identity theft. This is an extremely serious problem that has existed for a long time. It seems as though identity theft is now rampant, not only in Quebec, Canada and North America, but all over the world.

My colleague used an analogy that may sound like a joke, namely the identity theft by the Conservatives who steal the government's identity when they present cheques.

I wonder if she could elaborate on this type of identity theft. Would it be covered by Bill S-4, and could it be deemed to be a criminal issue?

Ms. Nicole Demers: Mr. Speaker, I thank the hon. member for Saint-Bruno—Saint-Hubert. I also congratulate her for the thoroughness and the wisdom that she displays in dealing with every issue that she tackles. We know she works very hard for the Quebec cultural community and, therefore, for the Canadian cultural sector.

She is very familiar with the issue that she just raised. We talked about it earlier in the lobby. It is one of her assistants who pointed out this situation. She is absolutely right. We see MPs presenting cheques bearing the Conservative Party logo, instead of the Government of Canada logo. We see MPs presenting cheques with their photo and their signature, instead of the Government of Canada signature. Let us not forget that when the government gives money, that money does not come from the party, but from the government.

Government Orders

Taxpayers across Canada and Quebec should expect their political representatives to be honest when they are given the responsibility of managing money. We are well aware that 57% of the funds allocated this year to projects under the economic recovery plan were given to Conservative ridings. We are well aware that Quebec only received 7% of the money allocated under that plan. We know very well why, and we also know that the funding provided found its way in ridings where the blue is darker. It was definitely not in ridings with the lighter blue of the Bloc Québécois. No, it was in dark blue ridings.

My colleague is right and I say it is fraud. It is not honest. It is dishonest and the people involved should consider themselves very lucky that this bill includes a provision exempting government officials.

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, I want to congratulate the hon. member for Laval for her comments which, as usual, were relevant. This member of Parliament is very passionate about her work and she is dedicated to the well-being of her community.

When we talk about identity theft, it is essential to frame the debate. Indeed, identity theft affects the whole integrity of a person. It affects the person's physical and psychological integrity, and it is a very disturbing experience.

As parliamentarians, we certainly have a responsibility to ensure that the public can feel safe and confident regarding all aspects of life, including financial and other ones.

I wonder if the hon. member could elaborate on those individuals who steal other people's identity. I would also ask her to explain how, by addressing people's emotions rather than their intelligence, we end up undermining their confidence. I would also like her to tell us to what extent we parliamentarians must be honest, must live in a glass house and must protect ourselves from any loss of confidence.

• (1355)

Ms. Nicole Demers: Mr. Speaker, I thank my hon. colleague from Trois-Rivières, who also works very hard for her fellow citizens. Every time Conservative members rise to speak, they praise the Conservative member who spoke before them, so I presume we can do the same. I would therefore like to sing the praises of my colleague from Trois-Rivières, who is a model member.

She is quite right. I think more money needs to be invested in prevention and education. As we were saying earlier, this crime is quite often committed against vulnerable people—people who are isolated, older people, people who are unable to talk to someone else or ask for more information.

She is also right to say that we must be careful. This crime really attacks people's integrity and hurts people on the deepest possible level. Having your identity stolen really leaves you feeling violated. For a woman, this is not an easy situation. It is not an enviable situation. I can attest to that.

The most important thing my colleague said is the fact that all members of this House must be held responsible. All members of this House must ensure that laws are respected by everyone. Yes, we live in a glass house, and because we live in a glass house, we must remain beyond reproach. My colleague knows this very well.

Fortunately, in Quebec, René Lévesque cleaned up public finances. He made sure that all the members of the various national parties had to be honest and that contributions came from individuals, and not from businesses. Very stringent rules were introduced. I would like those rules to be the same for everyone, for all MPPs and all MPs. We must all inevitably obey those rules. We need to be as pure as the driven snow, considering the people we represent, who have honoured us by electing us to this House.

Mr. Robert Vincent (Shefford, BQ): Mr. Speaker, I would like to commend my three colleagues on their eloquent speeches which, more importantly, dealt directly with the issue at hand. Often, members stray from the subject of a bill, but in this instance, I think we stuck to the issue.

We mentioned prevention. Members will agree that it is all fine and well to talk about ways to repress new offences, but the fact remains that the only aspect that was neglected was prevention.

Prevention is also an important aspect. Looking into prevention would already go a long way toward stopping repression and stopping crime. As I said earlier in my speech, without prevention, things are allowed to continue and they will not improve over time.

I would like to hear my hon. colleague on the issue of prevention. I think this is an important objective for a bill.

Ms. Nicole Demers: Mr. Speaker, once again, my colleague from Shefford is right. In terms of prevention, efforts have to be made to educate the public, particularly to reduce the number of victims. Better regulations are needed to provide better guidelines for the management, storage and disposal of information by companies. There is also a need for measures to ensure increased security and uniformity of the processes for issuing and verifying people's identity documents.

In the past, it was discovered that many identity documents did not have a valid owner. There were 2.9 million social insurance numbers that did not belong to anyone. There are 2.9 more million social insurance numbers in circulation than the number of Canadians in the labour force. That is unthinkable. That is unbelievable. What steps are we taking to remedy that? What does this bill or any other bill introduced by the government provide to change how things are done? So far, the government has done nothing to address the problem. This is not the first time that we point this out. The problem has been around for many years.

*Statements by Members***STATEMENTS BY MEMBERS**

●(1400)

*[English]***TEACHING EXCELLENCE**

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Mr. Speaker, we have all known those special teachers who had an impact on our lives. Ron Vandecasteele and Sherry Lalonde are two of the 2009 recipients of the Prime Minister's Awards for Teaching Excellence and Excellence in Early Childhood Education.

Ron teaches at a residential treatment centre for adolescent males. He could have worked anywhere, but he chose to teach and inspire these young men. To quote one of his students, "He is the best teacher ever. He is the first teacher that can explain things so I can understand them".

Sherry teaches young children at the YWCA and is known to respond creatively to each child's individual needs. In the words of one of the parents, "Sherry defines excellence, not only within the walls of her classroom, but with her unique ability to become an integral part of our children's life learning process".

I would like to take this time to acknowledge the hard work of Ron and Sherry, and I congratulate them on this truly tremendous honour.

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HON. STANLEY HAIDASZ

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): Mr. Speaker, on August 6, the hon. Dr. Stanley Haidasz passed away. With the passing of Dr. Haidasz, the people of Canada lost a great Canadian; the Polish-Canadian community lost an outstanding trailblazer; parliamentarians lost a colleague, and my family and I lost a friend.

When Prime Minister Pierre Elliott Trudeau announced that Canada should no longer be referred to as a bicultural nation and was in fact a multicultural nation, the person he turned to to implement this landmark federal policy initiative was none other than Stanley Haidasz, who became Canada's very first Minister of State for Multiculturalism.

By appointing someone with a name like Haidasz, Trudeau made it clear that he saw multiculturalism as a foundational principle of our Canada.

Although Dr. Haidasz passed away this summer, I felt it appropriate that I take the opportunity today to mark this great parliamentarian's contributions to our country.

[Member spoke in Polish, as follows:]

Wieczny odpoczynek racz mu dac Panie.

* * *

*[Translation]***LE CENDRILLON CHEESE**

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, the best cheese in the world comes from Quebec. Le

Cendrillon cheese, made since 2005 in Saint-Raymond by La Maison Alexis de Portneuf, a division of the Saputo group, recently won top honours at the 2009 World Cheese Awards. The producer describes Le Cendrillon as an ash-covered goat's milk cheese with an acidic taste that becomes more pronounced as the cheese matures.

The World Cheese Awards are handed out every year at the World Cheese Convention. This British competition has been held for 21 years and it is the largest of its kind in the world. This year, over 150 judges from 24 countries sampled 2,440 different cheeses before awarding their prestigious award.

On behalf of my colleagues in the Bloc Québécois, I want to congratulate the artisans of La Maison Alexis de Portneuf. It is thanks to people like them that Quebec's vibrant agrifood sector has achieved international recognition.

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*[English]***RCMP**

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, it gives me great pleasure to stand today in the House and welcome and thank the great Mr. Curt Wentzell.

Curt Wentzell of Nova Scotia served his RCMP detachment throughout all of Canada for 35 years. On October 7, he reached his 35-year milestone.

He served in Toronto. He served on the musical ride. He served in Newfoundland, and now he serves the great province of Nova Scotia and resides in the beautiful community of Sackville, represented by yours truly, in the riding of Sackville—Eastern Shore.

Mr. Wentzell epitomizes exactly what the RCMP is all about: a proud force serving our country, doing the job that all Canadians want him to do.

At this time I want to thank his beautiful partner, Nadine, for sharing Curt with all of us and with the RCMP. We thank all the members of the RCMP, serving from coast to coast to coast, for the tremendous job they do. We salute Curt and Nadine. We congratulate him on his 35 years of service and may God bless.

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HAYING IN THE 30'S

Mr. Brian Storseth (Westlock—St. Paul, CPC): Mr. Speaker, I rise today to give recognition to an exceptional annual heritage event that takes place in Mallaig, Alberta. The 11th annual Haying in the 30's is a volunteer and donation-driven fundraiser that raised over \$200,000 this year toward the fight against cancer.

Haying in the 30's takes participants on a trip back in time, before tractors and swathers replaced the horse team. It brings people from all walks of life together to respect and relive a time when the community and its members supported each other through good times and bad.

The Haying in the 30's support society used the money that it raised this year to send cheques to over 2,500 cancer victims to help deal with and bear some of the burden of an unpredictable and indiscriminate disease that touches us all.

Statements by Members

I would like to thank Edgar and Cecile Corbierre for this great initiative as well as all of the volunteers and donors who make this such a special event to thousands, including the 3,000 people who attended this year. This event enriches the Lakeland community and the lives of all it touches. It shows true rural hospitality.

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●(1405)

RAIL SERVICE

Mr. Scott Andrews (Avalon, Lib.): Mr. Speaker, the government is continuing its partisan advertising campaign, at taxpayer expense, to mislead Canadians about its failing economic action plan.

The government is out of control and its economic plan has gone totally off the rails.

Last week, a Conservative MP from Ontario took part in its partisan advertising campaign by touting VIA Rail service for Newfoundlanders and Labradorians.

I would like to ask the member for Stormont—Dundas—South Glengarry just one simple question: Where can I catch a VIA Rail train in Newfoundland and Labrador? The answer: nowhere.

For the information of the government, there has been no train service in Newfoundland and Labrador for over 21 years. It certainly needs to go back to the drawing board on this one and get its propaganda campaign back on the rails.

If this were not so serious, it would be funny.

The government is totally out of touch with Newfoundlanders and Labradorians. While we want to improve protection for our fishery resources and improve search and rescue services, the government tries to improve something that does not even exist in our province.

It is no wonder we have lost confidence in the government. It is off the rails in more ways than one.

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UNITED NATIONS HUMAN RIGHTS COUNCIL

Mr. James Lunney (Nanaimo—Alberni, CPC): Mr. Speaker, only weeks ago the Goldstone report was released, accusing Israel of “war crimes”. Now the UN Human Rights Council has come out with a contentious resolution endorsing the report. The resolution is entirely one-sided, accusing Israel of all kinds of atrocities. It somehow overlooks eight years of constant Hamas rocket fire and a covenant that openly calls for the destruction of the State of Israel. Even Mr. Goldstone is disappointed at the lack of condemnation against Hamas in the debate and in the resolution.

Former U.K. commander Col. Richard Kemp told the Security Council of the extraordinary measures taken by Israeli defence forces to warn Palestinian civilians ahead of impending missions. Two million leaflets were dropped; 100,000 telephone calls were placed. Col. Kemp testified he has never seen any military anywhere in the world take more precautions to protect civilians.

This is in direct contrast to Hamas, who deliberately expose civilians on both sides of the conflict to harm.

The next step for Israeli opponents is a referral to the International Criminal Court in The Hague.

The UN Human Rights Council is chaired by Cuba and dominated by countries with some of the worst human rights abuses in the world. It is time that all responsible nations repudiated this abuse of UN name and title.

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[*Translation*]

BOUCHERVILLE VOLUNTEER CENTRE

Mr. Jean Dorion (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, on October 27, the Centre d'action bénévole de Boucherville will unveil a plaque commemorating 30 years of service to the community.

What a wonderful opportunity to pay tribute to hundreds of volunteers who have given of their time and talents to improve the quality of life of their fellow citizens.

Volunteering is more than just helping, it is a real economic engine. Almost 385 million volunteer hours were logged in 2007 in Quebec alone. That is the equivalent of about 200,000 full-time jobs or an annual contribution of several billions of dollars.

Therefore, I am proud to highlight today three decades of dedicated service by the volunteers of this organization. Their involvement clearly demonstrates the concern for others that prevails in Boucherville. I sincerely thank them for their contribution to the community of Boucherville...

The Speaker: The hon. member for Lotbinière—Chutes-de-la-Chaudière.

* * *

JUSTICE

Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC): Mr. Speaker, if the Bloc wants to talk about influence peddling, it should really know what it means.

The Bloc is here, in this House, in the Parliament of Canada, financed by our taxes, and it promotes sovereignty instead of working to represent Canadian unity in the interests of Quebecers. If that is not influence peddling and misrepresentation, I do not know what is.

If the leader of the Bloc and his representatives know anything about wielding influence, they will help this government fight to prevent children from being the victims of trafficking.

Speaking of victims, our government has listened to the victims of white-collar crime. That is why we want a system in which judges could require criminals to pay restitution to their victims. We know what kind of impact these crimes have on the victims.

Today, we are urging the Bloc to show that it is not soft on these types of crimes.

Statements by Members

● (1410)

FEDERATION OF FRANCOPHONE AND ACADIAN COMMUNITIES

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, I rise today to commend the work of Lise Routhier-Boudreau, a proud Franco-Ontarian who, in September, concluded a two-year term at the head of the Fédération des communautés francophones et acadienne, the FCFA.

Under her leadership, the FCFA had a very busy two years, particularly with the development of the community strategic plan and the fight against the elimination of the court challenges program.

I would also like to congratulate the new president, Marie-France Kenny, from Saskatchewan, who has been working on the issue of official languages for some 20 years. I have no doubt that her knowledge of these communities and associations, and her enthusiasm, will serve her well.

The new president will continue talks begun with the Canadian government on the slow to be implemented Roadmap for Canada's Linguistic Duality.

Again I would like to thank Ms. Routhier-Boudreau and wish Ms. Kenny all the best.

* * *

[English]

ECONOMIC ACTION PLAN

Mr. Pierre Poilievre (Nepean—Carleton, CPC): Mr. Speaker, tomorrow former Nortel employees will gather on Parliament Hill to make their concerns known. Our thoughts and empathy are with the people who have lost their jobs or suffered in any way during this global recession.

That is why our economic action plan provides up to two years in training, extends employment insurance by five weeks, and 20 weeks for long-tenured workers who have lost their jobs through no fault of their own.

We have lowered business taxes to attract high quality, well paid employment to this country. We have introduced the tax-free savings account to allow people some independence and security in their own savings for retirement.

Our economic action plan will get us through this difficult time and we will re-emerge from it stronger than ever.

* * *

CLIMATE CHANGE

Mr. Bruce Hyer (Thunder Bay—Superior North, NDP): Mr. Speaker, tomorrow the House will vote on whether or not to further delay Bill C-311, the Climate Change Accountability Act.

I would like to read from an open letter sent to all members of the House by Nature Canada, Climate Action Network Canada, World Wildlife Fund, Sierra Club, and more than 40 other organizations. It reads in part:

The climate crisis represents the most urgent challenge of our time. Failure to reduce emissions of greenhouse gases will lead to catastrophic changes in our

climate, threatening millions of people...Less than two months before international talks in Copenhagen, you have a historic opportunity and responsibility to prevent a climate catastrophe.

We are asking all Members of Parliament to join together to ensure that Bill C-311 is passed by the House before the UN Climate Change Conference in Copenhagen [this December].

I urge members to listen to Canadians from across our country and to show real Canadian leadership on the world stage.

* * *

JUSTICE

Mrs. Shelly Glover (Saint Boniface, CPC): Mr. Speaker, our government has taken a strong stand on all types of crime. We understand that victims of fraud are as much victims as someone who is physically attacked. That is why we are committed to cracking down on white collar crime and increasing justice for victims by providing tougher sentences for the criminals responsible.

The Liberal leader and his party have talked the talk on getting tough on crime, but everyone knows that the Liberal Party has already once gutted a bill meant to ensure that white collar criminals could no longer get house arrest.

Canadians want action on crime, all types of crime and this government is addressing their wants.

The Liberal leader needs to put an end to his partisan strategy to block, delay and derail justice issues, and let this government do the work that Canadians want.

* * *

[Translation]

MONTREAL IMPACT

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, on Saturday, to the delight of the spectators, the Montreal Impact was rewarded for its hard work with its third championship.

It was a home game, so Montrealers showed their enthusiastic support for the players and their skilful coach, Marc Dos Santos, who was named USL coach of the year. The Montreal Impact won its first two titles in 1994 and 2004. This year, in the final championship match of the league's first division, the Impact defeated the Vancouver Whitecaps three to one. They also won the first match in the series three to two.

I would also like to highlight team captain Mauro Biello's performance in his 40th career playoff match with the Impact.

My Bloc Québécois colleagues and I would like to congratulate our athletes most sincerely. They will have our unconditional support during the next season.

Oral Questions

•(1415)
[English]

ARTHRITIS SOCIETY

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, for 20 years some of Nova Scotia's most prominent citizens have been roasted to raise money for the Arthritis Society. These fun evenings are much anticipated and have raised a lot of money to fight arthritis. The roastees have been an incredible range of community leaders all the way from Day to Zed. On October 28 some of them will show their best moves and their talent, and a little bit of showbiz at the Cunard Centre.

I have heard it said that politics is showbiz for ugly people. That cannot be true.

I know that my colleagues from Halifax West to Kings—Hants, and everybody in the House want to acknowledge these great Nova Scotians: Frank Cameron, Fred MacGillivray, Denis Ryan, Jerry Lawrence, Robbie Shaw, Steve Parker, Dale Godsoe, John Risley, Jim Moir, Charles Keating, Paul O'Regan, Sir Graham Day, the fabulous Goldblooms, Dr. John Savage, Jack Flemming, Mickey and Colin MacDonald, Dr. John Hamm, Robert Zed and Dr. Bill Stanish.

My father was honoured to be included in this distinguished group. I congratulate them all. I congratulate the organizers. I wish everyone at the Cunard Centre a great night watching the moves and fighting arthritis.

* * *

JUSTICE

Mr. Peter Braid (Kitchener—Waterloo, CPC): Mr. Speaker, when it comes to getting tough on crime, Canadians know that the Conservative Party is the only party that they can trust.

Our government has put forward legislation to strengthen victims' rights and ensure that dangerous criminals are put behind bars, but every time we try to help Canadians, the Liberal leader says no. We have always known that he is soft on crime and now we are seeing it. Liberal senators are gutting Bill C-25 and now they want to stop another bill cracking down on drug traffickers and organized crime.

This is a pattern we see again and again from the Liberal leader. He says one thing in one place and then the opposite elsewhere. He denounces aid to the auto industry in B.C. and then he says we need more in Ontario. He says he is tough on crime and then he tries to use every trick in the book to stop our legislation.

Bill C-25 has the support of provincial justice ministers from all parties, as well as victims' groups and police associations. It should also have the genuine support of the Liberal leader.

ORAL QUESTIONS

[Translation]

INFRASTRUCTURE

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, 55 Conservative members of Parliament tried to pass off \$600 million of taxpayers' money as though it belonged to the

Conservative Party. The key here is that we are talking about 55 MPs.

My question is simple. How are Canadians to believe that the Prime Minister himself is not responsible for this dubious strategy?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, we have an important economic action plan for Canada. This plan is working. We are seeing results if we compare Canada to other countries.

The hon. members in our party, in the government, are working very hard to ensure that this plan is a success and I encourage the opposition members to do the same.

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, it is not an economic action plan. It is a plan to help the Conservatives.

[English]

Conservative MPs have now admitted that those cheques with the Conservative logos on them were designed and produced at taxpayers' expense by the Conservative caucus services, but yesterday the transport minister declared unequivocally that the Prime Minister was not aware of any of this and played no role. But the claim is unbelievable.

Will the Prime Minister now rise and admit what has been true all along, that his office is behind this scheme?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, we have a very important multi-billion dollar economic action plan to stimulate the Canadian economy. We see the results of that. We see the continued superior performance of the Canadian economy to those of others. We see thousands of projects across the country.

Obviously, it is normal that the members who are championing those projects would want to take credit for those projects. We insist that they follow the rules.

Obviously, we would encourage the opposition members to do the same thing. These are important projects for their ridings as well, and they should be backing them and pushing them forward.

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, the Ethics Commissioner is now looking into this affair. It is an ethical matter.

The money the government is splashing around does not belong to the Conservative Party of Canada. It belongs to Canadian taxpayers and party logos have no place on government cheques.

Will the Prime Minister stop the logos on those cheques and will he admit that what the government did was simply wrong?

•(1420)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I said clearly last week and the government said very clearly, when we heard of this abuse, that the use of a partisan logo on a government announcement was not correct.

That is why, of course, we endeavour not to do that, but the fact of the matter is Conservative MPs are working very hard to deliver important projects to their ridings but not just to their ridings. Last week I was in Toronto and the mayor of the city of Toronto had to praise the Conservative government for delivering 500 projects to a city that does not have a single Conservative member.

I would encourage the members over there to work hard for their constituencies.

[Translation]

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, it is bad enough that members of the Conservative caucus are handing out infrastructure money in the form of cheques with the Conservative Party logo on them, but now we learn that the money might also be going into the pockets of Conservative cronies.

If everything is so squeaky clean, then why was any mention of Senator Housakos' role at BPR deleted from his biography page once the media started investigating?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, our government has made significant investments in every region of this country to ensure that our bridges are safe. The decisions are made by the corporations responsible for those bridges. Those corporations are truly independent of this government and they have to operate openly and transparently.

[English]

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, Canadians deserve to know what role the Prime Minister's Office played in this scandal.

Did the Prime Minister's Office know the senator was vice-president of business development for this company? Who altered Senator Housakos' biography? Did the Prime Minister's Office know that it was whitewashed? Did the Prime Minister's Office suggest that the senator's biography be whitewashed? Was this not a blatant attempt to hide the link between Senator Housakos, BPR and the Prime Minister's Office?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, we have been very clear in this place that neither me nor my office had anything to do with the awarding of this contract. It was done by a crown corporation operating at arm's-length.

The member opposite is making rather scurrilous allegations. If he has any facts with respect to this issue, I invite him to place them before the House, or he should have the guts to say what he wants to say outside this place.

Oral Questions

[Translation]

JUSTICE

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, it is obvious that the Prime Minister is not tackling the real problems with his bill on white-collar crime. In fact, the bill announced does not abolish parole after one-sixth of the sentence has been served, nor does it go after tax havens, two measures that would directly target white-collar criminals.

How does the Prime Minister expect to truly tackle white-collar crime with a bill that is so flawed?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, as the Minister of Justice already indicated, this government will introduce other measures against white-collar criminals. I hope that the Bloc will support these measures when they are introduced in Parliament.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, he will introduce the measures when Vincent Lacroix and Earl Jones are eligible for parole after serving one-sixth of their sentences.

He could have agreed to the Bloc's proposal that these two individuals not be eligible for parole after serving one-sixth of their sentence but he preferred to do nothing. This is also the case for tax havens: the government refuses to introduce any legislation. Consequently, once white-collar criminals are paroled they can access the money that they transferred to tax havens without any worries.

Is that the Prime Minister's fight against white-collar crime?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, this government proposed eliminating house arrest for white-collar criminals and the Bloc opposed the measure.

This party has taken steps to protect our children against trafficking and the Bloc also voted against that.

When the Minister of Justice introduces the measures it has asked for, I hope that the Bloc will finally support measures to reduce crime in this country.

* * *

•(1425)

CINAR

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, it was not a bill about child trafficking; it was about the exploitation of minors.

The CINAR affair is one of the largest financial scandals in Canadian history. Taxpayers and thousands of shareholders were taken to the cleaners. Although CINAR admitted to committing fraud against Telefilm in a document filed with the Court of Appeal, the Conservative government is refusing to lay charges.

How can the government claim to be going after white-collar crimes when it refuses to take action against people who admit to fraud?

Oral Questions

[English]

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I do not know where the Bloc has been, Mr. Speaker. Just a couple of minutes ago, before question period started, those members were holding up the bill on identity theft by getting up one after the other.

Again, I want to point out for those members that when we brought in bills to get rid of house arrest for people who committed serious fraud, the Bloc members were the very first ones on their feet to oppose that. They should get their act together and start to stand up for victims in our country.

[Translation]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, that is a second falsehood, because I was here this morning to say that the Bloc supported Bill S-4.

Yesterday, the federalist parties refused to allow the Standing Committee on Justice and Human Rights to begin an investigation into the CINAR affair. But in recent weeks, a number of new facts have surfaced. Former RCMP officers spoke out about interference in their investigation. A court confirmed the allegations made by Claude Robinson about front men. CINAR itself admitted committing fraud against Telefilm Canada.

By refusing to reopen the CINAR case, does the government realize that, just like the Liberals and the NDP, it has no credibility when it claims to be going after white-collar crimes?

[English]

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, if the hon. member supports the bill on identity theft, get the bill passed. I have been saying that to those members for months now.

If the Bloc members have discovered that there is a problem with crime in our country, why do they not do the right thing? When we have now made two attempts to ensure that white collar criminals do not get to go home after they have been sentenced on house arrest, they have opposed us on it. They should get up and apologize for that and let us move forward.

* * *

INFRASTRUCTURE

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the Prime Minister ran on a platform of doing things differently than the sponsorship scandal Liberals. The Conservatives ran on a platform saying that public money should not be used to buy votes. They seem to have forgotten all about that.

Yesterday we had the spectacle of the transport minister standing and boasting that what he and his government were doing was exactly like the Chrétien Liberals.

May I ask the Prime Minister, has the Conservative Party become exactly like the Chrétien Liberals? Is this what is going on today in the Conservative Party?

Right Hon. Stephen Harper (Prime Minister, CPC): Oh, Lord help us, Mr. Speaker. The fact is we remember in the dark days of the

previous government, public money went into private hands. It disappeared. It was stolen.

This government has a multi-billion dollar economic stimulus program. Where that money is going to every valuable project in the country is on the website. It is delivering the results. That is one of the reasons our economy is pulling through this recession so much better than so many others.

[Translation]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, these practices are not acceptable. Even worse, they are bad for national unity.

The Bloc Québécois owes its resurgence to the Liberal Party at the time and its sponsorship scandal.

The Conservatives have not learned anything.

On the one hand, they are not giving Quebec its fair share, with only 7% of the stimulus money, and on the other, the money being spent in Quebec is going mainly to Conservative ridings.

Did the Prime Minister not learn anything from the sponsorship scandal?

• (1430)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, on the contrary, this money was not stolen from taxpayers. This money is going to projects that are vital to communities during this recession.

They are not just our projects. They are being carried out in cooperation with the Government of Quebec and the municipalities of Quebec. Conservative members are working very hard to bring such projects to their ridings. I encourage the opposition members to do the same, because it is important for Quebec as a whole and Canada as a whole.

[English]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, a joint study by the *Citizen* and the *Chronicle-Herald* clearly establishes that the Conservatives are using the stimulus package on a very partisan basis.

I remember Preston Manning founding a movement and coming to Ottawa to fight against exactly this kind of pork-barrelling practice. The Prime Minister used to be a proud member of that movement.

Now he has his members of Parliament hiding behind the Chrétien Liberals and using exactly the same approaches that they used to adopt.

Why has the Prime Minister abandoned Preston Manning and sided with the Chrétien Liberal plan?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I am sure Preston will be delighted to hear he has the support of the leader of the NDP, even if it is a bit overdue.

The fact is even this incomplete list indicates that the largest projects were in opposition ridings and almost half of the projects went into opposition ridings. That is what the list shows.

Oral Questions

What it shows is the Conservative MPs are working hard not only for their own ridings but for all the country. I would encourage members of the opposition, instead of opposing these projects, to work hard to ensure good things are done in their communities.

Mr. Gerard Kennedy (Parkdale—High Park, Lib.): Mr. Speaker, I want to ask the Prime Minister about his breach of trust on recreation infrastructure funds.

All across the country there are community centres and arenas that need renewal and unemployed Canadians who need work. Yet the Prime Minister has let his ministers favour their own ridings and those of their colleagues.

In Ontario his Minister of Industry gave Conservatives 34% more dollars at the expense of the majority of unemployed in other opposition ridings.

Will the Prime Minister now direct his minister to fix this unfairness, or did he direct him to do it in the first place?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, let me assure the chamber and all Canadians that we had a rigorous selection process for these recreational infrastructure projects throughout the country, but certainly in Ontario. All parts of the province had access to these funds. In northern Ontario, south-western Ontario and the city of Toronto, I had Liberal MPs thanking me for the recreational infrastructure in their ridings.

This is a fair program. It is good for Canada and good for Ontario.

Mr. Gerard Kennedy (Parkdale—High Park, Lib.): Mr. Speaker, the minister would have us believe that it was just a coincidence. He got five times as many projects for his riding as the average for the province of Ontario.

What his Prime Minister forgot to say when he visited Toronto was that he was shortchanging that city by 25% in the infrastructure program. His Ontario Conservatives took \$27 million more for themselves in just this one program.

Will the Prime Minister now direct his ministers to start treating all Canadians fairly, or does he prefer to continue to put his Conservative Party first?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, if he checks the record on my riding, we in Parry Sound—Muskoka did in fact receive a lot of \$30,000 to \$40,000 projects. The city of Toronto got a lot of \$500,000 to \$600,000 projects. If he wants to compare apples to apples, I dare him to do that.

This is a fair program. It works for all of Ontario. It is important to get recreational infrastructure done. It is part of our stimulus package. It is for jobs, it is for opportunity and it is for the health of our communities. We are in favour of that.

[*Translation*]

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Speaker, another huge sign has been put up nearby, at St. Andrew's Tower.

Can the Conservatives tell us the costs of this project, which, according to their own information, consists in removing the tiles from the floor of the mechanical room?

How many jobs did this project create?

And how much did this sign cost taxpayers?

• (1435)

[*English*]

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I will tell the member opposite a number of things. When we arrived in government in this place and when I arrived on Parliament Hill, I was absolutely astonished by the neglect of the nation's capital by the previous government.

We are facing some unprecedented economic challenges and I am very proud to be part of a government that is making investments to improve the quality of life for our public servants all over the national capital region.

As we restore hope and opportunity and create jobs, we need the Liberals to stop voting against these important investments in infrastructure.

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, that is some fabricated story by the Minister of Transport. The fact is that is a government that claims maintenance work as economic stimulus, doorknob for doorknob. Worse, Conservative deception is becoming standard to government practice. There is deception on everything from deficits to Conservative cheque signings to staged town halls to partisan ads and signs, all at the expense of the taxpayers.

How can the Prime Minister impose additional deficit on our children and grandchildren for these partisan antics?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, we have been working hard on construction projects, big and small, in every part of the country. The Minister of Finance came forward with an important initiative, the home renovation tax credit. These are some of the smallest projects right across the country in the homes of families. We are providing a bit of support for families to help improve their homes and make them more energy efficient, safer and better able to meet the demands of their family.

Maybe if the member for Malpeque spent less time polishing doorknobs and more time working for his constituents and worrying about jobs and opportunity, we would get further in our country.

Oral Questions

[*Translation*]

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): Mr. Speaker, yesterday, the Prime Minister's political lieutenant said that he did not think there was a problem with two Jacques Cartier and Champlain Bridges Incorporated officials participating in a Conservative Party fundraiser, yet the crown corporation's spokesperson acknowledged that its code of conduct prohibits its officials from taking part in such partisan activities. An internal investigation was launched.

Does the minister admit that he supported inappropriate actions that clearly violate the crown corporation's code of conduct for officials?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, as I said moments ago, this government recognizes the importance of operating openly and transparently. A crown corporation awarded a contract, and that corporation operates at arm's length from the government. This government is committed to ensuring that all corporations operate openly and transparently. If the Bloc member has any further information about this, she should tell the House immediately.

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): Mr. Speaker, this whole business stinks. On the very day that the political lieutenant for Quebec announced \$212 million to repair the Champlain bridge, people from Senator Housakos' company, which was about to get the contract to study the project, attended a cocktail fundraiser along with JCCBI officials.

Does the Prime Minister realize that this situation appeared, at the very least, to be a conflict of interest?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, we take our responsibilities very seriously. Our government is making major investments in all regions of the country to ensure that our bridges are safe. We transfer money to the crown corporations responsible for the bridges. These corporations are required to operate openly and transparently. If the member has any further information, she should make it public in the House right now.

* * *

AFGHANISTAN

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, according to *Global*, General Hillier read the diplomat's reports describing the mistreatment that awaited detainees who were turned over to the Afghan authorities. According to the general, as early as the fall of 2007, CIDA, Foreign Affairs and the rest of the government were well aware that detainees risked being tortured.

The general insists that information about detainees circulated constantly within the government. How can the minister claim that Hillier knew and he did not?

● (1440)

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, as usual, the Bloc member is talking a great deal, but not saying anything. It is true that our government has cooperated. It has worked hard with all Afghans and also with the officers here in Canada.

[*English*]

We have seen dozens, if not hundreds, of reports of allegations, unsubstantiated and otherwise. We continue to co-operate.

Most important, we have improved the situation vis-à-vis transfers. We have improved the human rights situation in Afghanistan. We continue to work with officials there. I am very proud of the work of the Canadian Forces, CIDA and DFAIT on that file.

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, I will say something else to the minister.

He is quite simply not credible when he says that he did not receive the information in the damning reports by Mr. Colvin, the diplomat. Either he is nothing but a pawn who has absolutely no idea what is going on in his department, or he was well aware that detainees turned over to the Afghan authorities risked being tortured and he is misleading this House.

Does the minister realize that in either case, he has no credibility?

[*English*]

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, as I have said before, there were many documents, many allegations at the time, but the important thing here is that two and a half years ago we improved upon the lacking arrangement of transfers left by the previous government. What is important is we worked with Afghan prison officials to ensure a better transfer. What is important is that we allowed Afghan police, corrections officials, police working with them to train them to do their job.

Canadians can be very proud of the work being done by officials on the ground. We have drastically improved the human rights situation. There is more to do. We will continue to do that.

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, what is important is that the government tells what it knew and when it knew it about the detainee abuse.

It is clear that General Rick Hillier knew about the reports. It is clear that he told CIDA, Foreign Affairs and the rest of the government about those reports. The fact is that on important matters the chief of the defence staff attends cabinet meetings in person.

How can the government continue to maintain its fiction that no one in government knew about Colvin's reports?

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): What is fictional, Mr. Speaker, is half of that member's question. The reality is, as I have said a number of times, we have acted. We acted decisively two and a half years ago.

We improved an inadequate, incomplete transfer arrangement left by that member's government. We then went about investing in prisons. We went about training prison officials, training police to improve the human rights situation. That is work that is ongoing on the ground.

We can be very proud of the efforts of the Canadian Forces, CIDA, and Department of Foreign Affairs officials who are working very hard. That is the issue, not some conspiracy theory by the member opposite.

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, I will tell you how the government acted. It acted in the biggest obstruction of justice before the Military Police Complaints Commission in this country. That is how it acted.

We know Hillier knew. We know the government was aware. We know that Foreign Affairs ADM Colleen Swords was one of the recipients of Colvin's reports. The government continues to maintain its fiction.

Is the government now saying that General Hillier is lying?

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, the hon. member can feign indignation. He can cast aspersions. He can make all kinds of allegations. The reality is his government left a failed arrangement with respect to transfer.

We improved upon that. We have invested in prisons. We have gone about training prison officials. We have improved the ability of police to do their job in Afghanistan. We continue to train security officials across the country. We acted on advice from officials. There were thousands of documents, allegations, reports that were circulating at the time. We acted two and a half years ago and will continue to do so.

•(1445)

[Translation]

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, my question is for the Minister of National Defence and concerns the same subject. It is now clear that the government does not have a process to find answers to very simple questions.

Who received Mr. Colvin's report? Who in government was aware of Mr. Colvin's reports? Why is the government continuing to prevent the House from knowing all the facts and the whole truth? Why is it still obstructing justice?

[English]

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, I will repeat my answer very slowly for the member opposite. We are co-operating with investigations that are ongoing about what Afghans did to Afghans. We are continuing to work with officials, most important, to improve the human rights—

Hon. Marlene Jennings: You're despicable.

Hon. Maria Minna: This is too much.

An hon. member: Who, when, what?

The Speaker: Order. The hon. Minister of National Defence has the floor.

Hon. Peter MacKay: Mr. Speaker, if they want answers, we will give them answers.

We will continue to work with officials to improve the human rights situation in Afghanistan. We have worked closely with the officials there to see that conditions in prisons are improved. We are

going to continue to make efforts to mentor police and security officials in Afghanistan. That is what we are there to do, not to engage in this game of political pointing of the finger and allegation.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, Mr. Colvin was a Canadian diplomat who had reason to know certain things about conditions in prisons and conditions with respect to Afghan detainees. He shared that information with the people with whom he had to share it.

We are asking in this House a very simple set of questions. Who in the government knew about this? If not in the government, who in the bureaucracy knew about this? Why did it take so long for the Government of Canada to act, to act in the name of decency and to act in the name of honour? Why did it delay for so long? That is the question.

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, what I would ask the member opposite is what took him so long to ask questions about this? We acted two and a half years ago. We moved immediately. As soon as we had credible allegations of abuse, we went about improving the transfer arrangement that was left in place by the government of the party opposite. We went about mentoring corrections officials. We went about making efforts to improve policing. We went about making efforts to ensure that these transfers were occurring within human rights guidelines. We have worked with the Afghan officials since that time.

This is a monumental effort of which Canadians can be very proud. The member is now engaged in just skullduggery and muckraking.

* * *

JUSTICE

Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC): Mr. Speaker, our government, through the hon. Minister of Justice, has consistently taken action to get tough on all types of crime.

Many of my constituents have told me they believe that those who fall victim to fraud can be victimized just as much as a person who has been mugged in an alley. I agree with them.

I ask the Minister of Justice, what are our government's plans to address the issue of white-collar crime in this country?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, with respect to the victims of white-collar crime, we are taking further action on their concerns.

Let me be clear. In the last Parliament, we introduced a bill that would get rid of house arrest for people convicted of serious white-collar crime and the opposition gutted that bill.

Despite this, we are introducing a bill that would crack down on white-collar criminals and provide appropriate penalties. I am calling on the opposition to set aside the way it acted in the past and to support us.

Oral Questions

At that point, I have to say that I am proud to be part of the only party that is prepared to deliver on behalf of victims of crime.

* * *

AFGHANISTAN

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, the defence minister and the Prime Minister continue to deny knowledge of Richard Colvin's reports on Afghan prisoner torture abuse, or say that they were not credible. This is increasingly hard to believe. We know the reports were sent to 79 senior officials, including commanders at DND and the head of the Afghanistan task force. Now we are hearing that the chief of defence staff at the time, General Rick Hillier, is saying that the government was kept in the loop about prisoner torture.

If the minister really did not see any of these reports or really did not know what was going on, then he clearly was not doing his job. Will the minister admit his incompetence in this matter?

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, I will repeat, two and a half years ago, on allegations that were circulating at the time, on thousands of reports that were circulating at the time, we acted to improve the transfer agreement that was left in place by the previous government. We then went about mentoring prison officials, went about mentoring police and went about improving the overall security situation.

I do not know what the hon. member is talking about in terms of co-operation. We are co-operating with ongoing investigations. We are not pre-empting or prejudging those investigations. We are acting within the legislation, within the decisions that have been handed down by the Federal Court.

The hon. member can continue to make allegations, continue to make wild-eyed accusations, but they are simply not true.

●(1450)

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, the minister and his government continue to deny that there were credible abuse reports a year after Mr. Colvin's report.

I understand the minister is doing his own investigation. Perhaps he could start by looking at his own inbox to see what is there.

If the Prime Minister and the minister are really serious about getting to the bottom of this, then surely they will support our effort to call Mr. Colvin and the relevant senior officials before the Special Committee on the Canadian Mission in Afghanistan.

Will the Prime Minister allow this to happen and let them fully discuss what they know, or will he continue this cover-up under the guise of national security?

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, we will let parliamentary committees do their work. Of course that is what the government will always do.

The member can torque up his language, can make more inflammatory remarks and speak louder, but that will not make his case any more convincing.

Obviously, we have taken important decisive action to improve the prison transfer agreement that was in place, to continue to work to support Afghan officials, to train police, to train prison officials to see that these humanitarian practices are followed.

We acted decisively two and a half years ago. I do not know where the member was at that time. We were getting the job done in Afghanistan.

* * *

[*Translation*]

THE ENVIRONMENT

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, when my colleague from Québec questioned the parliamentary secretary to the Minister of the Environment yesterday, the parliamentary secretary rattled off the same old platitudes about greenhouse gas reduction targets.

Since the parliamentary secretary did not answer us, I will put my question to the minister. Can he confirm that he does not plan on establishing two categories of targets—less stringent intensity targets for the oil and gas industry and absolute targets for everyone else?

Hon. Jim Prentice (Minister of the Environment, CPC): Mr. Speaker, Canada is a huge producer of energy, including clean gas. One of our biggest challenges is to find the cleanest way possible to produce energy. That is the case for the oil sands. Our plan will include absolute targets for all major emitters. That is also the case for the oil sands. Our government is working on developing other technologies, for example, carbon capture and storage. The Bloc should work with this government.

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, how hard is it for the government to understand that the only way it can be fair in its treatment of all sectors in existing industries is to establish absolute reduction targets and to use 1990 as the reference year?

Can the minister assure us that he will require oil companies, like the other companies, to adhere to absolute reduction targets, targets that are based on the 1990 emission rates, which respect the polluter-pay principle?

[*English*]

Hon. Jim Prentice (Minister of the Environment, CPC): Mr. Speaker, if I might repeat, the government is working forward on the proposition of a continental cap and trade system. Our plan will include hard caps for all major emitters, if that is the case.

The government strives to be a clean energy superpower. That includes oil and it includes as well clean technology, such as hydro and clean sources of energy, such as renewable.

We will continue to work and to support initiatives, such as the clean energy dialogue with the United States, carbon capture and storage. The Prime Minister made an important announcement in that respect last week.

We will continue to get the job done, something that has never before happened in this country.

Oral Questions

[Translation]

HEALTH

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Speaker, the Conservatives are playing with the health of Canadians when it comes to H1N1. Yesterday the government announced that although the vaccines have been sent out, they are not yet approved for use. People are completely confused. Quebec has announced that it will begin vaccinating on Monday, while British Columbia tells us that it will not begin vaccinating until November. The vaccine has been distributed, but it has not yet been approved by Health Canada.

How can Canadians trust this Conservative government, which never gives a straight answer? When will it stop playing with the health of Canadians once and for all?

[English]

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, we are on schedule with the vaccine rollout. As the Chief Public Health Officer has stated, the vaccine will be widely available to all Canadians in early November. We continue to rely on the expert medical advice we receive and we will continue to work with the provinces and territories with a rollout of the vaccine.

• (1455)

[Translation]

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Speaker, we are waiting for Health Canada's approval. That answer in no way clears up the confusion. The issue, and such an important one at that, is becoming more and more confusing every day.

The WHO says that the kind of vaccine the Government of Canada has sent to the provinces cannot be used on pregnant women, but Health Canada maintains that it can.

Who is telling the truth? Should this vaccine be administered, yes or no? We are talking about the health of Canadians. Why does the Conservative government not want to tell the whole truth in this matter, which is so important to all Canadians?

[English]

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, we will continue to work with the provinces and territories with the rollout of the vaccine.

We have prepositioned two million vaccines across the country. As soon as the authorization is issued, the provinces and territories will be able to vaccinate their populations.

As well, the Chief Public Health Officer has stated time and again that we will not skip a step in approving the vaccine and we will ensure that the vaccine is safe and effective before we inject it into the arms of Canadians.

* * *

IMMIGRATION

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, the Sri Lankan government is making life unbearable for the Tamil population, especially those who remain in detention camps.

New Democrats have long called on the government to pressure the Sri Lankan authorities to respect the Tamil people's human rights. Its failure to do so has only increased the desperation and attempts of these people to flee.

Now there are 76 Tamil refugees on the coast of British Columbia and we are hearing that the right to counsel within 48 hours is being violated.

Will the Minister of Citizenship, Immigration and Multiculturalism ensure that this is corrected and that there is fast, fair and legal adjudication of these men's claims?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, I can assure the House that any individual who arrives in Canada will be processed in full accordance with our Immigration and Refugee Protection Act.

That means that people will undergo a screening for their admissibility and their eligibility to come to Canada. It means that if they are detained, they will have access to the IRB for detention hearings at the 48 hour, 7 day and 30 day stages and, of course, they have the right to legal counsel.

I understand that in this particular incident legal counsel has been offered to the 76 foreign nationals being detained in Maple Ridge, British Columbia.

Ms. Olivia Chow (Trinity—Spadina, NDP): Where is the Canada of mercy and fairness, Mr. Speaker? Shiploads of Irish and Vietnamese refugees helped build this nation.

Last year, Canada accepted the smallest number of refugees in 10 years.

An audit showed that a majority of refugee board members are not appointed based on merit and proper values. Coupled with a \$4 million funding cut, we have a mess on our hands.

Instead of blaming people seeking shelter from violence and hunger, will the minister guarantee the Tamils a fair refugee hearing?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, without reference to any particular cases, we already have what the UN High Commissioner for Refugees calls one of the most fair and generous refugee determination systems in the world. It is a system with an acceptance rate for asylum claims that is twice as high as in comparable democracies, such as France and Britain.

This government has acted to fill vacancies in the IRB, now at about 94% of its full occupancy. Last year we welcomed over 20,000 refugees to this country, including those whom we brought from UN camps abroad, like the 5,000 Karen refugees who we are bringing from Burma.

* * *

THE ECONOMY

Ms. Lois Brown (Newmarket—Aurora, CPC): Mr. Speaker, with economic recovery in sight, small businesses across the country have shown resilience, determination and strength during this global recession.

Oral Questions

Could the Minister of State for Small Business and Tourism please tell the House what our government is doing to help support these businesses during the recession and into the recovery?

Hon. Diane Ablonczy (Minister of State (Small Business and Tourism), CPC): Mr. Speaker, I know my colleague from Newmarket—Aurora works extremely hard for small businesses in her riding.

This being Small Business Week, it gives us all an opportunity to recognize the outstanding contribution of this key sector. Small businesses outperformed the rest of the Canadian economy during the recession and are leading the way to the recovery.

Through the economic action plan, our government is supporting them with increased access to financing, lower taxes and less red tape. We salute everyone involved in the dynamic small business sector.

* * *

• (1500)

HEALTH

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Speaker, the government has shipped not yet approved vaccines and nothing for pregnant women and infants.

Today, media reports that provincial authorities are surprised that the Public Health Agency is now recommending adjuvant vaccine, even for infants, since the non-adjuvant is lagging.

Could the minister tell this House how Canadians are supposed to know what to do when their government is so confused?

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, the Chief Public Health Officer has been quoted as saying that both vaccines are safe. We rely on the advice of the medical experts and the advice of the Chief Public Health Officer of this country that both vaccines are safe. Why will the opposition members not accept his advice?

* * *

[*Translation*]

CITIZENSHIP AND IMMIGRATION

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Mr. Speaker, every time I asked about Phares Pierre's appointment, the Minister of Immigration claimed he was unaware of the troubled past of this former chief of staff in Haiti's Aristide regime. *La Presse* has revealed that the government—his government—knew about Phares Pierre's dark past before the scandal broke.

Will the minister acknowledge that he misled the House about this Conservative activist and will he take the only acceptable action and revoke this partisan appointment?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, such drama! No, I quite simply was not aware of Mr. Pierre's involvement with President Aristide.

[*English*]

PENSIONS

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, tomorrow, Nortel pensioners and former employees will gather on the front steps of Parliament to call for action and fairness from the government, a government that has done nothing to protect them. Nortel workers in the U.S. had their pensions protected while Canadian workers were hung out to dry because the government refused to act.

In June, the House unanimously supported the NDP's call for a national pension insurance system. That call will be echoed tomorrow by Nortel workers outside of this place.

Will the finance minister commit today to the creation of a national pension insurance program?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, first off, under this government's economic action plan, we have actually transferred \$8.3 billion to a number of initiatives to assist Canadians in these difficult times, including enhancements to our EI plan.

However, in the case of pensions, there are other responsibilities and other levels of government. While we obviously have a lot of concern for pensioners, in this particular case the pension is before the Province of Ontario because it falls under provincial responsibility, and that is where the matter rests at this point.

* * *

JUSTICE

Mrs. Tilly O'Neill-Gordon (Miramichi, CPC): Mr. Speaker, organized crime is flourishing with the advancement of modern technology and Canadians recognize violence associated with organized crime. Our government has implemented a comprehensive approach to combat gangs in this country.

Our drug bill and our auto theft bill are both currently before the Senate and nearly two years later we are anxiously awaiting the passage of our identity theft bill that would give police the tools they need to fight this lucrative activity.

What is the status of our government's bill to combat—

The Speaker: The hon. Minister of Justice.

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, two years ago, we introduced Bill C-27. This was our first attempt to protect Canadians from the growing crime of identity theft. Unfortunately, that bill was hijacked by the opposition at committee.

We have had to reintroduce that important bill and I have been calling upon the opposition for months to get that passed. It is before Parliament today and is being debated. Let us get it passed.

The point is clear. Canadians know that when it comes to standing up for victims and law-abiding Canadians there is only one party and one government they can count on and that is this Conservative government.

Government Orders

[Translation]

PRESENCE IN GALLERY

The Speaker: I wish to draw the attention of members to the presence in our gallery of Dr. Mario Aoun, the Minister of Social Affairs of Lebanon.

Some hon. members: Hear, hear!

* * *

● (1505)

[English]

POINTS OF ORDER

NATIONAL DEFENCE STANDING COMMITTEE

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, I rise on a point of order. I wish to inform you and the House that I inadvertently tweeted about matters that I ought not to have tweeted about; that is, the in camera proceedings of the defence committee. That was an error on my part and that entry will be deleted at the earliest possible opportunity, which is right after I get out of here.

The Speaker: I thank the hon. member. I assume that tweeting means it went on Twitter.

GOVERNMENT ORDERS

[Translation]

CRIMINAL CODE

The House resumed consideration of the motion that Bill S-4, An Act to amend the Criminal Code (identity theft and related misconduct), be read the third time and passed.

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, I am very pleased to rise this afternoon to address Bill S-4, An Act to amend the Criminal Code (identity theft and related misconduct).

Like my colleagues reminded the House this morning, Bill S-4 on identity theft must not be confused with the attempt made by the Conservatives to steal the government's identity by issuing cheques with the Conservative Party's logo and colour. It is not quite the same thing, although there may be some similarity. We will look at the definitions later on and perhaps we will find that the Conservative members have indeed committed criminal offences.

As my colleague for Laval pointed out, if it turns out that it is indeed a criminal offence, government members might want to include a minimal sentence. But let us be serious, I want to talk about identity theft.

Some hon. members: Oh, oh!

Mrs. Carole Lavallée: I am going to do so as soon as things quiet down here.

Mr. Speaker, I am sure you can call members to order, so that they can be a little more attentive or respectful of those who are speaking. Perhaps you could do that.

Under the Criminal Code, the mere possession or collection of personal information is not a crime. Put that way, it may seem very obvious. However, there are flaws in the Criminal Code which facilitate identity theft. For example, the mere possession of personal information on one of my colleagues does not make me a criminal. Similarly, when I go to the convenience store and the clerk copies my debit or credit card, it is not considered a crime. Not at all. This is surprising, considering that credit or debit card theft often begins when we deal with someone whom we should normally trust. However, that is not always the case.

Bill S-4 has the advantage of correcting such flaws and of making it a crime to possess and collect personal information in certain situations.

The Bloc Québécois supports this legislation. Despite what the Minister of Justice said about it earlier, the Bloc Québécois prefers to take the time to debate bills. Indeed, bills are not perfect, and this is particularly true with this one. It will not solve everything, as we will see later on. Some problems will linger on in many ways. Moreover, we know that some of these problems can only be solved by other levels of government. For example, the Quebec government must get along with the federal government in order to settle the issue of identity theft. As we know, the federal government is not very inclined to get along with provincial governments, including the Quebec government. We can see it with a number of issues. It is not able to get along with other governments. This will make it even more difficult to implement this legislation, which requires other measures that do not necessarily come under the Criminal Code to settle this matter.

I said that the various levels of government had to work together to fight identity theft. But the Conservative government is incapable of working with the Government of Quebec. We have seen this in connection with the plan to help the manufacturing and forestry industries. We have seen how the goal of reforming federal institutions is to reduce Quebec's weight within Canada. We have also seen it in connection with the implementation of the Kyoto protocol. I do not know why I say the "implementation of the Kyoto protocol". I should say the "non-implementation of the Kyoto protocol". I have not seen any implementation of this international protocol, at least, with the Government of Quebec. This government is incapable of agreeing with other levels of government and has a great deal of difficulty agreeing with the Government of Quebec.

● (1510)

This may seem surprising when we consider the not-so-distant political allegiances of the Premier of Quebec, Jean Charest, who was a member of this House and a member of the Conservative Party. He was even the party leader. Now, because he is the Premier of Quebec, the Conservatives can no longer get along with one of their own. This is surprising, but it is unfortunately true, and I feel it is deplorable.

Government Orders

Generally speaking, the Conservative government is incapable of working with anyone other than itself. But we in the Bloc Québécois recognize that amending the Criminal Code is not enough to solve the problem of identity theft. Other measures need to be put in place, such as public education, which is extremely important. This is the best way to detect identity theft. For example, when we go into a corner store, the best way to detect identity theft is to watch what the clerk does with our credit card. When we go to a gas station to fill up the car, if we hand the attendant our credit card and wait for him to come back with it and a slip for us to sign, we are putting ourselves at risk.

Such things were done 5, 10, 20 or 30 years ago, but we must no longer do so today. In my opinion, the best thing to do is to get up and go with your credit card, hand it over, and watch every move the clerk makes with your credit card. We need to be more responsible with our things.

It is important to be careful. It is everyone's duty to remain informed, to question things, to protect themselves and to ask questions. When someone says he or she works for a business, we are entitled to have doubts. We are entitled to have doubts when that person does not have his employer's email address. We have the right to doubt someone who claims to have an employer whose telephone number, his land line, does not go into the company's main line. We are also entitled to have doubts when that individual gives us only a cell phone number. We are entitled to have doubts when that individual does not appear in the employee directory of the company or organization in question. We are entitled to have doubts and ask questions when the individual asks to meet at our home or office, instead of setting up an appointment in his own office. Even if that person has a business card or an email address with the logo of the company he claims to represent, we are entitled to have doubts and to ask questions, especially when we are giving that person confidential information.

Not only is it our right to be prudent, it is our duty. It is the duty of every consumer, client and individual who does not want to fall prey to identity theft. The people we disbelieve are entitled to be offended, but we are just as entitled not to worry too much about their feelings.

What is identity theft? I will take advantage of this opportunity to say a few things about it. Identity theft is deliberately taking another person's identity for the purpose of committing a fraudulent act, such as accessing the victim's finances or committing a crime or misdemeanour anonymously. According to that definition, when Conservative members hand out government funds by using cheques emblazoned with the Conservative Party logo, that is a kind of identity theft. We will explore that further.

Almost all of these definitions refer to the illegal use of another person's personal information. Personal information can be obtained in many ways—I talked about some of them earlier—from direct and not necessarily illegal methods, like going through people's trash, to highly sophisticated phishing techniques. Other ways to collect personal information include stealing identity cards or credit cards, redirecting mail, false pretences—pretending to be a person authorized to collect information, hacking into databases, using skimming devices to capture credit and debit card information, and stealing PINs by looking over a person's shoulder when he is

entering his PIN or other information at an ATM. Some thieves have even been known to watch the cameras installed in places where people enter their PINs.

• (1515)

We also have to consider the inappropriate disposal of records. All offices must take even greater care than before and there must be appropriate records disposal, whether by shredding or other means.

Then there is the loss or theft of a PC or other data storage device such as a BlackBerry. Virtually everyone has the same password. We have to change our password as well. Even here in the House, most people have the same password because it is the easiest one to enter with one hand.

Another way to obtain personal information is through unscrupulous employees in certain organizations. We heard the examples of clerks at corner stores and attendants at gas stations. However, there are so many other ways to provide information. Sometimes, people naively provide information but those receiving the information are not honest and know very well how to use it.

The purpose of the bill is to combat identity theft such as the unauthorized collection and use of personal information for criminal purposes. Names, dates of birth, addresses, credit card numbers, social insurance numbers and any other personal identification numbers can be used to open a bank account, get a credit card, have mail forwarded, subscribe to a cell phone service, lease a vehicle or equipment, or even sell a house one does not own.

Three new core offences are created by Bill S-4 and they all carry a maximum sentence of five years.

The first offence, and it is crucially important, is obtaining and possessing identity information with the intent of using it in a misleading, deceitful or fraudulent manner in the commission of a crime. I believe that the key word is "obtaining". A few years, when I learned that intentionally making a copy of a credit card, in a corner store for example, was not a criminal offence, I was quite surprised. It began in the corner store or the gas station and I believed that it absolutely had to change.

The second offence involves trafficking in identity information and targets those who give or sell information to a third party, either knowing that this information could be used for criminal purposes or being reckless about it.

The third offence involves the unlawful possession or trafficking in government-issued identity documents that have information pertaining to another person. The third aspect is added as a core offence. I will re-read it, but it seems to me that the cheques issued by the Conservative MPs on behalf of the government could be included when we talk about the unlawful possession or trafficking in government-issued identity documents that have information pertaining to another person. We might be tempted to consider that a criminal offence.

Government Orders

Other amendments have been made to the Criminal Code: the new offences of redirecting or causing to be redirected the mail of another person are created; the new offence of possession of a counterfeit Canada Post key is created; and additional forgery offences, such as trafficking in forged documents and possession of forged documents with the intent of using them, are created. The bill also redefines the offence of personation with the notion of “identity fraud”; specifies the meaning of the expression “fraudulently personates any person”; and adds the offence of possessing instruments for copying credit card data, in addition to the existing offence of possessing instruments for forging credit cards.

In addition, the bill introduces a new power that would allow the court to order the offender, as part of the sentence, to make restitution to a victim of identity theft or identity fraud for the expenses associated with rehabilitating their identity, such as the cost of replacement documents and cards and costs related to correcting their credit history.

● (1520)

The bill provides for two exemptions from prosecution for forgery: the first for an individual who produces false documents for secret government operations and the second for our public officers, that is to say our law enforcement officers, who create and use secret identities in the course of their duties. I repeat, Conservative MPs are not exempted.

However, first and foremost, there must be cooperation with Quebec and the provinces. I would say that is where the problem lies. The Privacy Commissioner, Jennifer Stoddart, maintains that the real solution to the problem of identity theft rests with civil proceedings. She said:

It is easier to prove and the procedures are easier for the citizens to understand. Small claims court, for example, could provide easily accessible measures that would put the brakes on the booming identity theft industry. Naturally, this means that the federal government must work closely with the provinces because much of what is happening in the area of identity theft falls within provincial jurisdiction.

The Bloc Québécois recognizes that simply amending the Criminal Code will not solve the problem of identity theft.

A number of solutions to the problem of identity theft are in the hands of the provinces by virtue of their constitutional powers in matters of property and civil law. However, this Conservative government seems incapable of working with the provinces. There are many examples.

The Conservative government refused to work with Quebec and the provinces on a real assistance plan for the forestry and manufacturing sectors. The government rejected outright a series of unanimous demands by the National Assembly which requested, among other things, that the government implement the Kyoto protocol, abandon its plans for a single securities regulator—a plan rejected by all provinces except Ontario, abandon its reform of Parliament, and reinstate the court challenges program.

The last four items I mentioned were unanimous demands from the Quebec National Assembly. On four occasions, all 125 members of the Quebec legislature rose in the National Assembly to discuss and debate each one of these issues: the Kyoto protocol, the Quebec securities commission, parliamentary reform proposed by this government, and the abolition of the court challenges program by

this government. On these four issues, the 125 members of the National Assembly, elected by the people of Quebec, were rebuffed by this government.

How can this government work with the Government of Quebec, when it dismisses every single unanimous request of the Quebec National Assembly, regardless of political allegiance or diversity of opinion? Yes, there are sovereignists in the National Assembly, but there are also federalists. And the government does not even listen to them. It does not listen to anyone.

How can we work with this government to implement a real strategy to eliminate identity theft?

The Conservative government has succeeded in upsetting all the provinces with its reform of seat allocations in the House of Commons. Senate reform has upset a majority of provinces as well. Equalization payment reform has been a bitter pill—and that is putting it mildly—for Quebec, Ontario and the provinces with offshore oil resources.

So the Conservative government, which should be working with the provinces to combat identity theft, has instead retreated to its corner and made a few changes that are necessary but that have a limited effect on the problem in question.

The government seems to be in more of a hurry to give the impression that it is doing something than to develop a coherent strategy for effectively combating this plague. And then, before handing the provinces new responsibilities for enforcing the Criminal Code, did it even bother to make sure that they had the resources to enforce the new identity theft provisions?

● (1525)

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): Mr. Speaker, first I would like to recognize the work accomplished by my colleague on this issue. She was the Bloc critic in this area and the concerns expressed by the commissioner should not be taken so lightly. I think she has identified the problem.

Identity theft is a very troubling issue. As a service provider, the federal government must also protect itself with regard to this issue. People use computer systems to access government services and give personal information that could make them very vulnerable without adequate protection. In fact, a few years ago, the Auditor General tabled a report on this, and the business case presented to the Standing Committee on Public Accounts was far from satisfactory. The system is very expensive and the government wants to abandon it after investing \$1 billion in it.

I would like my colleague to elaborate on the importance of legislating in the area of identity theft. It is the corner stone, and a first step in this direction is important.

The member was also saying that the Bloc Québécois was in favour of studying this issue further, but the aspect regarding how the federal government manages the identity of citizens is also important, and I would like my colleague to elaborate on that.

Mrs. Carole Lavallée: Mr. Speaker, I would like to thank my hon. colleague from Vaudreuil-Soulanges for her excellent question. It gives me the opportunity to add a couple of very important points that I did not have time to make earlier.

Government Orders

I heard the Minister of Justice say earlier that we must pass this bill quickly. However, we must take the time to debate things and see if more needs to be done. We need to be clearer about what we are trying to accomplish.

When it comes to identity theft, this government is far from setting an example, and that is frightening. I would remind the House that in 2006—not so long ago—the Auditor General estimated that there were 2.9 million extra social insurance cards out there. We are talking about nearly 3 million cards. No one would make such a fuss for 100,000. So, 3 million extra social insurance cards have been out there since 2006, and no one knows where they are. Yet a social insurance card can get you places. It allows you to open a bank account, to have a job, to get a driver's licence, even to get a passport. And there are 3 million out there, but no one knows where. That was in 2006.

Is this government setting a good example? No. More recently, on September 9, 2009, the front page of *La Presse* announced that 47,000 passports disappeared in 2008, four times more than in 2003. Is that normal? So we have 47,000 passports and 2.9 million social insurance cards. That is not all; there is more. You too will be frightened, Mr. Speaker. The Canadian Air Transport Security Authority lost some of its uniforms. This is serious. It lost a total of 1,127 articles, which were reported lost or stolen, including 91 badges, 78 shirts, 32 windbreakers and 25 sweaters, all of which had CATSA's logo on them. This is extremely worrisome, for is there any better way to usurp someone's identity than by taking the uniform of someone in a position of authority in air safety? That is remarkable.

In 2002 the RCMP investigated the theft of hundreds of forms from five Canada Immigration Centres and the unauthorized querying of a police data bank by Citizenship and Immigration Canada employees.

There are other examples, but I see I am running out of time.

In closing, the Conservative government is not setting the example it should.

• (1530)

[*English*]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, identity theft is clearly a booming business for criminals in this country. For a government that purports to be tough on crime, I would like to know where the educational campaign that it should be running is.

The Conservatives are spending millions of dollars on their feel-good advertising campaign to promote recovery plans, but it essentially looks like Conservative government advertising. If they are really concerned about doing something about identity theft other than getting this legislation passed, which we should try to get done today if we can, they should be diverting some of the money from their advertising campaign toward putting out some educational programs to tell members of the Canadian public what steps they should be taking to avoid having their identity stolen in the first place.

I would ask the member to comment on that.

[*Translation*]

Mrs. Carole Lavallée: Mr. Speaker, the member is quite right. This government should go ahead with an information campaign, but more importantly, it should come to an agreement with Quebec and the provinces to move forward and combat identity theft.

[*English*]

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Mr. Speaker, I listened to the member's contribution to the debate quite carefully, especially the part regarding the Privacy Commissioner's comment regarding small claims court and civil remedies being more appropriate than amendments to the Criminal Code.

I know the Privacy Commissioner and I spoke to her about the bill. I am a member of the justice committee. I would like the member to acknowledge that on May 28 Ms. Stoddart came out in favour of Bill S-4. In fact, she said, "We are pleased to see that the government is taking action on the growing problem of identity theft".

I would like an acknowledgement that the chief commissioner of privacy for Canada is in favour of the bill.

• (1535)

[*Translation*]

Mrs. Carole Lavallée: Mr. Speaker, I never said that the privacy commissioner was against Bill S-4. I am trying to find what the commissioner said, which was essentially that it is not enough. What she said was "That's why I think we should look at civil sanctions that are very easy to prove and easy for citizens—". That is what she said.

The Bloc Québécois recognizes that Bill S-4 is necessary. We will vote in favour of this bill because it fills some major gaps. It is also important to note that the privacy commissioner said it is not enough. It is crucial to plug the holes and identify offences in the Criminal Code in order to stop certain practices, such as copying credit cards in corner stores. That must be done.

Many other things could be done much more easily and understandably using civil procedures, which would involve the provincial governments and Quebec.

[*English*]

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I think we are all agreed on the need to move on identity theft because of the threat it poses to citizens across the board. My question for my hon. colleague is a follow-up to a question my NDP colleague asked earlier.

About the larger vision of where the government is going, I guess using the word "vision" when talking about Conservatives makes a pretty bizarre connection. The government can have mandatory minimum sentences for furniture theft but no plan to deal with the environment at a time of world crisis.

On identity theft, it is fine that we need to address the criminal aspects of it, but there is no long-term plan for the fact that millions of Canadian citizens put all kinds of information online through Facebook and Myspace. Kids put out information and there is no commitment from the government to move forward with an educational process. I would like to ask my hon. colleague about the need for—

The Deputy Speaker: I will stop the hon. member there.

[*Translation*]

The hon. member for Saint-Bruno—Saint-Hubert has only 30 seconds to respond.

Mrs. Carole Lavallée: Madam Speaker, I am very sorry; I did not get the whole question, but I heard the preamble. The Conservative government lacks any kind of vision. Even when it comes to law and order, all it cares about are minimum sentences, but we know that those are rarely necessary.

[*English*]

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

(Motion agreed to, bill read the third time and passed)

* * *

ENDING CONDITIONAL SENTENCES FOR PROPERTY AND OTHER SERIOUS CRIMES ACT

Hon. Lynne Yelich (for the Minister of Justice and Attorney General of Canada) moved that Bill C-42, An Act to amend the Criminal Code, be read the second time and referred to a committee.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Mr. Speaker, it is a pleasure for me to rise today to speak at second reading of Bill C-42, which would further and severely restrict the availability of one of the most innovative but certainly controversial elements of our sentencing law, the conditional sentence of imprisonment.

Before describing the key provisions of the bill, please allow me to take a few moments to discuss the origin, history and rationale for conditional sentencing.

In June 1994, Bill C-41, Canada's first comprehensive reform and modernization of sentencing law and procedures since 1892 was introduced into this very House of Commons. Among its many elements was the creation of the conditional sentence of imprisonment. What this meant was that for a sentence of imprisonment of less than two years a court could and may order that it be served in the community under certain conditions and under supervision. It could only be done under the statutory conditions, such as the court being satisfied that the offender could serve the sentence in the community without endangering the population at large.

In other words, the conditional sentence was aimed at low-risk offenders sentenced to a provincial reformatory for a period of time of two years or less.

Government Orders

When Bill C-41 was tabled, Canada was in the midst of an unprecedented increase in the growth of prison populations, both provincially and federally. The federal inmate population, that is those serving periods of sentences of two years or more, was growing at twice the average long-term rate, with a 21.5% increase in the number of federal prisoners from 1990 to 1995. During that time, federal correctional costs exceeded \$1 billion for the first time.

Canada's incarceration rate of 130 prisoners per 100,000 citizens was the fourth highest in the western world, which was quite alarming. Therefore, in the 1995 budget the then minister of finance for the then Liberal government had urged federal and provincial ministers responsible for justice to develop strategies to “for containing the growth of the inmate population and the associated corrections cost therewith”.

The Speech from the Throne in 1996 promised that the federal government would develop alternatives to incarceration for low-risk offenders, while focusing the more expensive “correctional resources” on the high-risk offenders.

This direction resulted in the establishment of a multi-year federal-provincial-territorial process called “The Corrections Population Growth Exercise”. Bill C-41, as it was introduced in that Parliament, and the conditional sentences in particular were seen as key to Canada's response to the significant growth in the number of prisoners.

A special study of the impact of conditional sentencing on prison populations was conducted by the Canadian Centre for Justice Statistics in 2001. In the words of highly noted and renowned Professors Julian Roberts and Thomas Gabor of the University of Ottawa, in a 2002 article in the *Canadian Criminal Law Review*, the results reveal:

—that conditional sentencing has had a significant impact on the rates of admission to custody, which have declined by 13% since its introduction. This represents a reduction of approximately 55,000 offenders who otherwise would have been admitted to custody.

In a subsequent article published in the *British Journal of Criminology*, Professor Roberts, by this time at Oxford University, described conditional sentences as leading to the most successful decarceration exercise in the history of common law sentencing reform.

While the availability of conditional sentences arguably achieved the policy of restraint in the use of incarceration, it did so at considerable cost to the public faith in sentencing and the sentencing process.

Controversy has surrounded the conditional sentencing regime since its introduction. The sentence is seen by some as being too soft a disposition for offenders who are custody bound because it is no more severe or intrusive than a sentence of probation. As the legislation reads, the differences between probation and a conditional sentence are barely noticeable. The courts, moreover, may be unwilling to hand down conditional sentences in most cases because of that very perception, that if probation would be an appropriate sentence then the conditional sentence is probably inappropriate.

Government Orders

● (1540)

Some critics of conditional sentencing go so far as to say that the stated goal of conditional sentences, which was to reduce incarceration rates, had failed due to the problems it presented to the judiciary in properly applying conditional sentences. In fact, there is a series of appellate jurisprudence on conditional sentencing, and I will not give a law lecture today, but I invite any hon. members who are interested in the courts struggling with conditional sentences to read the Supreme Court of Canada's decision of 2000 in *R. v. Proulx*.

However, conditional sentences have been appropriately used in many cases, but there have been too many examples of a failure by the courts to balance the objectives of denunciation and general deterrence with the desire to rehabilitate an offender.

Due to legislation that allowed for those individuals convicted of serious offences to receive conditional sentences such as house arrest, judges have been handing down sentences all too frequently. This practice has caused an enormous loss of confidence in the judicial system by the public. We are here to serve the public and when the public loses confidence in the administration of justice, all hon. members ought to be concerned. The answer to this problem is to give judges guidance in sentencing matters.

There has been more than one legislative attempt to do so and to provide greater guidance to judges who are considering a conditional sentence. Members who have been here longer than I will recall Bill C-9 introduced by this Conservative government on May 4, 2006, which ultimately passed on May 31, 2007. However, sadly, it did not pass unamended.

The bill, as it was originally written, would have ensured that conditional sentences like house arrest would not be allowed for serious and violent crimes. However, sadly the bill was amended by the opposition parties in the justice and human rights committee. The amendments preserved conditional sentences for crimes such as possession of weapons for dangerous purposes, kidnapping, arson and impaired driving causing bodily harm and death.

Criminals who commit these crimes should be punished appropriately and, in my view, serve their time in prison. By restricting these crimes from conditional sentencing eligibility, Canadians will have a justice system that imposes sentences that fit the severity of the offence, properly deters serious offences and helps keep our streets safe.

With that history lesson, it brings me to Bill C-42, the bill which under consideration before the House this afternoon. The bill would add new, clear provisions to the conditional sentencing sections of the Criminal Code to ensure once and for all that conditional sentences would not be available to individuals who committed serious violent and serious property crimes.

The proposed reforms would ban the use of conditional sentences for the following: offences for which the law prescribes a maximum sentence of 14 years or life; offences prosecuted by indictment and for which the law prescribes a maximum sentence of imprisonment of 10 years that result in bodily harm, involve the import/export, trafficking and production of drugs or involve the use of weapons.

It would also ban the use of conditional sentences for the following offences when prosecuted by indictment: prison breach; luring a child; criminal harassment; sexual assault; kidnapping and forceable confinement; trafficking in persons for material benefit; abduction; theft over \$5,000; auto theft; breaking; entering with intent; being unlawfully in a dwelling house; and arson for fraudulent purpose.

It is expectation of our government that when this legislation comes into force the conditional sentencing regime will provide the correct equilibrium between the punitive and rehabilitative objectives of sentencing of low risk and less serious offenders.

In doing so, it should provide improved public confidence in the sanction and in the criminal justice system generally. It will send the correct message to both criminals and the law-abiding public at large that those who commit serious and violent crimes will no longer be entitled to conditional sentences such as house arrest.

Imagine an individual being convicted of arson and being able to serve the time in the comfort of that person's own home. It is barely imaginable. However, after the passage of this bill, this misguided sentencing practice will no longer occur in Canada.

On this side of the House we do not believe that house arrest is a suitable punishment for serious crime. Canadians I have spoken to do not believe so, either. Too many criminals, in my view, should never have been given conditional sentences in the first place. Moreover, too many convicts have breached the terms of those conditional sentences.

● (1545)

The solicitor general of Saskatchewan reports that 39% of criminals sentenced to house arrest were returned to jail for breaching the conditions of their sentences. Statistics Canada reported in 2006 that over 11,150 criminals were serving conditional sentences, 2,791 of whom were convicted of violent crimes, crimes against a person, 3,619 were convicted of property crimes and 2,062 were convicted of drug trafficking.

In my view and in the view of my colleagues on this side of the House, there are too many cases where individuals convicted of serious and violent crimes are serving conditional sentences. Criminals who commit these crimes should be punished appropriately and serve time in prison. By restricting these crimes from conditional sentencing eligibility, Canadians will have a justice system that imposes sentences that fit the severity of the crime, that properly deter others from committing serious offences and, most important, promotes safe streets and safe communities.

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As I conclude my comments, I would like to remind all members of the House that they have a choice. A previous Liberal government introduced conditional sentencing that allowed serious and violent crimes to be eligible. In the last Parliament, the Liberal, New Democrat and Bloc opposition opposed previous legislation to end the practice of allowing serious and violent criminals to serve their sentences in the comfort of their own homes. However, this Conservative government is trying to ensure that serious criminals spend time where they belong: in jail.

Our government believes that the justice system should put the rights of law-abiders before the rights of lawbreakers. Whatever the leader of the official opposition may say when the cameras are on him, the record shows that the Liberal opposition members are soft on crime.

We call on the Liberals, both in this House and in the Senate, and all parliamentarians of all political stripes to listen to Canadians, to listen to their constituents and to walk the walk, not just talk the talk when it comes to being tough on crime. It is time for all parliamentarians to get behind the government's urgently needed safe street and safe community agenda, and for that reason I urge all hon. members to support Bill C-42.

• (1550)

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, I hope that the member opposite understands how young people often enter the world of crime. They often start out with automobile-related offences, or joy rides. That still goes on. Or these kids might party in a vacant cottage. I am not saying that this is okay. I would be disappointed to learn that my son had gotten involved in something like that, but I know many people who have the same education as I do, or more, who took good care of their children, and who found them in similar situations, because of peer pressure.

Does he really think prison is where we want to send them, since it is widely known as a crime school?

[*English*]

Mr. Brent Rathgeber: Mr. Speaker, I certainly enjoy the members interventions, both in the House and in the justice and public safety committees on which we both serve.

The hon. member will know that there is an act of this Parliament called the Youth Criminal Justice Act. It is part of the Criminal Code but separate and distinct from the Criminal Code and it applies to individuals who run afoul of criminal court procedures but have not yet reached the age of majority, which is 18 years. Nothing in the bill affects any provisions of the Youth Criminal Justice Act, so he need not be concerned.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I understand the hon. member for Edmonton—St. Albert has also served as defence counsel, so he would be aware that there are many occasions when he would be representing people in court who have run into unfortunate circumstances. They could come from a very underprivileged family or be a child who was abused and is living on the street. There could be occasion where they could be involved in a break and enter, which the hon. member listed as one of the crimes he would like immediate prison, or theft over \$5,000.

For example, somebody could steal one of these high-end bikes off the street and it could be well worth over \$5,000.

I am asking if the hon. member sincerely believes that in ever circumstance the offender, no matter what the circumstances, should be put in prison without any due consideration whatsoever by the court to the circumstances of the crime?

Mr. Brent Rathgeber: Mr. Speaker, the member is correct. Earlier on in my legal career I did practise criminal law, primarily as an ad hoc prosecutor but also as a criminal defence lawyer from time to time.

In answer to her question, it is clear to me and certainly clear to the members on this side of the House that the rights of law-abiders ought to be given precedence over the rights of lawbreakers.

With respect to what she suggested are minor offences, break and enter and theft over \$5,000, I would ask her if she has ever been the victim of a property crime. I have been and it is very invasive and intrusive for an individual to come into our home when we are home or even if we are not home and rummage around and go through our personal effects looking for whatever might be of value that they might be interested in, such as CDs, DVDs, big-screen TVs. It is very invasive to have an individual come into one's homes and cause damage and steal.

The short answer to her question is that the bill would address what Canadians are telling us, which is that the rights of victims and law-abiders require precedence over the rights of those who break the law.

• (1555)

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC): Mr. Speaker, I thank my colleague for his excellent speech and all the work he has done to get tough on crime. I must say that in my constituency of Oshawa this is something that I hear repeatedly. My constituents are outraged and seriously offended that this House tried to put forward legislation to get tough on crime and the bill was gutted by the opposition.

Quite often, the reality is that these criminals commit these crimes repeatedly and, for whatever reason, they are not convicted. There are pleas and there are changes. It is about time we started to listen to victims.

I wonder if my colleague could comment on why he thinks certain members of this House may be against this really important legislation that would address listening to Canadian. Could he also comment on the difference between rehabilitation in a system and punishment and why sometimes rehabilitation is impossible.

Mr. Brent Rathgeber: Mr. Speaker, I have spoken with many Canadians in my role as a member of the justice committee and they have certainly indicated their outrage at these types of sentences

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Why do the members opposite take a differing view? I guess I am not in the best place to answer that but, as my colleague, the member for Edmonton—Strathcona, seemed to indicate, issues with regard to the individual's background and perhaps a disadvantaged background, in some people's view, are more relevant and ought to be given priority in sentencing over the damage caused to individuals and the rights of victims and, most important, law-abiders. I disagree with that. The member will need to have that debate with someone who shares that view.

However, with respect to rehabilitation, the hon. member for Oshawa is quite right. Serial property offenders are very prevalent in cities. In Winnipeg, Vancouver and in my home city of Edmonton we have individuals who have 10, 20 and sometimes 50 convictions for property crimes and rehabilitation appears to be not within their sights. For individuals such as those, I would suggest that deterrents, both specific deterrents to that individual requires a period of incarceration, but also general deterrents.

People who read the papers and watch the six o'clock news need to know that individuals involved in serious and serial property crimes who have proven they are probably beyond rehabilitation by the serial nature of their activity will be spending a period of time behind bars and that incarceration awaits anyone else who might follow in their footsteps. Therefore, both specific and general deterrents are served when the House approves these amendments.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, the issue of rehabilitation versus punishment comes down to the ability of a judge to look at a situation.

The member asked if any of us had ever been a victim of property crime. I have been a victim of numerous property crimes because I also lived with people coming out of prison. I would say that the vast majority of these offenders are just dumb. They do dumb crimes for dumb reasons again and again. Sometimes it takes a judge to say that someone who is an OxyContin addict needs help. There are other people who are real bad apples and they need to go to jail. Some of the people who came through our house were rehabilitated because they were given the chance. Sometimes it was a 10th hour and 11th hour chance but the judge would say that if they go into this and succeed that people we will work with them. That is the issue of discretion.

When the member says that we ought to walk the walk and get tough on crime, to me that sounds like one of their ten percenters. Our obligation here is to be smart on crime.

I would ask the member if he agrees that it is incumbent upon all members, regardless of whether they put out the 10% attack mailings or they receive those 10% attack mailings, the fundamental issue is that we need to be smart on where we go and that comes down, at the end of the day, not to teach slogans but to discretion, and that is the issue we are discussing here today.

• (1600)

Mr. Brent Rathgeber: Mr. Speaker, I thank the member for his intervention although I do not entirely understand his question.

With respect to discretion, it is our experience, based not only on the study of conditional sentences but on proposed amendments to the Criminal Code generally, that judicial discretion has not worked

in the interests of the Canadian public. The Canadian public has lost faith and confidence in the judicial system when they see individuals who have been convicted of serious crimes, crimes against individuals, such as assaults and arson, sentenced not to a period of incarceration but to a conditional sentence, often sentenced to house arrest where they are able to serve their sentence in the comfort of their own home with their big screen TV and library of CDs and DVDs.

I would suggest that this has nothing to do with ten percenters or slogans. It has to do with bringing the justice system into disrepute. I would suggest that these types of conditional sentence do that and that Bill C-42, when passed, will restore confidence—

The Deputy Speaker: Resuming debate, the hon. member for Beauséjour.

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, I am happy to participate in the debate today in the House on Bill C-42. It is at second reading. It is the beginning of what I hope will be an expeditious process to study this important change to sentencing provisions of the Criminal Code.

I can say at the outset that the Liberal Party will be supporting the bill at second reading, to send it to the committee. We obviously want to hear from experts and those involved in the criminal justice system as to what the effects of restricting conditional sentences will be.

However, certainly at first blush, we think that there is a lot of merit in restricting the use of conditional sentences, particularly for the most serious crimes. That is why when it comes to a vote at second reading, hopefully expeditiously, we will be supporting the legislation.

Bill C-42 amends section 742.1 of the Criminal Code to eliminate the reference to serious personal injury offences and restricts the availability of conditional sentences, colloquially known as house arrest, for offences for which the maximum term of imprisonment is 14 years or life imprisonment, and for other specific offences prosecuted by way of indictment for which the maximum term of imprisonment is 10 years.

The member for Edmonton—St. Albert, the Minister of Justice and others often refer to conditional sentences as house arrest. There can be a great deal of misleading information about in fact what the imposition of such a sentence represents. Defence lawyers have told me that frequently a conditional sentence or a term of imprisonment in the community, a house arrest as it is colloquially known, may be for a longer period of time than would be a sentence in closed custody, a sentence of incarceration in a correctional facility.

As the House will know, when somebody breaches the terms of a conditional sentence and is brought back before the court, for example for breaching the terms of house arrest, for leaving their property except during certain hours as deemed allowable by the judge, or for a breach of whatever nature, even a minor breach of a conditional sentence, the presumption is then that the person will finish the remainder of that sentence in closed custody.

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I accept that as a reasonable presumption. If the court decides to give someone a break on a conditional sentence because, in the opinion of the court, the person does not represent a threat or a risk to the community and because rehabilitation can be better served in the community, then if one chooses to breach the terms of that conditional sentence it seems reasonable one should then face the rest of that sentence term in closed custody. However, as I said, that can often represent a longer period of time.

Therefore the idea that conditional sentences are handed out to serious offenders by courts that then allow people to go home and serve their time on their sofa is a mass simplification of a necessary tool for the justice system.

That being said, I think all members of the House can acknowledge, and other members who have spoken on this issue have correctly pointed out, that the judicial system falls into a loss of public confidence when the imposition of conditional sentences applies in cases that appear to be unreasonable, in cases where for example we have serious white-collar crime, serious fraud involving in many cases millions of dollars or as I said earlier, cases involving violence or personal injury.

I think we all accept that those who commit the most serious crimes should face serious consequences. To restrict the ability of courts to use conditional sentences in those circumstances can in fact be very reasonable.

[*Translation*]

As I said a moment ago, there is a mass simplification of conditional sentencing, particularly by this government which contends that various types of offenders sentenced to imprisonment are simply sent home, in their communities.

Things are not that simple. I was somewhat surprised to hear the member for Edmonton—St. Albert say that, in the vast majority of cases or at least many cases, judicial discretion had not worked.

• (1605)

We are not as demanding of judges as the Conservative Party seems to be.

The time has come, and I accept responsibility for that, to tell our courts that, as many media have reported recently, those who commit some of the most serious crimes, often economic crimes, and white-collar criminals are not facing severe enough sentences. We believe that it would be appropriate for Parliament to decide to send our courts a very clear message by curtailing or limiting the judges' ability to impose conditional sentences for such crimes.

Limiting judicial discretion is something the government is really fond of. I was amazed to hear about the Minister of Public Safety recognizing that his strategy was to build new prisons and expand existing ones. The vast majority of inmates serve their sentences in prisons under the purview of the provincial governments.

I would like to point out a grave concern I have with respect to Bill C-42. Should the number of offenders facing sentences of imprisonment in correctional establishments rise, then we as a Parliament, and certainly the government, have a duty to make better programs available in these establishments, and I would go as far as

to say a duty to share with the provincial governments the costs associated with these changes to the Criminal Code.

[*English*]

The government likes to increase the number of people, convicted persons, who will face prison in closed custody and correctional facilities. At the same time I do not think the government has taken sufficient responsibility with provincial authorities to share the burden that these changes represent to provincial correctional systems.

I can use something from my own province of New Brunswick that happened last week as an example. The Government of New Brunswick had to send a memo to judges in the provinces indicating that they could no longer incarcerate people on intermittent sentences, those serving time for example traditionally on weekends, because the provincial jails were full.

A lot of this has to do with those waiting in correctional facilities pending their trial, those on remand, as it is known, which is also in many cases a situation that needs changes. That is why we have supported changes to restrict the ability to grant double time in remand circumstances. However it is not good enough to simply change the Criminal Code and tell the provinces to deal with it or tell the Correctional Service of Canada to deal with it.

Last week I had the opportunity to talk with people from the Correctional Service of Canada who work at the Dorchester Penitentiary in my constituency, at the Shepody Healing Centre, which is the psychiatric hospital in that medium-security federal institution and which looks after federally incarcerated inmates from all over Atlantic Canada as well as from some provinces such as Quebec. They tell me they do not have sufficient resources now to look after the seriously mentally ill inmates who are incarcerated or even those who are found not criminally responsible but are incarcerated for security reasons at a hospital like the Shepody Centre in Dorchester.

To make changes to sentencing provisions is part of the solution, and the government likes to focus on tougher sentences. Where it falls down and where Bill C-42 in our view does not do enough is in dealing with some of the factors that lead to a criminal activity or to criminal conduct. A government that cuts, as the government has, the crime prevention funding and at the same time talks about building larger prisons I think has missed the important balance that is necessary in an effective criminal justice policy.

My colleague from Ajax—Pickering, our critic on public safety issues, has done a lot of work and has recently published a number of interesting articles that highlight the government's failure to have crime prevention policies and its obsessive focus on punishing offenders once a victim has already been created.

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•(1610)

[*Translation*]

To conclude, on behalf of the Liberal Party, I have to say, as I said already, that we will support Bill C-42. We have concerns about the lack of resources available in the federal prison system, as well as at the provincial level. We believe that the government will have to accept the responsibility of sharing these additional costs with its provincial partners.

We do, however, believe and agree that, in some cases, conditional sentencing has brought some unfair criticism upon the judicial system. For that reason, we recognize the need to further restrict the instances where such sentences are deemed appropriate.

[*English*]

The Liberal Party does not think, as the Conservatives do, that judicial discretion has not worked. We think that Parliament has a role to say to judges that these are the kinds of circumstances that should be eligible for terms of conditional imprisonment, conditional sentences or imprisonment in the community. In many cases for first-time offenders and non-violent offences involving minor crimes, this is precisely the way to improve the chance of rehabilitation and to prevent that person from reoffending once he or she completes his or her sentence.

We believe there is an important role for conditional sentences, but we believe in the case of very serious fraud, in the case of serious repeat property offences, in the case of sexual offences, in the case of offences involving bodily harm, Parliament has a role to say to the judiciary that those are not the kinds of offences for which a convicted person should be eligible for a conditional sentence. That is why we think there is considerable merit in adopting Bill C-42.

Mr. Andrew Kania (Brampton West, Lib.): Mr. Speaker, my question is based on the true reason we are dealing with this issue at this stage. As we know, we are dealing with the most severe economic crisis since the Great Depression. We have a GDP that has gone from first to last in the G8. We have lost approximately 500,000 full-time jobs. EI is in crisis. We have a potential pandemic on the horizon with a vaccination process that is lagging behind other western countries.

Could my hon. colleague please explain exactly what the Conservatives are trying to correct at this stage, what percentage of sentences are actually conditional and what kind of serious problem it is or is not, and why we are dealing with this now rather than dealing with the economic crisis?

•(1615)

Hon. Dominic LeBlanc: Mr. Speaker, my colleague from Brampton West, who himself was a distinguished lawyer before his election to the House, knows a great deal about criminal justice issues and about justice policy. His voice in our caucus and in Parliament is always one that is listened to attentively when it comes to issues involving justice and public safety.

My colleague identifies a concern we have. The government members last week had a very, very bad week in which they were found, for example, to be presenting at infrastructure announcements Government of Canada cheques with the Conservative logo and fake signatures of members of Parliament pretending somehow that they

sign cheques for public funds to hand out for needed infrastructure programs. We have heard allegations of huge partisan interference in the allocation of programs as important as those for access to disability funding. The reason the government decided this week to put such an emphasis on justice issues is precisely as my colleague from Brampton West alluded to, to change the channel on their failure to deal effectively with serious economic concerns or to address issues of unemployment.

The people in my riding do not understand why many justice bills are left on the order paper in the House for over 100 days, are introduced at the end of the session in June, left on the order paper and then at the last minute simply recycled with a whole bunch of old announcements when a news conference is called at a local hotel and for the fourth time they announce that they intend to introduce a bill on white-collar crime. Much of this is a gimmick from the government to mask its failure on much more important matters as well.

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, I commend my colleague for his work on the justice committee. He and I both serve on that committee and we were also both part of the 39th Parliament.

He will, of course, recall that in the 39th Parliament it was our Conservative government that actually introduced Bill C-9, which dealt specifically with eliminating conditional sentences, house arrest, for the very crimes we are debating in the House today. Yet, it was his Liberal Party that was part of the effort in the House to gut Bill C-9 and take out all of the offences that did not involve serious personal injury.

There was obviously a conversion on the road to Damascus for the Liberal Party along the way because it supports it now. I want to commend it. It is doing the right thing, for once.

I would ask the member, what is it that changed between the 39th Parliament and the 40th Parliament that would now compel the Liberals to support what clearly is good legislation and was also good legislation back then but yet back then they did not support it?

Hon. Dominic LeBlanc: Mr. Speaker, the member for Abbotsford is an able chair of the Standing Committee on Justice and Human Rights. It is a pleasure to work with him on these issues.

I do not share his pessimism when he says that for once the Liberal Party has done the right thing. I am much more optimistic than the member for Abbotsford. We in the Liberal Party have done the right thing many more times than once. Hopefully, he will continue to work with us and come to that conclusion on his own. He mentioned Bill C-9 in the previous Parliament. He and I were lucky enough to serve in the previous Parliament as well.

I hope I do not stand to be corrected on this because I am going by memory, but I study these justice bills very attentively any time they are introduced and read a great deal about each justice measure that the government introduces. This was a bill from the previous Parliament and I want to ensure my recollection is accurate.

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One of the problems that I remember with the previous legislation was that the Conservatives at the time proposed to restrict the use of conditional sentences any time somebody was prosecuted by way of indictment. That was overly broad. They were removing from judges, as they are prone to do, a number of tools important for the rehabilitation of offenders.

They have seen the light and perhaps in this case done the right thing and brought in a more restricted bill, which eliminates the use of conditional sentences in cases where the public clearly would not understand the concept of house arrest. That is why this time, because of the changes they made, we are happy to work with them in the interest of improving public safety.

• (1620)

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, I am not sure I understood the explanations by the hon. member for Beauséjour, especially at the end. It seems to me that his conclusion is totally inconsistent with what he said beforehand. I understand that he recognizes, as we do, that this is an important tool that must be given to judges to handle offenders who appear before the court for the first time for offences punishable by 14 years or more, and God knows there are a lot of them in the Criminal Code. Quite often these are offences committed by young people under peer pressure.

Should we not give the judge this tool? Did I understand him correctly at the end of his speech that despite everything he said, he has decided to support this bill?

Hon. Dominic LeBlanc: Mr. Speaker, I would like to thank the member from Marc-Aurèle-Fortin for giving me the opportunity to clarify my remarks.

We support the important notion that judges are in the best position to consider the circumstances of the charges brought before the court and to determine appropriate sentences for those found guilty. In contrast to the Conservatives, we accept the basic principle that the court is best suited to determining an appropriate sentence.

However, we recognize that Parliament's role is to tell courts and judges across the country that under certain circumstances, conditional sentences do not reflect the seriousness of the conviction of the person brought before the court.

For example, if a person is convicted of serious fraud or a serious criminal offence, such as a sexual offence, and is given one of the harshest sentences in our Criminal Code, we believe that Parliament is fully justified in telling the courts that, in certain cases, we will restrict the court's ability to use conditional sentences. For all practical purposes, that is what Bill C-42 seeks to do.

For example, if the bill had completely eliminated the courts' freedom to use conditional sentences, we would have voted against it, just as we voted against Bill C-9 in the last Parliament because we thought that it placed undue restrictions on the courts' ability to impose these sentences.

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, I remain convinced that conditional sentences are an extremely important tool that should be given to judges to use in many cases of a first offence. Conditional sentences have practically replaced what used to be known as suspended sentences, even though

suspended sentences still exist in the Criminal Code. I seem to remember that judges were starting to hand down suspended sentences when I began practising law. In 1966 at least, suspended sentences already existed, and judges were very happy to have such a tool, because it meant that they could dangle a sword of Damocles over the heads of people they set free.

I remember that I used to explain to my convicted clients that the term "suspended sentence" was very appropriate. The judge had suspended the sentence he could have handed down. He had suspended it on certain conditions: if the convicted offender met those conditions, the judge would not have the right to hand down the sentence he had suspended, but if the offender did not meet one of those conditions or committed another offence, he would be brought before the same judge, who would quite often impose a sentence of up to 14 years in prison. Quite often, too, it would be a life sentence.

But from an administrative standpoint, if I had been a judge, I would have used this tool like some judges I knew well. In Quebec, people of my generation will remember Judge O'Meara, who was a judge of great integrity. He was remarkable. But when people were brought before him, he always sentenced them to prison. In the vast majority of cases, that was enough. It was a warning from the court and it scared the offender, who did not come back. I never had any statistics, but it was said at the time that 90% of offenders never came back. The remaining 10% were the ones we had trouble with, the ones who were back in court repeatedly. So the system worked.

For it to work, once the individual was arrested, he had to be brought before the same judge, who was already playing another role or might be going to another jurisdiction. Things got so complicated that, in the end, this requirement was not enforced. Since most of the time, people were brought before the judge because they had committed another offence, it was actually the second judge who took into account the fact that they had received a suspended sentence and who handed down a stiffer sentence for the second offence.

When conditional sentences were first being handed out—I was reminded of this again recently in Montreal, where there was a case involving a young man—I said that this would replace suspended sentences. And that is what happened. The advantage of conditional sentences is that the sentence is already determined.

I cannot get over what I heard the Minister of Justice saying this afternoon in this House. He talked about these white-collar criminals who defrauded people by extorting exorbitant amounts of money and who will be serving their sentence in the comfort of their own living room. Let us get real. Conditional sentences can only apply to sentences under two years and therefore to less serious cases.

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I am somewhat familiar with the prison system and I know that the majority of people there are unfortunate souls. I can assure you that the comfort of their living room would seem like a rather uncomfortable cell to us and quite often even more uncomfortable than the totally sanitized and controlled cells found in the prisons. When I hear about people in the comfort of their own living room, with their CD collection and their big screen television and so on, we are not talking about the type of people you find in prison.

I was saying that again this morning in another case.

• (1625)

The hon. member for Edmonton—St. Albert must also know that recently in Ontario, 39% of inmates were diagnosed with mental illness. This corresponds to what someone was saying before about the intellectual level of the majority of these offenders who commit petty crimes. The advantage of conditional sentences is that the length of the sentence is known. When an offence is committed, the offender goes to prison. It is simple. He finishes his sentence there.

There is not a single study out there to show that conditional sentences did not achieve the intentions of the legislation. In the Criminal Code, 33 pages deal with sentences in general. The government seems to forget that the first sections set out the major objectives and principles. I will read section 718 to illustrate that the goal is for a sentence to strike a balance, which will vary according to the offence and according to the people who are convicted:

718. The fundamental purpose of sentencing is to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions that have one or more of the following objectives:

- (a) to denounce unlawful conduct;
- (b) to deter the offender and other persons from committing offences;
- (c) to separate offenders from society, where necessary;
- (d) to assist in rehabilitating offenders;
- (e) to provide reparations for harm done to victims or to the community; and
- (f) to promote a sense of responsibility in offenders, and acknowledgment of the harm done to victims and to the community.

A lot of crimes are committed by first-time offenders, people who will never be arrested again. Is the solution really to forego the conditional sentence and to send them to crime school? Is it really to separate them from their communities? Is it really to prevent them from having a job? Is it really to interrupt their schooling, if that is the case? Do we not want to “promote a sense of responsibility...and acknowledgment of the harm done to victims and to the community”? It is not a good idea to send offenders to prison in order to rehabilitate them. That is like sending someone who is not sick to a place filled with germs or contagious diseases.

These examples are nothing I have ever heard of before. When judges give a conditional sentence, they take into account the fact that the individual will be at home. They do not give that option to people they feel should go to prison to be separated from society. Judges have good reasons for imposing a conditional sentence. For example, they may want to allow an individual to continue to work. Interrupting work or causing first-time offenders to lose their jobs will encourage them even more to get involved with the wrong people and will increase their chances of re-offending. That is one of the things that judges look at.

Very often, the offender needs to continue to work in order to support his family. Separating the offender from his family would punish the entire family, but the judge could impose conditions that would be difficult enough for the offender. In some cases, we want to give offenders a chance to make reparation for the crime they committed. We want to take them out of crime school.

• (1630)

These sentences allow for some form of punishment to be imposed. Those who believe that it is not punishment could perhaps try spending a week in their homes without going out. I have read articles about people who tried it and, in general, they did not really like it.

In general, when judges allow these people to leave their homes, it is so they can keep a job or continue their studies, which will ultimately ensure that they are rehabilitated and provide them with the opportunity to make restitution. It is a tool that enables judges to ensure the rehabilitation of first-time offenders in thousands of cases.

I heard the beginning of the speech by the member from Edmonton—St. Albert, which was remarkable. In my opinion, he gave an excellent explanation of the rationale for establishing conditional sentences. When he went on to say that these sentences should be abolished, he initially spoke of the public's loss of confidence in the justice system.

It seems to me that when we find out that the majority of people unfortunately have a poor opinion of the justice system, and that this opinion is not warranted, it is up to the government to provide the information to change people's minds. I understand how people feel about the justice system although it is never as radical as what we hear in this place. I have the impression that, in this regard, there is truly a huge cultural difference between Quebec and the rest of Canada. We often see articles about rehabilitation and excessive incarceration.

The media, by their very nature, tend to focus on exceptional cases. Articles in that regard appear from time to time in magazines like *L'Actualité* in French, or *Maclean's* in English, for example. Generally speaking, the news we get presents the exceptional cases. Success in rehabilitation is not exceptional. On the contrary, it is the norm, but it is made up of many, tiresome, little cases or those involving people who do not want to see their names in the paper in connection with examples of rehabilitation. Instead, the media are full of exceptional sentences. Most of the time, when we see sentences that appear impossibly or unbelievably lenient, if we dig a little deeper, we will often see any number of reasons to justify the judge's sentence, but the people who talk about lenient sentences do not give us those reasons.

So, newspapers do not generally keep us very well informed about what is happening. I am not surprised that the government has not brought forward any objective studies to show that conditional sentences can lead to problems and that they have not resulted in the advantages we hoped to see when they were created, as so eloquently described by the hon. member for Edmonton—St. Albert.

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Judging the seriousness of crimes by the maximum sentence that is attached to them is rather dangerous, because it can apply to cases that are extremely different, for instance, breaking and entering into a private home. Of course, in principle, our homes are our castles, and should be impenetrable. It is extremely traumatic to come home and realize that thieves have broken in.

• (1635)

Sometimes it is even worse. They have turned everything upside down or raided our liquor cabinet or defaced the walls. It is a very traumatic experience. But in most cases, things do not go nearly as far. I have noticed that if there is someone at home, thieves will not enter. Petty thieves, those who are pushed by their peers, do not want to enter a house if someone is there. Some will throw a party at an unoccupied cottage. I am not condoning that. On the contrary, I would not want to find out that my son has been involved in that type of behaviour. Nonetheless, I have noticed that quite often petty thieves are influenced by a group.

They are liable to life imprisonment. It seems to me that these are cases where, to make the offenders realize what they have done, a judge can tell them that the maximum sentence for such an offence is life imprisonment, but given that this is their first offence, that they were influenced by others, he will give them a two-year prison sentence. What is more, since it is their first conviction, they could serve their sentence at home, but under certain conditions. They will have to continue their studies, be home every night of the week, with permission to go out just once, and so on. The judge establishes a certain number of conditions. In the vast majority of cases, these people will never appear before the court again.

However, if they are sent to prison they will end up in an environment that is completely different than their family life. That is no place to learn how to live an honest life. I know very few people who left prison a better person than when they entered. Prisons are full of thugs and people learn that behaviour there.

I just want to point out one thing here. Quebeckers were recently flooded by charges brought against a big star, one of the biggest stars in hockey history, as big a star as Maurice Richard. Guy Lafleur was found guilty of perjury. He was accused of having made two contradictory statements while under oath. There is no telling which of the two was true, but one of them had to be false. That constitutes perjury. Perjury is punishable by up to 14 years in prison. Guy Lafleur would not be eligible for a conditional sentence. That is not what he got. He got a big fine and a suspended sentence. Frankly, can the member for Beauséjour tell me one more time why it would have been so scandalous for him to get a conditional sentence? The sentence he ended up with was just one level lower, a suspended sentence.

I mentioned comfortable living rooms. I can confirm that they might not be desirable. I was surprised to hear the member for Edmonton—St. Albert suggest that, given his experience with criminal law. Most of the people receiving these sentences do not have comfortable living rooms with big-screen TVs. In fact, I am almost certain that there are more TVs in prison, and better ones than these people have at home, and probably more CDs to choose from. It is not a nice place to be. In many cases, these people get into

trouble in public places because they live on the streets, and they live on the streets because home is not a very comfortable place to be.

I think it is a bad idea to take this essential tool away from judges because it can help rehabilitate those who have just committed their first crime. That is why, unlike the member for Beauséjour, we agree with the arguments expressed by the member for Edmonton—St. Albert at the beginning of his speech and we will vote against this bill. This is yet another bill introduced for ideological and perhaps even electoral reasons. It has nothing to do with science.

• (1640)

[*English*]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, it seems to me that under a Conservative government, or under a Conservative form of justice, we would have judicial discretion, which has been a part of the system for many years. The question really becomes this. Why are we appointing judges whom we are going to tell what to do and not give them any discretion?

• (1645)

[*Translation*]

Mr. Serge Ménard: Mr. Speaker, I have stopped asking myself that question. The Conservatives never seem to trust judges. But that is not what is in the bill. Anywhere there is judicial discretion, they want to impose minimum sentences.

I still think that the Conservatives are playing a game. They are doing this for one reason only, and that is to gain a political advantage. We hear it all the time when they talk. They never say that the reality of the crime necessitates a particular action; they say that they are listening to their constituents.

We have to be careful. Even though someone may think that we should have harsh sentences, any time that they have been presented with a specific case, people who said that they were in favour of harsh sentences became much more reasonable and, in general, tend to be on the same page as the judges.

[*English*]

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I am pleased to be able to participate and ask questions of my colleagues because these are the issues that Canadians have sent us here to deal with. These are serious issues with profound implications.

My Conservative colleagues keep talking about how we have to walk the walk by getting tough on crime, yet over the last four years they have dragged bills out, let them die and then bring them back. This is a bit of a circus for them.

This is not about getting tough on crime. The Conservatives use these days to get tough on the taxpayer. They take people's statements out of context and then they use taxpayers' dollars to send attack mailings to trash people's credibility and to trash them personally.

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Every day my constituents ask me what kind of people make such cheap, dumbed down attacks, and then expect taxpayers to pay for them. I tell them the former defence minister cannot seem to stand on his own two feet and say anything credible in the House. He is attacking the Liberal leader. I have no problem with someone attacking the Liberal leader, but I do not think the former minister should be using taxpayers' dollars to do that.

I would like to ask my hon. colleague why he thinks we have seen this endless parade of crime bills and dumbed down crime talk? Why are taxpayers' dollars being used to fund a Conservative attack campaign in every riding in this country? Why are Canadian taxpayers paying for Conservative personal, vitriolic and embarrassing attack mailings? This is embarrassing for Canadian politics.

[*Translation*]

Mr. Serge Ménard: Mr. Speaker, I have already given my opinion on this subject. I think that they are dragging this out because they think it is a politically smart thing to do, that it will win them votes, and that they will win more votes by taking an extremist stand than by being reasonable and trying to get people to understand.

It is odd that, in this case, we have not been told what the provincial attorneys general think, because all offenders who are sent to prison under this legislation will be sent to provincial prisons. In fact, conditional sentences apply only to sentences shorter than two years.

I think this is all for the purpose of an election. For example, why did it take them so long to introduce Bill S-4? It was already being considered by the previous Liberal government. But it is now 2009, and they have been in power since 2006. If they had asked us, we would have told them we supported it. And we did support it.

Mr. Robert Vincent (Shefford, BQ): Mr. Speaker, I find my colleague's position interesting. In fact, these sentences are less than two years.

Given that these sentences are less than two years and are therefore served in provincial prisons, I would like to know how much money the government is prepared to transfer to the provinces, particularly Quebec. Since Quebec is going to have to pay, has the government already talked about transferring money to fill positions? People will be needed to work in these prisons. New prisons may even have to be built. These sentences will still come under the provincial governments. If the government is prepared to build prisons in Quebec and invest money to incarcerate these people on a first offence, then we need to know. To date, we have not heard this government say even once that it was prepared to transfer money.

I would like to know whether my colleague has had any information that we have not had here today.

• (1650)

Mr. Serge Ménard: I think it is safe to say that if there had been any discussions with provincial attorneys general, they would have told us. If there had been any plans to help the Government of Quebec or other provincial governments to build prisons, not only would they give us the amount, but maybe we would see a Conservative member handing over a giant cheque bearing the

Conservative logo and the signature of the member of the riding where the prisons were being built.

It must be understood that these sentences are under two years, so they will be served in provincial jails. Nothing has been said about the increased costs that the government is transferring to the provinces. It is a terrible thing to take away measures that help rehabilitation, and therefore contribute to the long-term safety of society, and force the provinces to spend money they had not planned on spending.

[*English*]

The Deputy Speaker: Order. 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 Pickering—Scarborough East, Access to Information; the hon. member for London—Fanshawe, Status of Women; and the hon. member for Bonaville—Gander—Grand Falls—Windsor, Abitibi-Bowater.

Resuming debate. The hon. member for Vancouver Kingsway.

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, I am very pleased to rise to speak to Bill C-42. This is a bill that I think evokes the kinds of opinions and emotions of Canadians and members of the House that cause us all to really be careful, cautious and thoughtful in how we approach it.

Crime is a serious issue in this country. The victims of crime in this country are an important group of people who have a particular vested interest in seeing that our society moves forward in a positive, progressive manner. Crime is a nuanced issue. It is a complicated issue and it is a simple issue at the same time.

What is simple is what Canadians agree on. We all want crime rates in our country to be reduced as much as humanly possible. We all want people who commit acts of crime and who deviate from the path of acceptable conduct to cease doing so. We all want our cities, our schools and our workplaces to be safe, where women can walk the streets in safety, where our children can play in playgrounds safely, and where all Canadians can be safe and secure at all times.

What is complicated about this issue is that there are no necessarily simple answers. I fear that this bill is one such example of a Conservative approach to crime that on the surface seems superficially appropriate, but when we delve deeper actually is ineffective and will not achieve the goals that we all have.

The bill would remove conditional sentencing in this country from our courtrooms for any person convicted of a crime that has a maximum sentence of 14 years or more or a crime that is proceeded with by way of indictment that has a penalty of at least 10 years.

That does not mean that the people convicted of those offences necessarily get those sentences. What it means is simply, by the definition of that crime, it would remove the ability of judges to impose a conditional sentence, even when they thought that that was the appropriate way to go.

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I will give a little history. Conditional sentencing was introduced in September 1996. Essentially it allows for sentences of imprisonment to be served in the community rather than in a correctional facility. It is a midway point between incarceration and sanctions such as probation or fines.

The conditional sentence was not introduced in isolation but as part of a thoughtful renewal sentencing process that reviewed the Criminal Code. These provisions included the fundamental purpose and principles of sentencing.

The fundamental principle of sentencing is that a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the defendant. The renewed sentencing provisions set out sentencing principles including a list of aggravating and mitigating circumstances that should guide sentences imposed.

The primary goal of conditional sentences is to reduce the reliance upon incarceration by providing the courts with an alternate sentencing mechanism. In addition, conditional sentences provide an opportunity to further incorporate restorative justice concepts into the sentencing process by encouraging those who have caused harm to acknowledge this fact and be in a position to make reparation.

At the time of their introduction conditional sentences were generally seen as an appropriate mechanism to divert minor offences and offenders away from the prison system. Overuse of incarceration was recognized by many as problematic while restorative justice concepts were seen as beneficial.

However, in practice, conditional sentences are sometimes viewed in a negative light when used in cases of a very serious crime. Concern has been expressed that some offenders are receiving conditional sentences of imprisonment for crimes that are inappropriate. While it may be beneficial to allow persons who are not dangerous to a community, who otherwise would be incarcerated and who have not committed a serious or violent crime to serve their sentence in the community, certain commentators have argued that sometimes the very nature of the offence and the offender require incarceration.

•(1655)

In this respect an intelligent debate can be had in the House about which particular crimes may not be appropriate for conditional sentences and which ones would be so appropriate.

The problem with the bill before the House is that it eliminates all discretion in this regard. It says that 75 separate offences that are over 14 years are simply taken out of the picture when it comes to being a candidate for conditional sentencing, without any regard to the person being sentenced, to the crime that was committed, to the circumstances of the case. That is the complete opposite of a functioning and well thought out approach to justice.

The present Criminal Code says that these are the kinds of offences that presently do not qualify for conditional sentences. These are offences for which the person has been convicted that must not be a serious personal injury offence. It cannot include high treason, first degree murder or second degree murder. It cannot involve the use or attempted use of violence against another person, or conduct endangering or likely to endanger the life or safety of

another person, or inflicting or likely to inflict severe psychological damage to another person.

Conditional sentences are not available to people who have committed sexual assault, sexual assault with a weapon, threats to a third party or causing bodily harm or aggravated sexual assault. The offence cannot be a terrorism offence. It cannot be an offence that involves a criminal organization. None of those offences qualify for conditional sentencing.

In a case where a conditional sentence is being considered, a judge must be satisfied that serving the sentence in the community would not endanger the safety of the community. I want to pause there.

When the Conservatives say that everything is about public safety, they do not tell the Canadian public that built right into our Criminal Code is that a conditional sentence cannot be imposed when it would endanger the safety of the community. We should think about that. Obviously a conditional sentence will not endanger the community so eliminating it will not have any appreciable effect on the safety of the community because it will not be imposed when it does so in the first place.

A sentencing judge must also be satisfied that the conditional sentence would be consistent with the fundamental purposes and principles of sentencing. Insofar as this criterion is concerned, I do not hear my friends on the opposite side of the House ever talk about the legal framework of sentencing. They talk about rhetoric and they talk about fear. They do not talk about the real law that is going on

This is what sentencing objectives include: the denunciation of unlawful conduct; the deterrence of the offender and others from committing offences; the separation of the offender from the community where necessary; the rehabilitation of the offender; the provision of reparation to victims and the community; and the promotion of a sense of responsibility in the offender.

These guidelines are guiding our judges and our judicial system, our prosecutors and our defence lawyers when they are deciding an appropriate sentence in the community. This is not a thoughtless process. It is not a process that anybody takes lightly, and conditional sentences are an important tool in the toolbox. I will get into some interesting and important statistics and numbers to show why that is so.

Conditional sentences are not simply a free pass for an offender to have a free vacation in the community. They are, by their very definition, a sentence of incarceration that is simply served in the community as opposed to a penal institution, and they are always attached with conditions, hence the name. The conditions include the following: to keep the peace and be of good behaviour; to appear before the court when required to do so; to report to a supervisor, as required; to remain within the jurisdiction of the court, unless written permission to go outside that jurisdiction is obtained by the court or the person's supervisor; to notify the court or the supervisor in advance of any change of name or address; and to promptly notify the court or the supervisor of any change of employment or occupation.

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Furthermore, optional conditions are designed to respond to the conditions of the individual offender. This is something that my friends on the side opposite do not talk about. They think that one size fits all. A person breaks the law and there is one penalty. In a few minutes I will speak to why that is a blunt, an inaccurate and ineffective approach to punishment.

● (1700)

Conditions that are optional include an order that the offender abstain from consumption of alcohol or drugs, that they attend a drug or alcohol treatment program, that they abstain from owning, possessing or carrying a weapon, that they perform up to 240 hours of community service and any other reasonable condition that the court considers desirable for securing the good conduct of the offender and for preventing the offender's repetition of the same offence or commission of another offence. These are conditions that may not be, often are not, and most of the time are not available to an offender in a penal institution.

Unlike probation, a conditional sentence is a tool that is intended to address both punitive and rehabilitation objectives. As I said earlier, safety of the community is one of the paramount criteria considered by a sentencing judge in imposing a conditional sentence.

The gravity of the offence is clearly relevant to determining whether a conditional sentence is appropriate in the circumstances. A conditional sentence can also provide a significant deterrence if significant and sufficient punitive conditions are imposed.

When the objectives of rehabilitation, reparation and promotion of a sense of responsibility may realistically be achieved, a conditional sentence will likely be the appropriate sanction, subject to considerations of denunciation and deterrence.

In sum, conditional sentencing was enacted in our country both to reduce reliance on incarceration as a sanction and to increase the principles of restorative justice and effectiveness in sentence. Has it worked? The sentences have been in place since 1996. Here we are, 13 years later. Let us look at the numbers and the facts, as opposed to the rhetoric.

Statistics Canada reports that conditional sentences still represent a small proportion of all sentences in Canada. Again, it is nice for the Conservatives to look like they are tough on crime, but what do they do? They attack the certain portion of our sentencing that is a minuscule amount of the sentencing in the country. In addition, the tendency in recent years has been to use conditional sentences less frequently.

Instead of attacking some of the major issues that are causing crime in our country, which I will talk about, like poverty, like lack of opportunities for our youth and young people, like cutting down on education and skills training, what do the Conservatives do? They bring in a bill that attacks conditional sentences, which is a tiny amount of the sentences and is being less frequently used every year. It is a good way to look tough without actually doing anything.

In 2003 conditional sentences accounted for 5.3% of all admissions to adult correctional services. By 2008, this figure had declined to 4.7%.

In 2007-08 of the 107,000 offenders being supervised in the community, the vast majority, 75%, were people on probation, that is people who were serving sentences in penal institutions who had been paroled into the community, 16% were on conditional sentences and 9% were on parole or statutory release.

Once again, Canada's incarceration rate, which my friends opposite like to whip up in the Canadian public that it is increasing, which it actually is not, rose only by 2% from the previous year, notwithstanding that the rate of crime had been dropping. The gain was driven by the growing number of adults being held in remand in provincial/territorial jails while awaiting trial or sentence.

Recent increases in the incarceration rate follow a period of relatively steady decline from 1996. On any given day in 2008, an average of 36,000 adults and 2,000 youth aged 12 to 17 years were in custody in Canada.

Canada's incarceration rate tends to be higher than those of most western European countries, yet lower than that of the United States, by a long shot. By contrast, in 2007 Sweden had a rate of 74 people in custody per 100,000. By contrast, the rate in the United States for adults alone was 762, and that does not include youth. Canada's incarceration rate was 117 for every 100,000 people.

The imposition of conditional sentences should not only reduce the rate of incarceration, it should also reduce expenditures in the correctional system. This is due to the fact that the average annual inmate cost for persons in provincial/territorial custody, including remand, in 2005-06 was \$52,000 and was over \$90,000 for a federal inmate.

An earlier survey found that the successful completion of conditional rate of conditional sentence orders fell from 78% to 63% in 2000-01. This of course marks the fact that we are putting an increasing number of conditions on offenders rather than allegations of fresh offenders.

● (1705)

This is the key point. Statistics Canada has found that adult offenders who spent their sentences under supervision in the community were far less likely to become re-involved with correctional authorities within 12 months of their release than those who had been placed in a correctional institution.

The study found that in four provinces 11% of people who were under community supervision became re-involved with correctional authorities within 12 months and among those in custody 30% became re-involved, more than double the proportion of those under community supervision.

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Why is this? This is because in a study that concentrated upon the victims of crime and their attitudes toward conditional sentencing, the benefits of conditional sentencing were viewed by them to include the fact that most rehabilitation programs could be more effectively implemented when the offender was in the community rather than in custody, that prison was no more effective a deterrent than more severe intermediate punishments, such as enhanced conditions on home confinement, that keeping offenders in custody was significantly more expensive than supervising them in the community and that the public had become more supportive of community-based sentencing particularly restorative justice measures, except for serious crimes of violence.

The government is following an out-moded, U.S.-style George Bush approach to prisons that does not work. Even Arnold Schwarzenegger, who cannot be accused of being soft on crime in the state of California, is moving in a completely opposite path than the Conservative government. Why? Instead of building more prisons and sending people to prison for longer periods of time in more harsh conditions, many states have realized that this is costing them unbelievable amounts of money. In some cases, state budgets are facing bankruptcy. Most important, it is not even effective.

After some states have spent billions of dollars on increasing incarceration, what have they found? They are out billions of dollars and it is not even effective because crime rates in their communities are not falling. What a double waste. They spend more taxpayer money and do not even have safer communities.

I will talk about some things the government is doing that is the complete opposite of making our communities safe. It is closing single-member RCMP detachments in communities under 5,000 in British Columbia. It is closing the western Canada duty office in the home city of my friend, the hon. member for Edmonton—Strathcona, and concentrating that office in Ottawa.

I visited Kent, a maximum security institution, last week. The CORCAN section of the prison, which is the section that consists of large, open areas where prisoners are supposed to make things, build equipment and learn employment skills, was empty. It was closed. What do we do with inmates when they are in custody? We lock them in their cells and we do not give them the educational or skills training they need that might give them a chance not to reoffend when they come out of prison.

There is a complete shortage of all kinds of programs in our prison system, from programs that would help offenders learn employment skills to getting education, to simply getting the kind of social, emotional and psychological treatment they need. Eighty per cent of prisoners in our prison system suffer from mental illness and most of those people do not get anywhere near the treatment they need to adequately deal with their problems.

Why is this important? Because the New Democrats believe in one thing. The best way to keep our communities safe is to ensure that offenders do not reoffend when they come out of prison. That is an obvious statement. We do not believe that because we are bleeding heart, compassionate people. We believe that because of self-interest.

This means people in prison ought to get the kinds of programs they need. It means that every person coming in contact with our justice system ought to have a judge, a prosecutor and a defence lawyer adequately look at sentencing alternatives that are tailored to the person, to ensure the person does not reoffend. Taking away the tool of conditional sentencing not only does not accomplish that but will make our communities less safe.

The most important people in this whole debate are the victims of crime in our country. Victims of crime in are not served when we adopt policies that make it more likely that offenders will reoffend when they come out of our justice system. It is not good policy. It is not being smart on crime.

• (1710)

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Mr. Speaker, I want to point out two things from my NDP colleague's speech. He concluded his speech with the number one most important group in this debate, the victims of crime. He began his speech with the principles regarding sentencing, number one of those being denunciation.

I would like to ask my colleague, with regard to the list removing conditional sentences on crimes like robbery, kidnapping, luring children, sexual assault, if it is not inadequate denunciation to have these folks serve their sentence in their home. It is essential that the public have faith in the justice system, with denunciation being one of the key principles and justice being the key issue so that when someone does a serious crime, they do serious time.

Mr. Don Davies: Mr. Speaker, my friend is exactly right. The New Democrats agree that there are a number of offences for which a conditional sentence is not appropriate. There are a number of offences for which the only appropriate response is that the offender be put in a penal institution for an appropriate sentence. As I pointed out, the present Criminal Code, which I would commend my friend to read, already precludes many of the people that he mentioned from qualifying for conditional sentences.

At present there are some very minor offences that the bill would preclude from conditional sentencing, such as theft over \$5,000. For example, there may be an 18-year old man who steals a car that costs \$5,500. As bad as that is, as important as it is to denounce that, a conditional sentence may be an appropriate tool in that case, if that young person would benefit from it and if it would make it more likely that person would not reoffend. That is why conditional sentences are simply one tool in the tool box that we must leave in our justice system if we truly are concerned about victims of crime. I want that young man who steals a car not to steal a car again. A federal penitentiary, and I have been in 11 penitentiaries in the last two months, is not necessarily a place we would want to put someone if our goal really is to help them not reoffend. The bill would take away that discretion and make us less safe in many cases.

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• (1715)

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, I want to thank the member opposite from Vancouver, B.C. for his very comprehensive and informed remarks. The member is a member of the bar and it strikes me that during the 39th Parliament we had a bill almost precisely the same as this come before us. It went to committee which did due diligence and found that in the area of conditional sentencing, it was not appropriate the way it had been designed and, in their opinion, it was not going to have the effects that government members were asking for and hoping for.

I heard the member for Ancaster—Dundas—Flamborough—Westdale speak a few minutes ago about denunciation. When a person goes to trial, there is media coverage of the event, with reporting in local newspapers of the outcome of the trial and the sentence the person receives, so I believe the denunciation is there. I share the opinion of the member opposite, that we have to prevent crime instead of always responding in a knee-jerk fashion. We have laws concerning dangerous driving causing death and various charges can be laid. We had the street racing law come through here recently which basically meant new charges could be laid, but the outcomes would be the same as far as the person was concerned. All of this appears to be a knee-jerk reaction.

I will not be cynical enough to say that the Conservative Party is doing this to get media, but it does not seem to have the kind of insightful consideration that something of this nature deserves, especially in the case of judges and their ability to decide proper sentencing and to take into account all aspects of the crime.

Mr. Don Davies: Mr. Speaker, I would like to thank the hon. member for Hamilton East—Stoney Creek for his thoughtful comments and commend him on being a strong voice of reason in protecting the safety of his community.

The member is absolutely right that in the last Parliament or in the one before, Bill C-9 was introduced by the government, and at that point it purported to remove violent crimes from consideration for conditional sentences. The reality is that 75% to 85% of crimes for which conditional sentences are given are not violent at all.

That is what I think the problem is here, philosophically. My colleagues on the other side of the House want to take all discretion out of the system. They want to have a sledge hammer approach, a “one size fits all” approach, much like the three strikes and one is out system or mandatory minimum sentences in the United States. The problem is they do not work.

That philosophy might be worth considering if it worked. Over 20 states in the United States have implemented those exact policies for the last 20 years, and 20 out of 20 of those states are going backwards. All they found was that they were bankrupting their state economies and their crime rates were remaining untouched.

The bottom line is we should not make penal or criminal policy in this country based on what is good rhetoric on a street corner. We should make sound policy decisions based on policies that will keep our communities safe.

Once again, I fear this bill does not do that.

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, I would like to begin by saying that this is the second or third time I have heard the member speak. His point of view is always well supported by thorough research. The facts presented are very relevant to what he is saying. Naturally I share the same philosophy. Thus, I will not criticize anything he has said. In fact I am ashamed I did not conduct equally pertinent, convincing research.

However, I do have a difficult question to ask him. I think he has some experience in the application of criminal law. At present, judges give conditional sentences, depending on the case, because they are convinced that the individual should not go to prison. They believe that the best way to ensure that he or she stops offending is by imposing an appropriate sentence.

What will judges do if this tool is taken away from them?

• (1720)

[*English*]

Mr. Don Davies: Mr. Speaker, I thank my hon. colleague for his kind thoughts. That is very high praise from someone who I know has spent a lifetime committed to making our justice system in this country and in his province of Quebec a better system.

I know that he was minister of justice in Quebec and has an outstanding record of service to our society, not only in terms of keeping our communities safe and making our justice system better, but comprehensively across the board.

With respect to his question, any time we tie the hands of our judges or our judicial system and we take away the tools that go into considered, tailored, thoughtful approaches to sentencing, I think we err. I think suspended sentences, conditional sentences, exploratory and innovative sentencing, guidelines that we see in the aboriginal community, and in fact good old-fashioned jail time in prisons are all appropriate measures that have their place in our justice system.

Taking away this tool from judges in our country, which once again is a very seldom-used and effective tool, will hurt our system and make Canadians less safe as a result.

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, I want to thank the member for his comments. He, of course, lives in the same area of the country as I do. He would agree with me that our area of the country is suffering through some of the worst gang- and drug-related crime we have ever witnessed.

I would challenge the member to review his party's position on removing conditional sentences for some of the most serious crimes.

I have a list here which I would like to challenge him on. For example, in the case of sexual assault, what in a sexual assault should merit an offender receiving time at home? How should kidnapping or the trafficking of human beings including children merit a conditional sentence? Regarding something that is really close to my heart, the luring of children for sexual purposes, what in that would qualify someone to serve their time at home?

I would challenge him and ask him to respond.

The Deputy Speaker: There are 30 seconds left for the member for Vancouver Kingsway.

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Mr. Don Davies: Mr. Speaker, the types of offences that my friend has mentioned are precisely the types of offences that conditional sentences are probably not appropriate for. I would challenge him to come up with some data that shows that those are the sentences that judges are giving conditional sentences on. I highly doubt it.

I would challenge my friend to make good law by going back to the drafting table and coming back with a bill that targets certain kinds of offences that he would like to take out of conditional sentencing, such as those offences, and we will then give that due consideration.

However, targeting all offences, 75 different offences that have sentences over 10 years, including theft over \$5,000—

The Deputy Speaker: Order. We will have to move on. Resuming debate. The hon. member for Abbotsford.

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, I am honoured to participate in this debate on Bill C-42. This is a bill that proposes to eliminate the use of conditional sentencing for virtually all serious crimes.

What is more, this bill allows our Conservative government to finish a job that, sadly, the opposition parties had prevented us from finishing during the previous Parliament. I note that at least one of those parties has now flipped on the issue. It is actually supporting our bill this time around when it opposed it in the previous Parliament.

It would surprise Canadians to know that, under current conditional sentencing practices, serious criminals are allowed to serve their sentences in the comfort of their homes, in front of their big screen TVs and in front of their computers rather than in a prison. That is why these sentences are often referred to as house arrest.

Canada's Criminal Code allows for house arrest to be imposed when a number of conditions are met, including the following: The crime is not punishable by a mandatory minimum sentence; the court sentences the offender to less than two years in prison; the court is convinced that having the criminal serve the sentence in his own home and community would not endanger the safety of that community, and the court is satisfied that the conditional sentence would be consistent with the fundamental purposes and principles of sentencing, one of which, incidentally, is deterrence and denunciation.

There is one additional proviso. The offence must meet the following criteria. It must not be a terrorism offence. It cannot be a crime that is committed on behalf of or as part of a criminal organization or enterprise. Additionally, and I want members to listen very carefully to this, it must not be a serious personal injury offence as defined in the Criminal Code.

That is where the rub lies. The term "serious personal injury offence" is very narrowly defined in the Code. What is more, there are many other crimes that, though not involving direct physical injury to the person, hurt and damage people in very serious and often life-altering ways. These are crimes that are very clearly not legitimate for issuing a sentence that would be served at home, but in

fact do qualify for house arrest under our present law. Canadians are rightly angry with such a state of affairs.

Let me give some examples. Although arson does not necessarily involve direct physical injury to another person, it is a very serious offence that most right-thinking Canadians would agree should attract prison time. Imagine a family losing all of their earthly possessions and being unable to return to their home for many months, if ever. Yet, under the current law, the arsonist gets to go back to the comfort of his own home.

Imagine sexual predators attempting to prey on and lure our vulnerable children over the Internet for sexual purposes. Should those offenders not serve some hard time in jail rather than enjoying the comforts of house arrest? Of course they should, yet many of them do in fact spend their sentences at home.

I just responded to a statement made by the member for Vancouver Kingsway and he responded that there is no proof that these offenders are actually serving their time at home. In fact, if he looks at the case law and sentences, those convicted of luring children are actually spending their sentences in the comfort of their homes.

It goes on. What about those drug lords and traffickers who get rich by selling misery, violence and ultimately death to our children? Why should they be able to qualify, as the law presently provides, to serve their punishment back in the comfort of a home often purchased from the proceeds of crime?

Canadians demand more. With Bill C-42, our Conservative government is further restricting the use of conditional sentences and ending the use of house arrests for all indictable offences for which the maximum term of imprisonment is 14 years or more, regardless of whether serious personal injury is involved. The same will apply to indictable offences for which the maximum prison term is 10 years, where these offences involve the use of a weapon, result in bodily harm or involve the importation, exportation, trafficking or production of drugs.

● (1725)

What is more, Canadians will be pleased to hear that Bill C-42 would finally eliminate the use of house arrest for the following crimes: criminal harassment; sexual assault; kidnapping; human trafficking; theft over \$5,000; breaking and entering a place other than a dwelling place; being unlawfully in a dwelling house with intent; arson for fraudulent purpose; and, as I mentioned earlier, luring a child over the Internet for sexual purposes.

I am well aware that some of my colleagues in the House might remind me that our government amended the conditional sentencing regime in Canada once before. That was in December 2007. However, the sad truth is that during the last Parliament, the Liberals, the NDP and the Bloc used the notion of serious personal injury to water down our Conservative government's efforts to limit conditional sentences. In so doing, the Liberals and the NDP again reinforced the public's perception that they are truly soft on crime.

Business of Supply

The opposition parties felt that serious crimes such as robbery should continue to qualify for conditional sentences since they are not defined as a serious personal injury offence. This is all the more surprising to me given that the offence of robbery under section 343 of the Criminal Code includes elements of violence.

• (1730)

The Deputy Speaker: The hon. member will have about 14 minutes left to conclude his remarks the next time this bill is before the House.

* * *

BUSINESS OF SUPPLY

OPPOSITION MOTION—FORESTRY INDUSTRY

The House resumed from October 19 consideration of the motion.

The Deputy Speaker: It being 5:30 p.m., pursuant to order made on Monday, October 19, the House will now proceed to the taking of the deferred recorded division on the motion of the member for Rimouski-Neigette—Témiscouata—Les Basques relating to the business of supply.

Call in the members.

• (1755)

[*Translation*]

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

(*Division No. 114*)

YEAS

Members

Allen (Welland)	André
Andrews	Angus
Arthur	Ashton
Asselin	Atamanenko
Bachand	Bagnell
Beaudin	Bélangier
Bellavance	Bevilacqua
Bevington	Bigras
Blais	Bouchard
Bourgeois	Brisson
Brunelle	Byrne
Cannis	Cardin
Charlton	Chow
Christopherson	Coady
Comartin	Crombie
Crowder	Cullen
Cuzner	D'Amours
Davies (Vancouver Kingsway)	Davies (Vancouver East)
Demers	Deschamps
Desnoyers	Dewar
Dhalla	Dion
Dorion	Dosanjh
Dryden	Duceppe
Dufour	Duncan (Etobicoke North)
Duncan (Edmonton—Strathcona)	Easter
Faille	Folco
Footé	Fry
Gagnon	Gaudet
Godin	Goodale
Gravelle	Guay
Guimond (Rimouski-Neigette—Témiscouata—Les Basques)	
Guimond (Montmorency—Charlevoix—Haute-Côte-Nord)	
Hall Findlay	Harris (St. John's East)
Holland	Hughes
Hyer	Ignatieff
Jennings	Julian
Kania	Karygiannis
Kennedy	Laframboise

Lalonde	Lavallée
Layton	LeBlanc
Lee	Lemay
Lessard	Lévesque
MacAulay	Malhi
Malo	Maloway
Marston	Martin (Sault Ste. Marie)
Masse	Mathysen
McCallum	McGuinty
McTeague	Ménard
Mendes	Minna
Mourani	Mulcair
Murphy (Charlottetown)	Nadeau
Neville	Oliphant
Ouellet	Paillet
Paquette	Patry
Pearson	Plamondon
Pomerleau	Proulx
Rafferty	Ratansi
Regan	Rodriguez
Rota	Roy
Russell	Savage
Savoie	Scarpaleggia
Sgro	Siksay
Silva	Simms
Simson	St-Cyr
Stoffer	Szabo
Thi Lac	Thibeault
Tonks	Trudeau
Valeriote	Vincent
Volpe	Wasylycia-Leis
Wilfert — 137	

NAYS

Members

Abbott	Ablonczy
Aglukkaq	Albrecht
Allen (Tobique—Mactaquac)	Allison
Anders	Anderson
Ashfield	Baird
Bernier	Bezan
Blackburn	Blaney
Boucher	Boughen
Braid	Breitkreuz
Brown (Leeds—Grenville)	Brown (Newmarket—Aurora)
Brown (Barrie)	Bruinooze
Cadman	Calandra
Cannan (Kelowna—Lake Country)	Carrie
Casson	Clarke
Clement	Cummins
Davidson	Day
Del Mastro	Devolin
Dreeshen	Duncan (Vancouver Island North)
Dykstra	Fast
Finley	Flaherty
Fletcher	Galipeau
Gallant	Glover
Goldring	Goodyear
Gourde	Grewal
Guergis	Harper
Hawn	Hiebert
Hill	Hoback
Hoepfner	Holder
Jean	Kamp (Pitt Meadows—Maple Ridge—Mission)
Keddy (South Shore—St. Margaret's)	Kenney (Calgary Southeast)
Kent	Kerr
Komarnicki	Kramp (Prince Edward—Hastings)
Lake	Lauzon
Lebel	Lemieux
Lobb	Lukiwski
Lunney	MacKay (Central Nova)
MacKenzie	Mark
Mayes	McColeman
McLeod	Menzies
Merrifield	Miller
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Nicholson	Norlock
O'Connor	O'Neill-Gordon
Oda	Paradis
Payne	Petit
Poilievre	Prentice

Preston	Raitt
Rathgeber	Reid
Richards	Richardson
Rickford	Ritz
Saxton	Scheer
Schellenberger	Shea
Shipley	Shory
Smith	Sorenson
Stanton	Storseth
Strahl	Sweet
Thompson	Tilson
Toews	Trost
Tweed	Uppal
Van Kesteren	Van Loan
Vellacott	Verner
Warawa	Warkentin
Watson	Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)
Weston (Saint John)	Wong
Woodworth	Yelich
Young— 131	

PAIRED

Nil

The Speaker: I declare the motion carried.

[*English*]

It being 5:57 p.m. the House will now proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

NATIONAL PHILANTHROPY DAY ACT

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.) moved that Bill S-217, An Act respecting a National Philanthropy Day, be read the second time and referred to a committee.

He said: Mr. Speaker, I am very pleased to once again bring this bill forward to the House, a bill first introduced, debated and adopted by our colleagues in the other place.

Bill S-217 would officially recognize November 15 of each year as national philanthropy day. I want to thank the hon. senators who did the legwork on this piece of legislation, in particular Senators Grafstein and Mercer and others who have dedicated large parts of their lives to the betterment of others through philanthropic endeavours. Their work continues with this bill. I congratulate them on their life's work, for bringing this bill forward once again and particularly for the diligence they have shown over the last couple of Parliaments to get this through.

National philanthropy day in fact occurs already on November 15. Events are held across this country to recognize the critical importance of philanthropy, of giving in Canada. The bill before us today seeks to officially recognize these efforts by the Parliament of Canada.

I want to thank my colleague from Mississauga—Streetsville for seconding it. I know she has a long history of philanthropy and helping others.

Giving is a critical component to so many sectors, organizations, communities and Canadians. Today, giving is probably more important than ever. It builds upon the shared responsibility we

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have to help each other. It brings people together around a common cause. At a time when governments are reducing funding and support for the voluntary sector, privately donated money becomes critical to replace that shortfall.

In critical areas like health care, human rights, health promotion, the arts, literacy, recreation for our children, services for our seniors, churches, and so many others, the act of giving time and money is a central element of an organization's ability to serve its community.

Like most colleagues in the House, I have worked as a volunteer in the charitable sector and I have seen and felt the impact of those who give. In my own experience, I have been privileged to be associated with organizations like the CNIB, the Canadian Cancer Society, literacy groups, food banks, the Arthritis Society and many others.

My longest and strongest affiliation is with the Heart and Stroke Foundation, where I served as president in Nova Scotia, as well as serving on the national board of the Heart and Stroke Foundation of Canada. I learned that people give in many ways, large and small.

I was always amazed and humbled when every February thousands of Nova Scotians would hit the streets during Heart Month. They would go door to door collecting money in small amounts and some larger ones for the Heart and Stroke Foundation. Many of those same people hit the pavement a few months later in support of the Cancer Society or the Multiple Sclerosis Society or any number of other charities.

Philanthropy takes a number of forms. Every member of the House can think of those who give in their own communities, but in my own community of Dartmouth—Cole Harbour there are many examples of work that is being done. Some of it may seem small.

I think about those who work in food banks. I think about the volunteers who, every Wednesday, provide food for those in need in the north end of Dartmouth. I think about Feeding Others of Dartmouth, an organization with which my family has a long association, that provides support for those in Dartmouth who need food on a daily basis.

I think about literacy and people who give of their time so that others can learn to read and write. I can recall when the cuts to literacy were made in 2006, the number of people who called me and talked about how important this work was to them, people who gave of their time and helped them learn to read and write.

A man came into my office in tears to tell me about his circumstance. He had a job and he struggled. He had two or three children and struggled every day, but he did his job. He finally had an opportunity for promotion and had to turn it down because he knew he could not pass the literacy test. He did not want his employers to find out that he was in fact illiterate as it might affect his existing job. People help folks like that. People help learners.

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There are breakfast for children programs and recreation programs. Like many people in the House, I have a son who is involved in minor hockey and soccer. I have a daughter who plays soccer and is involved in the Girl Guides. These things could not happen without people who give in the community. That does not even mention service clubs, the Kinsmen, the Kiwanis, the Rotary Club, the Lions Club and everybody else who gives so much.

On a small level people give, but on a large level people give as well. In my own community, there are people who support causes: the Risleys, the Rowes, the O'Regans, the Fountains, the Goldblooms, the Sobey's, the Joudreys, the Keatings, the McPhees, the Smithers, the Conrads, the MacDonalds, the Spatzs, the Flemings, the Edwards, and the Dennis family.

● (1800)

I want to mention one significant act of philanthropy in our community. Graham Dennis is the long-time publisher of the *Halifax Chronicle Herald*, one of Canada's few independently owned newspapers. He is the head of a very charitable family as well. A few years ago, I think it was in 2002, his son Will passed away at the age of 30 from an epileptic seizure. To honour his memory, the Will Dennis Fund was created.

The primary initiative of this is the establishment of the Will Dennis Chair in Pediatric Epilepsy at the IWK Children's Hospital. The fund reached a milestone in 2007, with the appointment of Dr. Michael Esser to the chair. Now it is a fully endowed chair. A lot of that money came from the Dennis family, not in a splashy way, not in any way to elevate themselves, but to bring to the community the resources they had in memory of somebody they loved so that others would not suffer in the same way.

That is the kind of philanthropy that exists in our communities. That is the kind of giving that makes Canada a better place. That is the kind of giving that we want to recognize with a national philanthropy day on November 15 from the Government of Canada.

Governments have come to rely on generous people. Governments need to do all they can to encourage this type of giving. There are many ways to support philanthropy. We can do so through the tax system, by leveraging money, and through recognition, like here today, by passing legislation to formally make November 15 of each year national philanthropy day. That would be a welcome acknowledgement for the many people in the philanthropic community who support this legislation, the organizations that support philanthropy and the hard-working people who go out and raise money these days, which is not easy. I mention organizations like AFP, the Association of Fundraising Professionals, Philanthropic Foundations Canada, the Voluntary Sector Forum, Imagine Canada, and the Canadian Association of Gift Planners.

Charities are respected by Canadians. Polls have consistently shown that Canadians trust charities. In many ways, they trust charities more than they trust governments. A recent opinion poll of nearly 4,000 people found that charities are highly trusted. Charity leaders rank only behind nurses and doctors in terms of trust from the population. A majority of Canadians say they have a lot of trust in charities. These are organizations that are made up of people to support other people. They do it at great personal expense, but they

do it because it is important, whether it is giving of time or whether it is giving of money.

Each of us has unsung heroes in our communities and ridings, people who give of their time and money in the hope that their efforts will make a difference. They do make a difference; they make a very significant difference.

Bill S-217 requires no money from the government. It is entirely non-partisan. It does not require even any investment of government time. All it requires is the recognition of giving, of philanthropy, of the hard work that is done by fundraising professionals and volunteers. Ultimately, it recognizes the great efforts of those who give to improve the lives of others. It is a small ask of this place with a huge reward for our country: a better, more generous Canada.

● (1805)

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I congratulate the member on his involvement. I am involved with the Yukon Anti-Poverty Coalition, Yukon Literacy Coalition, Yukon Learn Society, and the Skookum Jim Indian Friendship Centre.

I would like to ask the member if he has had the same experience with two special types of giving. Volunteerism is very important. I was shocked when the government cut money from the voluntary sector. The first type would be Yukoners, Newfoundlanders, people from rural Canada, people from small communities. In a small community there are several hundred of these NGOs asking for money and those people come forward with that money. The second type in a small rural community would be the few businesses that are asked by these hundreds of NGOs and they are very giving in special circumstances. Going door to door, I would meet people who had no money. I wondered if they could put food on the table, but they would come up with a few cents. That really moved me and made me proud to be a Canadian.

Mr. Michael Savage: Mr. Speaker, one of the things we constantly find in this country is that a lot of the money that is given does not necessarily come from people we might expect or from areas we might expect. We have very generous people who give money, like the John Risleys and the Ken Rowes and the Goldblooms. We are very fortunate that way.

However, I recall from the days when I was involved with the Heart and Stroke Foundation that the maritimers gave more money on a per capita basis than people in the rest of the country. People in Cape Breton, for example, and parts of rural Nova Scotia that do not seem to be doing particularly well, were very generous.

Canadians are generous people. I think Canadians want to help their fellow citizens. I think Canadians want a country that is strong. Canadians believe that we are a stronger country when we help the weak, that we are stronger when we protect the vulnerable, and they want to play their part in that.

This bill would be a recognition of that fact. It would allow people to give, knowing that the government supports their initiatives.

Private Members' Business

•(1810)

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, one important thing to recognize with respect to philanthropy is that some large generous donations have been provided by Canadians across the country, but our current tax structure actually reduces what people would get back at tax time because donations are tied to the income tax rates. We have actually reduced what people get back for a charitable donation.

I want to know if the member supports my private member's bill which would reverse that. It matches what we get as current political parties, and it is capped at a certain amount what political parties can give and then it returns to the existing amount.

For example, for the first \$400 donation that a person gave to a political party, the person would get 75% of it back. I believe there should be the same type of system in place for when people give to the Girl Guides, the Boy Scouts, the United Way. I want to know if the hon. member supports that initiative.

Mr. Michael Savage: Mr. Speaker, I always felt when I was in the not-for-profit sector as a volunteer that the taxation situation should be the same for not-for-profit organizations as it is for political parties.

I am not specifically familiar with my colleague's private member's bill. However, I always thought it made sense. Politicians make the tax laws and the laws are designed to assist people giving money to politics. I think that people should be encouraged to give money to politics. They should be given more credit for giving money to regulated not-for-profit charities.

Today we are debating the philanthropy bill. I would be quite happy to have that discussion with my colleague. I would ask him for his support on this bill, and then I will consider my support for his bill.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I want to congratulate the member on his bill.

I want to take the opportunity to congratulate Clara Hughes, who is one of my constituents. I think many people know her as the champion speed skater at the Olympics. When she struck gold at the 2006 Winter Olympics in Turin, she donated \$10,000 from her bank account to the Right to Play organization and challenged corporations to do the same.

I thought that was a spectacular effort on her part, given that the Olympic athletes do not have a lot of resources to give in the first place.

Mr. Michael Savage: Mr. Speaker, I admire Clara Hughes, who is not only a winter Olympian but a summer Olympian as well. The work she has done is fabulous.

I would be remiss not to mention Sidney Crosby from Dartmouth—Cole Harbour, who is one of the leaders in Canada not only as a hockey player but as a person who supports charities, who works with kids and makes this country a better place.

We have some fabulous athletes in this country. Not all athletes are great role models but when we talk about Clara Hughes and Sidney Crosby, we are very blessed in this country.

Mr. Dean Del Mastro (Parliamentary Secretary to the Minister of Canadian Heritage, CPC): Mr. Speaker, I rise today to recognize Canadians from coast to coast to coast who give their time, money, talent and passion to charitable and philanthropic causes across this country. It is these people who make Canada the greatest country in the world.

We are fortunate to have a healthy and vibrant charitable sector and a strong tradition of philanthropy in Canada. Every year almost 23 million Canadians reach into their pockets and donate more than \$10 billion to support charities and causes that they collectively believe in.

Canadians not only support these causes with their wallets but also with their time. These days it is more and more difficult to find quality time to spend with loved ones and yet Canadians still give their evenings and weekends to organizations that depend on donated time.

In my riding of Peterborough, the electric city region as I like to call it, we have great examples of people who donate so much of their time, their money and their efforts. Two weeks ago a new clinic was opened in Lakefield, a village in my riding. So much of that was made possible by the Morton family, a family which gave so much money because they wanted it for the community.

I think of people like Daryl and Jewel Bennett; a former MPP from Peterborough, Keith Brown, who is always there; John and June Turner, who have been there; the former speaker of the Ontario legislature, who has been there for United Way fundraising causes for years. The three loonies: Peter Blodgett, Bruce Fitzpatrick and Bob McGillen, who go out every year and raise all kinds of money for the Peterborough food bank and for the Peterborough Kawartha food share.

A lot of people know Jim Balsillie from RIM and the BlackBerry that we are all so fond of. Jim Balsillie donated so much money. He was the largest donor to the Peterborough family YMCA, hence why it bears the name "Balsillie" on the outside of the building. And of course, John and Susan Mackle, busy people who are giving so much of their time this year to head up our United Way campaign of which I will be a major contributor. I have made the pledge that I will do that as will my colleagues in this party to support the Peterborough United Way.

I want to salute all members in the House. They have demanding schedules and it may limit their volunteer opportunities, but many participate for a cause. It is these types of events that bring people together for a common goal and that is true of all members in the House and all parties. But it does not stop there. The many benefits that derive from people giving so generously of themselves is tenfold. The knowledge that we have helped or impacted someone's life is truly priceless.

In 2007 Canadians volunteered more than 2.1 billion hours of their personal time to volunteer associations, charities and community groups. That is equivalent to more than 1.1 million full-time jobs worth of volunteer time and that number continues to grow each and every year.

Private Members' Business

An example of this generosity was on display in the national capital just a few weeks ago when more than 8,500 volunteers and participants joined the CIBC Run for the Cure. Even during these hard times many generous people gave their time and money to support, and they should be saluted for that.

In fact, similar to the CIBC Run for the Cure each and every year we have the dragon boat races in Peterborough and it always astounds me how many people show up at Little Lake in Peterborough for the dragon boat races. This year we are going to have two dragon boat races in Peterborough. We will have the event that we have every year that this year raised in excess of \$200,000, but next year we are going to have the international dragon boat races in Peterborough. It is so exciting that we will be welcoming them to raise money for a truly great cause, breast cancer research.

The people of Ottawa in the CIBC Run for the Cure raised a record \$1.5 million just a couple of weeks ago for breast cancer research. It is remarkable. Although such a feat appears astounding during a recession, these actions happen every day in every province, in every city, in every town in this great country. From walks to raise money for multiple sclerosis, or silent auctions, to help fund local community centres, from the countless hours spent organizing and planning to donations big and small, the spirit of giving is the very essence of what makes this country truly great.

● (1815)

Although the billions of donated dollars and hours were not given for recognition, they are certainly worth every penny. Volunteers have the power to make the difference because they are the community. They do not volunteer because they have to, but rather, they volunteer because they want to.

We are fortunate to have a healthy and vibrant charitable sector and a strong tradition of philanthropy in Canada. The philanthropic spirit of giving of every type, from donating to volunteering, is essential to the values of Canadians and is worthy of recognition.

Through the dedicated work of caring individuals and organizations, November 15 has already come to be known throughout Canada as national philanthropy day. It is time to make it official. The recognition of this special day would help further the important work of those involved in the philanthropic community while encouraging the generosity of Canadians.

This government calls the attention of Canadians to this worthy day and to the actions of all those who have given of themselves to make Canada and the world a better place.

Therefore, on behalf of the Minister of Canadian Heritage and Official Languages, I am signifying our intention to declare November 15 in each and every year to be recognized throughout Canada as national philanthropy day.

This is a day that belongs to all Canadians, not just the Government of Canada.

This is a day that belongs to all Canadians who have given their time or money not because it was legislated or taxed by an order of the government but because it was a good thing to do.

This is a day for each and every one of us to give a simple thank you to everyone who has helped make this country a better place, indeed, the greatest country on earth.

● (1820)

[*Translation*]

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, this evening we are debating Bill S-217, An Act respecting a National Philanthropy Day in Canada. I would like to point out that the Bloc Québécois is in favour of this initiative and we hope it will help not only to recognize Quebecers and Canadians who espouse the values of generosity, altruism and compassion, but also to encourage more people to give generously.

It would be difficult for us to oppose the introduction of such a day not only because it promotes values such as generosity, altruism and compassion, but also because November 15 is already a recognized date in North America. The Association of Fundraising Professionals, a U.S. based agency with over 200 chapters around the world, including in Quebec, has been celebrating this day since 1986 in order to underscore the contributions philanthropists make to enriching the planet.

This bill, if passed, would make official this event that occurs every November 15—an event that a number of Quebec, Canadian and international organizations have already been celebrating, as I was saying.

But how will this bill raise more awareness in people about philanthropy and encourage them to become more philanthropic, and why would this be a good idea? Traditionally, Quebecers gave less because they felt it was up to the state or the Church to be in charge of funding for health and social problems.

For example, in the 1980s in Quebec, philanthropy was associated more with the Church, which helped meet people's needs at a time when the state could not, or with volunteer activities. It was harder for individuals or private companies that worked full time in philanthropic endeavours. Little by little, however, specialized agencies developed in order to connect with the general public and to raise awareness to their cause.

For a long time, Quebecers were considered to be less generous, but nowadays, Quebecers are giving more and more to charitable organizations. According to Imagine Canada, from 2004 to 2007, Quebecers increased the value of their donations by 24%, giving \$1.17 billion of the \$12 billion donated annually in Canada. That is the biggest increase in the country. Some might think that they give an average of \$200 per year compared to the \$437 Canadians give. Some might think that they do less than other Canadians. However, that assumption is not valid. According to Épisode, a company that does fundraising in Quebec, it is not true that Quebecers are less generous than Canadians. That misconception is based on Canadians' tax returns, but Quebecers make a lot of donations for which they do not claim the tax credits they are entitled to.

What kind of philanthropy are we talking about? An international philanthropy day would give us an opportunity to reflect on the new strategic or capitalist philanthropy and on why wealthy donors, business people and private companies decide to use patronage to boost their image or to play a certain role in public policy. We should reflect on the fine line between traditional, authentic, sincere philanthropy and philanthropy designed to further the donors' financial interests.

Recently, we have seen a shift from traditional philanthropy to strategic philanthropy where upper-class individuals try to apply private enterprise models to charitable organizations to achieve concrete results. These people are known as philanthrocapitalists. They invest huge sums of money in health, education, the environment and the fight to end poverty. In many cases, they set up foundations, such as the \$30 billion Bill and Melinda Gates Foundation, whose projects include helping to develop medicines for third world countries.

There are others, such as Guy Laliberté and his One Drop Foundation. The Fondation Lucie et André Chagnon created an innovative social PPP—a public philanthropic partnership—with the Government of Quebec.

I wanted to highlight these examples to help us reflect on the type of philanthropy people are engaging in.

● (1825)

Above all, we must ask ourselves about the government's role in providing assistance to the population. As we know, the government has important strategies and programs in areas such as health, education and poverty. This is what is known as the social safety net, and it requires government involvement and commitment.

For instance, according to the Organisation for Economic Co-operation and Development, or OECD, the gap between the wealthy and middle class, and those living in poverty in this country has continued to grow over the past 10 years for all age groups, reaching 12%. In addition, some 6% of Canadian seniors and 15% of Canadian children are living in poverty. What is more, the federal government is investing less in benefits for the unemployed than any other member country of the OECD, which is undermining its effectiveness when it comes to reducing inequalities.

Such a day would allow us to reflect on the role of the Canadian government in relation to all these social issues and all its obligations to Canadians.

Private Members' Business

I will give another example. Although Canada is committed to setting the development assistance budget at 0.7% of GNP by 2015, today it stands at a meagre 0.31% of GNP. If we maintain current increases, the development assistance budget will reach 0.7% only towards 2037.

Once again philanthropy should not make up for the government's failures. Earlier, we talked about many organizations that raise funds for such causes as breast cancer, MS and all neuro-degenerative diseases. The government must also assume its responsibilities. A day to highlight the contribution of philanthropic organizations would also make it possible to take stock of the government's responsibility.

We know that corporate philanthropy—with its significant impact on international development assistance and achieving the millennium development goals—is looked on favourably. However, the state should take the necessary steps to ensure that it takes the lead in the fight against poverty, before turning to the private sector.

Philanthropy has the appearance of a new social actor, a stop-gap measure for the state when it comes to poverty. There is cause to question the fine line between traditional, authentic and sincere philanthropy and a sort of strategic philanthropy spurred by financial interests.

Finally, the debate on Bill S-217 provides a good opportunity to remind the government that it must step up its fight against poverty, both at home and abroad, as well as its environmental action. The failures of the state in these areas are the main justification for philanthropy.

[*English*]

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, it is a privilege to debate Bill S-217 from Senator Grafstein, and I congratulate him on his work. He will be retiring from the Senate at the end of this year and this bill is certainly a significant achievement for him at the end of his career in the Senate.

It is important to talk about the date of November 15, being close to that of Remembrance Day, in the sense that our legions across the country have for generations provided generous donations for many causes and, in fact, have gone unsung in many respects as a national organization but also as individuals.

Therefore, we as New Democrats support the bill and we believe it is very important that it moves forward.

I can speak about this because I come from a not for profit sector. I worked at Community Living Mississauga, the Association for Persons with Physical Disabilities and the Multicultural Council of Windsor and Essex County. I can tell the House that those who are in need, whether they be the poor, persons with disabilities, seniors or other individuals who have been in a time of need, have been strengthened by the generous donations of the volunteers across the country and also those who donate money.

Private Members' Business

It is not just the people who give out the large sums of money who are often in the headlines. It is also those Canadians who scrape by but who provide generous donations on a regular basis. They perhaps do not get their names in the paper but they need to be recognized as a collective, as we are a very caring society from every city, town and village across the country. In fact, donations in 2007 ranged from around \$10 billion in terms of contribution, which was a jump of 12%.

I come from the city of Windsor and Essex county that has had a 15% unemployment rate for a number of years and we have seen continued donations from those individuals. I think of those organizations and the workers who deserve credit. I think of the workers who are at a General Motors transmission plant in my riding. Despite the fact that they will be losing their jobs in a year from now and there is no replacement product, they have come up with hundreds and thousands of dollars in donations for the United Way. They continue to have that commitment to the communities.

I could not stand here today without recognizing some individuals who I think are important. It is an opportunity for us to recognize some of the local achievements that come from our region that bind us as a caring community. I know the member for Dartmouth—Cole Harbour earlier mentioned some people and I think it is important to add others. I think of Dr. Tayfour from my community, Claire and Anne Winterbottom, Bill and Rochele Tepperman, Tony Toldo and family, Mickey Sholtz and family, Dr. Demers, Gerald Freed and family; Dr. Ismail and Khalida Peer, Dr. Boyd and Jane Boyd, the Woodall family, Dr. Lyanga and Scholastica, and the Taq Taq family. Those are all individuals who have made significant contributions to the Windsor and Essex county area and nationally as well. Some of them have been recognized with the Order of Canada, including Gerald Freed and the Freed family, for their generous donations on a regular basis to our community.

Historically we have also had the Joy family, the Walker family and the Budameir family that have made significant contributions.

Coming from a region that has been decimated by high unemployment, the loss of manufacturing jobs and environmental conditions that are very significant in terms of human health because we are in an industrialized zone and we are in the shadow of the United States, which causes extra pollutants and contaminants and further strains on our social system, I could be no more proud of those individuals and also rallying the thousands and thousands of Windsorites and Essex county people who have given their time and their donations to ensure we have the strength of a civil society that does not leave people behind.

Sadly, governments have not done enough, whether it be provincial or federal, to help the social service infrastructure and it has cost us. It has cost us, not only in needless human suffering and tragedy, but it has also cost us in terms of productivity as a society, and that needs to be reversed, especially during this time.

I also want to note that there are solutions. Nationally I think of Mr. Lazarides from RIM who has donated so much money for sciences and for the advancement of those kinds of solutions for our communities and societies. I think also of the Lewis Foundation with Stephen Lewis who has shown that Canada on the international stage is a nation that cares and actually wears the face of humanity every

day trying to make a difference for those who are suffering from AIDS, tuberculosis and other types of diseases. It is important to note that if we did not have that footprint in the world, Canada would be seen much differently than it is today. That is why they need to be recognized. This day, November 15, will provide that opportunity.

I think of the collective groups. I mentioned our legions and the collectivity they have actually performed and punched above their weight in terms of contributions.

● (1830)

I can also think about individuals like Gary Parent from the CAW. He was the Windsor and District Labour Council president who just retired. He has been recognized provincially but I believe he should be recognized nationally for his generous commitment to ensuring people are supported in the community and for his understanding that there is an obligation and interest in the workplace for social justice matters outside in the community to advance the cause of the human race and also of Canada. That is the kind of Canada that I believe in and want to pass on to my children.

Some issues are challenging the government, as well as issues surrounding philanthropy and charitable giving. Because the income tax laws are tied to the charitable laws right now, successive Liberal and Conservative governments have allowed this policy to reduce what one gets back at tax time for a charitable donation.

Why that policy is still in place is beyond me and it needs to be halted. We need to encourage more Canadians to give. It has already been noted that more than half of donors would give more to charities if they could get more back at tax time. It is amazing in terms of what we could do. It needs to be recognized that there are 161,000 not for profit and voluntary organizations in Canada that contribute billions of dollars annually to the economy and employ millions of people across our country who provide services that governments often will not, cannot or should not provide. These organizations come from the community and provide a philosophical basis that is very important in solving problems, whether it be literacy, such as Raise-a-Reader in Windsor, Ontario, from the Windsor *Star*, or national issues such as cancer and the local issues associated with that.

It is important to note that we can change the laws in this country and I proposed a bill that would do that. It would change the charitable giving returns to an individual. I understand that we cannot do this without a limit. I have proposed a law that would mirror political parties in terms of giving to a charitable organization. I tried to get unanimous consent for it in the House but it was denied by the other parties. I do not understand why, especially given that we seem to have money available during this time of economic crisis.

Private Members' Business

As things currently stand, lowering the general corporate tax to 15% by 2012 will cost the government \$86 billion. That is money out the door that will not connect to the community in any significant degree. I have proposed that charitable organizations that get money from the federal government would mirror political parties. If people give \$400 to a political party, they would get 75% of that back at tax time. That goes at a threshold that reduces over the duration but one can give out up to \$1,100. I have proposed that we do the same thing for charities and that would provide an economic stimulus to that sector, which has seen its donations reduced by the government over time because of its tie to the income tax law. At the same time, successive governments have been reducing corporate tax cuts.

The estimated cost of this bill would be less than \$1 billion. When one thinks about what the government has been doing in terms of financial management and where we could be spending the money, it would virtually go back into our communities. With Canadians already identifying that they would give 50% more back, think about what the churches, synagogues, mosques, temples, registered faith organizations and others like the United Way could do with those resources right now to address the social problems that are escalating because of the current economic fiscal crisis.

I do not understand why the government does not do this. The voluntary sector is a very important hub in the Canadian economy, as well as in our productivity as citizens as we deal with everything from addiction to family, children and seniors issues. That is why my bill should be passed in the House of Commons and it is one that could even be phased in over time if the government does not want to provide the resources right away.

It would not be a direct loss of net revenue. People would be taking those funds and giving back to charities, creating jobs and providing solutions and preventive actions that are necessary to ensure youth do not fall into crime and that seniors get the proper support in their communities so they do not need to be in the hospital. This would ensure a continued contribution by individuals.

I hope the government wakes up to that and delivers a responsible recourse to the voluntary and charitable organizations in this country that have been long forgotten.

• (1835)

Mrs. Bonnie Crombie (Mississauga—Streetsville, Lib.): Mr. Speaker, I am delighted to rise today to contribute to the debate on Bill S-217, the national philanthropy day, and to support my hon. colleague from Dartmouth—Cole Harbour and also to pay tribute to Senator Jerry Grafstein who created the bill and who is about to retire from the Senate, leaving this as one of his legacies.

Bill S-217 is not a new bill. It has been on the order paper since 2005, and I have been following its fate with interest. I am pleased to see it finally make its way through the parliamentary process.

Bill S-217 establishes November 15 as a special day for philanthropic associations across Canada. National philanthropic days are already held across Canada, involving thousands of citizens every year. This day was initiated at the grassroots level and continues to grow, led by individuals, charities and organizations such as the Association of Fundraising Professionals to celebrate philanthropy.

Canada will lead the world if Parliament adopts the bill and recognizes national philanthropy day on November 15.

There has barely been a facet of Canadian society that has not been touched by philanthropy at some point or in some way. According to Imagine Canada, Canadians collectively donated almost \$9 billion to charitable causes in 2006, and that number has grown today.

Philanthropy, however, is more than donating money. It is also about the gift of volunteerism, passion and selflessness. In the spirit of philanthropy, over two billion volunteer hours were donated, and again that number is growing each year.

Philanthropy is about what is in our hearts, not necessarily about what is in our bank accounts or our wallets. Many philanthropists are not donors in the traditional sense, but are champions, advocates and volunteers. There is a continuum of ways people engage in philanthropy, all of which have their own merits.

As described by Imagine Canada's foundation research in its "Philanthropic Success Stories in Canada", philanthropy can be that which tackled unpopular issues such as: HIV-AIDS, homelessness or mental illness; were not done for personal glory or recognition; supported pioneering, innovation and were often ahead of the curve; addressed the root causes of a problem or drew on the expertise of those working in the field; engaged and inspired the wider community; demonstrated long-term commitment; or acted as a spark or a catalyst for long-lasting social change. Canadians feel that philanthropy has achieved many of these things.

In my career, prior to being elected as the member for Mississauga—Streetsville, I, too, profoundly believed in the merits of philanthropy, its ability to make a change and impact in our society and became a passionate community activist and fundraiser. For me, giving back to the community with my time and energy was a worthwhile endeavour.

I have raised money for many worthy charities, organizations and causes, all of which, unable to meet the growing needs of their budgets through government grants and subsidies, turned to individual or corporate donors for support.

I first became involved in my children's schools when school boards and provincial governments could not adequately fund the need for sports equipment, new technology or textbooks. From there I became involved in Arts Umbrella, a visual and performing arts institute in British Columbia, to help support its programming and outreach activities. I joined its board and enjoyed my time there, continuing to assist with the growth of that organization. I enjoyed my time immensely.

Private Members' Business

Soon after a dear friend, Madeleine, was in a tragic car accident and suffered a brain injury, a devastating yet invisible injury, suddenly changing the course of her life forever. I was compelled to act to assist her and others like her with their plight. I joined the board of the Brain Injury Association of Ontario and I acted as its fund development chair. I also worked with the national Brain Injury Association to assist with its fundraising.

Within my own community, I became aware of the escalating demands and chronic shortages of our health care system and wanted to find a way to contribute. I joined to assist the Foundation of Mississauga's Credit Valley Hospital to raise money and help build a regional cancer centre, the ambulatory care centre and the maternal care centre, ensuring that our community had world-class treatment.

I continue however, wherever and whenever I can to assist in causes I believe in, from the Cancer Society, the Heart and Stroke Foundation, the United Way, Crohn's and Colitis Foundation, breakfast programs, et cetera, because contributing to causes which help friends and help build a stronger and healthier community is the right thing to do.

• (1840)

The achievements of philanthropy are diverse, spanning all aspects of Canadian society, such as health, housing, education, social services, the environment and international issues, which demonstrates the widespread impact that philanthropy has had both in Canada and abroad.

Let me illustrate how philanthropy has helped our community in some very profound ways.

In fostering innovation, philanthropist and businessman Alan Broadbent helped found the Maytree Foundation and the Caledon Institute for Social Policy. Both of these organizations were influential in finding innovative and efficient means of addressing emerging social problems. Caledon achieved the implementation of the national child benefit, a significant step toward addressing child poverty in Canada. Some consider this initiative to be the most promising reform since medicare.

Philanthropy also helps to build strong and vibrant communities. The Community Foundation of Mississauga, for example, is a local foundation created in 2001 for and by the people of Mississauga. It offers people a variety of ways to make a difference through philanthropic giving. The Community Foundation of Mississauga is one of more than 155 community foundations in Canada and has granted \$750,000 over the past three years in areas such as children and youth, the environment, heritage preservation and building strong communities.

Because community foundations are attuned to the needs of the community, they are capable of addressing local issues in some very creative ways.

Philanthropy has also had an important influence in the development of Canada's health care system, including its hospitals and community-based health services, such as helping to create services for populations that are not adequately serviced by traditional programs.

A couple of examples include Casey House Hospice, which provides palliative care to those suffering from HIV/AIDS. Founded by June Callwood, it was the first of its kind in the world. The Yee Hong Centre for Geriatric Care in Mississauga, founded by Dr. Joseph Wong, provides care that is culturally and linguistically attuned to Chinese values and traditions.

In addition, philanthropy plays an integral role in raising awareness of a number of health issues and in generating funds for research, at times having a hand in many of the world's most significant medical breakthroughs. One of the most famous Canadian contributions to medicine, Banting's discovery of insulin, had philanthropic roots.

The Terry Fox Marathon of Hope taught Canadians about cancer and to date has raised \$23.4 million for research.

The gene that causes cystic fibrosis would not have been identified without the financial support of donors to health charities like the Cystic Fibrosis Foundation.

Philanthropy has been involved in providing social assistance for many years. Before the great depression, this was provided predominantly by the church. One of the earliest umbrella organizations in Canada, the Community Chest, was a product of various religious charities banding together to raise funds for their community. This organization became the United Way of Canada.

Philanthropy has also made important contributions to the affordable housing movement in Canada. Habitat for Humanity prides itself on not receiving any government funding. Just two weeks ago I had the pleasure of cutting the ribbon on the first Habitat for Humanity home in Mississauga, built by the community for the community.

It is difficult to imagine a part of society that has not been touched in some way by philanthropy.

There is a general consensus among philanthropy experts that it is about more than just writing a cheque. The most highly regarded philanthropists are not those who donate vast sums of money. Rather the ideal philanthropist takes risks and tackles unpopular issues, gives selflessly of themselves, makes long-term commitments to causes and has no expectation of recognition or a return on his or her investment.

I speak personally when I tell the House that philanthropists gain a sense of personal satisfaction and fulfilment. They learn new skills, meet new people and feel appreciated or recognized for doing so. For others, it is a lasting legacy.

National philanthropy day is about just that, setting aside a day to recognize those who give so much of themselves. That is why I support the bill. I call on all parliamentarians to support it as well.

• (1845)

Mr. Andrew Saxton (Parliamentary Secretary to the President of the Treasury Board, CPC): Mr. Speaker, Bill S-217 reminds us of the important role philanthropy plays in the lives of Canadians. There is barely a part of our society that has not been touch by it at some point and in some way.

*Adjournment Proceedings**[Translation]*

Canada has a rich history of giving that goes back to the pioneers of Quebec City when the first homes were being built for women and children in the mid-1600s.

The philanthropic spirit that fuels our communities is one of the essential values that are dear to us.

Today, I would like to look to the past to admire the generosity of those Canadians who, in pursuing their ideal, helped shape our country and define the humanitarian spirit that is now at the very heart of our Canadian identity.

[English]

Many of these early philanthropists were spurred into action by what was happening in the world around them. With the desire to make a difference and to improve conditions, they often partook in surprisingly ambitious work.

One of the most famous Canadian contributions to medicine, the discovery of insulin, had philanthropic roots. In 1922 there were no research grants for medicine and a young doctor by the name of Frederick Banting acted as his own benefactor, selling his car to finance his research in diabetes.

Banting's discovery expanded the frontiers of medicine and improved the lives of millions of people around the world. In 1923 Banting received the Nobel Prize in medicine, but he never received income for his discovery. He had sold the rights to insulin for \$1 in order to ensure that the drug would be accessible to all those who needed it. He put the needs of others before his own.

Banting had unlocked the mystery in the treatment of diabetes. He discovered a Canadian medical miracle of the 20th century.

Philanthropy also helped shape the health care services available to Canadians. In the fight against tuberculosis, Canadians like Sir William Gage financed free sanatoria across the country, as well as the salaries of the first tuberculosis nurses. Eventually, the service was taken over by the public health departments and the Victorian Order of Nurses.

- (1850)

[Translation]

I would be remiss if I did not mention Jean Vanier, son of a Governor General of Canada, Georges Vanier, and founder of the international federation of L'Arche communities for people with intellectual disabilities.

Jean Vanier had a compelling vision of what it meant to live a life guided completely by the humanitarian spirit and he was celebrated as a Canadian who inspired the entire world. He won acclaim for his social and spiritual leadership and for increasing public awareness of the suffering of marginalized people.

While some have dedicated their lives to improving society and advancing health research and care, others have used their work to change society little by little.

[English]

There were others like Vancouver secretary Alice MacKay, who in 1944 set aside \$1,000 of her salary to help homeless women. Her gift inspired a local industrialist to donate \$10,000 and encourage nine of his friends to do the same. Together their donations helped to start the Vancouver Foundation. Today it is now the largest community foundation in Canada and the fifth largest in North America.

Her kindness represents a milestone in the history of philanthropy in Canada. Because of her, community foundations are now an integral part of our daily lives. They help to lay the groundwork for strong and vibrant communities. They are attuned to the needs of the community. They are capable of addressing local issues in creative ways. They survive on the donations and hard work of our citizens and they give back to those who give, like Alice MacKay.

Decades after her wish was made a reality, the Vancouver Foundation founded Canada's first youth in philanthropy program to better involve young people in their communities and in philanthropy. It quickly became a model for other community foundations across Canada and the world.

By recognizing this day, by recognizing the important work of Canadians who have demonstrated their generosity, this is a day that belongs to all Canadians, not just the Government of Canada. This is a day that we have declared our support for and, within its very core, our desire to unite our citizens in the common humanity and the values that are vital for the continuing development of the societies in which we live: freedom, peace, respect, justice and tolerance.

The Acting Speaker (Mr. Barry Devolin): 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.

The Acting Speaker (Mr. Barry Devolin): I declare the motion carried. Accordingly the bill stands referred to the Standing Committee on Canadian Heritage.

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

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under standing Order 38 deemed to have been moved.

- (1855)

[English]

ACCESS TO INFORMATION

Hon. Dan McTeague (Pickering—Scarborough East, Lib.): Mr. Speaker, last May I raised a concern that relates to the transparency and openness that Canadians should come to expect of our government and of our Parliament.

Adjournment Proceedings

It is extremely important for us to recognize that in the last year the former Information Commissioner, Mr. Robert Marleau, a former clerk of yours, Mr. Speaker, has made a number of assertions about the state of information access in this country and found it to be frankly abysmal, and we agree on this side. While this is not an opportunity for us to go back and say one party can do better than the other, the reality is that Canadians deserve better.

I asked the President of the Treasury Board at the time what his position was with respect to the findings of the Auditor General, but between last May when I asked that question and today, as we have now learned from the justice minister, he has made the decision not to embrace or accept the importance of ensuring that there is full disclosure in this country as it relates to access to information. We now learn that the government has pretty much put the kibosh, so to speak, on the idea of openness and transparency. It has done so against a growing chorus of Canadians who believe that Canada is not only falling behind, but that the government stands very much in the way of the kind of changes necessary and the recommendations made not only by Mr. Marleau but also by the committee responsible, in this case the Standing Committee on Access to Information.

Let us not underestimate the significance of what the government is doing to stonewall and to block. Just last week we learned the \$100,000 cheque presentation in the riding of Cambridge would not have come to us had it not been for a successful ATIP. We now know that consistently and for heavily redacted articles, the 30 days within which information is normally shared, as the law requires, is now turning into 120 days. In some cases we can actually say that it goes to six months, eight months, a year or a year and a half. Some of these matters are now heading to the federal court in order to get the transparency that is so important, not just to this Parliament and its ability to function, but in order for the public to have confidence in these institutions.

We may argue as to what recommendations constitute the basis on which we ensure there is transparency. One thing is very clear. In this country at this time we are seeing an accretion of opportunities and the ability of the Canadian government and the public to recognize that information that they want is not deliverable.

I take into consideration not only the concerns that were raised by the committee, but also the basis on which those committee recommendations took place, the 12 recommendation of the Information Commissioner himself. They are simple things like a parliamentary review every five years of access to information, that all persons have a right to access records and that the Access to Information Act provide the Information Commissioner with order-making power for administrative matters.

If we want to ensure that we get full disclosure on information that the public and the media are seeking about these institutions, whether they be our Parliament or our courts, it seems to me it is incumbent on this Parliament and this government to stop stonewalling, stop blocking and start dealing with what the public expects as it relates to access to information.

I see the parliamentary secretary is pretty excited over there. I look forward to his comments.

Mr. Andrew Saxton (Parliamentary Secretary to the President of the Treasury Board, CPC): Mr. Speaker, I rise today to set the record straight. This government is open and transparent with information. The hon. member opposite has the temerity to suggest that just because central agencies disagree with the Auditor General on the documentation of their challenge function that our government is secretive and unaccountable.

Exactly the opposite is true and the hon. member knows it. He is trying to score political points by brewing up a tempest in a teapot and there is no substance to it. It is a witch's brew designed to stir up trouble.

Yes, central agencies do play an important role in challenging departments and agencies during the development of their policies and programs. Their objective is to support cabinet decision making by helping to ensure that the most robust analysis and advice are presented to ministers. The government also wants to strengthen documentation in the right place, that is in departments and agencies which are best positioned to undertake this role.

The member opposite is ignoring the reality that much of this function is done verbally. A lot of it occurs over the phone and in meetings. We are talking about a fast-paced and fluid environment in which this process takes place. It is a process that involves a number of players, each offering new input at a variety of different moments. To try to document all interactions with departments and agencies and ensure that all advice is written down and produced in documents would be impractical and costly and would slow down the government's ability to respond to events like the recent economic crisis.

In short, it would serve neither ministers nor Canadians. What is documented are the results of the challenge function and advice to ministers in support of cabinet discussions and decisions. However, our system of cabinet government holds this advice to be confidential, but that is a far cry from saying this government does not believe in openness and transparency.

The facts speak for themselves and tell the opposite story. It is a fact that it was this government that released information from many of the boards and commissions that previously were not required to release it.

It is a fact that it was this government that brought in the Federal Accountability Act which contained the most sweeping accountability measures in Canadian history. As a result, 69 more public institutions are now covered by the access to information law, bringing the total number of organizations subject to legislation to about 255.

It is a fact that we have been providing the training, policies, directives and action plans needed to support the capacity of the ATIP community. When we see the big picture and not just a narrow sliver, we get a true representation, not a distorted one.

Thanks to the efforts of this government, Canada has a public service that is more open, transparent and accountable than at any time in its history, and that is a government I am proud to be part of.

Adjournment Proceedings

•(1900)

Hon. Dan McTeague: Mr. Speaker, it is interesting to hear the hon. member make comments about openness and transparency. Apparently the only people in this country who actually believe that are the hon. member and his party. It is understandable, because contradicting what they said in campaigns is part of their style.

I want to speak more directly to what the hon. member has failed to mention. Not only was the Accountability Act not properly implemented with respect to the decisions made by officers at arm's-length from this Parliament, including the Information Commissioner, but the comments that were made by the Information Commissioner are not to be fooled around with. The hon. member understands full well that although his party may want to interfere with that, the reality is those recommendations as well as the recommendations of the committees were born to ensure optimal transparency from a government and obviously a minister and perhaps even a member of Parliament who seem to be hiding behind it.

I would encourage the hon. member to look around him, to look at the facts, to walk away from his notes and to start thinking about the fact that the people affected by this are his constituents and Canadians in general. The extent to which they defend the indefensible is indefensible in itself.

Mr. Andrew Saxton: Mr. Speaker, as the hon. member suggested we should look at the facts, so let us look at the facts. This government fought for the right of Canadians to know how their government operates. We opened up the Wheat Board, the CBC and dozens of other institutions to the Access to Information Act. Sixty-nine new institutions are now accountable to Canadians through the ATIA. For the first time Canadians can see how these institutions spend their tax dollars. These are tremendous steps forward for openness and transparency, steps the Liberals never took.

The member is trying to create the impression that decisions about which information to release are driven at the political level. That is absolutely false. ATIA requests are never handled by ministers or political staff. The work is done by professionals in the public service. We are committed to open and transparent government, and our record is clear.

STATUS OF WOMEN

Ms. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, I would like to thank the parliamentary secretary for taking the time to further answer questions on the Auditor General's scathing report on gender-based analysis in federal departments.

As I am sure the parliamentary secretary is well aware, the Auditor General and the Treasury Board secretariat testified yesterday at the Standing Committee on Public Accounts. I had the opportunity to attend that meeting and hoped to get some answers. During question period on May 12, 2009, the President of the Treasury Board claimed that his government is committed to gender-based analysis and denied that the Auditor General was critical of the government's actions.

The President of the Treasury Board was incorrect. The Auditor General was and still is very critical about how gender-based analysis is or, more accurately, is not performed in government

departments and at the Treasury Board. I will briefly summarize her findings.

Gender-based analysis has had a weak take-up in federal departments. Of the 68 cases assessed by the Auditor General, only four had GBA incorporated in policy development. Only 30 of the cases had some analysis done. Twenty-seven cases had not considered GBA at all. There is no policy requiring departments to do GBA, and departments do not know when GBA should be performed.

Furthermore, the Auditor General was astonished that the challenge function at the Treasury Board was based solely on verbal exchanges and no documentation was undertaken. How can anyone be assured if GBA has even been considered, never mind performed, if there is no written record?

Continuing in her criticism, the Auditor General stated that the government does not care about GBA. She found that the lack of documentation made it clear that GBA was and is not a priority. She felt that the government should further help Status of Women Canada fulfill its mandate and support gender-based analysis in all departments.

It was reported yesterday that individual departments are left to their own devices as to how or whether they do GBA. Some training has been done in various departments and at the Treasury Board. Time and money have been invested in GBA, but the results found by the Auditor General show that despite this investment, GBA is rarely performed, often dismissed and very rarely applied.

Transport Canada, for instance, felt that it was gender-neutral and did not need to do GBA at all. It seems very unlikely that absolutely nothing Transport Canada does would affect men and women differently. Sadly, the best the Treasury Board could say for their best practices was that they distribute a pamphlet on GBA and that they include GBA in their boot camp.

They repeated over and over that they did not think that they should have to document whether a GBA was done on a project and that departments should take care of that themselves. If departments are not regulated, encouraged or forced to do GBA and the Treasury Board is uninterested in enforcing GBA, who is left?

Many of the witnesses yesterday insisted that the buck stops at the minister's desk. Ministers alone have the ability to ignore the results of a GBA, if it has even been performed. Only four projects actually took GBA into account. This is a dismal record and it is not acceptable. The system is clearly failing at the department level, at the Treasury Board level and when it arrives at the desk of each and every minister.

Adjournment Proceedings

I have a very simple question for the parliamentary secretary. After the UN Convention on the Elimination of All Forms of Discrimination against Women recommended that GBA be mandatory for all government departments, why does the government refuse to make gender-based analysis mandatory?

●(1905)

Mr. Andrew Saxton (Parliamentary Secretary to the President of the Treasury Board, CPC): Mr. Speaker, I rise today to speak to our government's record on gender-based analysis.

The government recognizes the importance of including gender-based analysis in the development and assessment of policies and programs. That is why we have taken significant steps to implement frameworks to support this process.

The hon. member for London—Fanshawe got to hear firsthand about these efforts yesterday, October 19. She was at the public accounts committee when the government officials testified on this very subject. She even got to ask a few questions.

I am sure the hon. member is well aware that in our system of government, departments and agencies have the most important role to play in setting the stage for gender equality. This is because their deputy heads are ultimately responsible for the application of gender-based analysis and for documenting the analytical process used.

Meanwhile, the role of central agencies, including TBS, PCO and finance, is to support the work of Status of Women Canada and all departments and agencies in implementing gender-based analysis. This includes challenging departments and agencies during the development of their policies and programs.

The Auditor General has objected to the fact that this challenge function is not always a formally documented process. To that I would say that the government is likewise keen on strengthening the documentation process.

Since we came to office, our government has taken concrete steps on several fronts to improve accountability mechanisms for implementing gender-based analysis across government. Under the leadership of the Prime Minister, since 2007, in order to obtain Treasury Board approval, submissions require evidence of gender-based analysis. In 2008 our government took action to ensure all memoranda to cabinet include gender-based analysis. These are initiatives that the Liberals failed to implement over 11 years.

Also included is the use of the management resources and results structure policy to reflect financial and non-financial performance information on all departmental programs, including those with gender-specific outcomes. This includes the Department of Finance actively using gender-based analysis, where data exists, to ensure the consequences of proposed initiatives on various segments of the population are taken into consideration.

I am proud to be part of this government that has demonstrated its commitment to gender-based analysis. Equality for Canadian women, including the implementation of gender-based analysis, is a priority of this government.

●(1910)

Ms. Irene Mathysen: Mr. Speaker, nothing I heard yesterday or today reassures me.

Status of Women Canada has the expertise in gender-based analysis, GBA, and this was recognized by Treasury Board and other departments. However, Status of Women Canada lacks any real power to force departments to perform GBA.

Treasury Board fully admits that it has the ability, the tools and leverage needed to enforce GBA within the federal government, yet it refuses to change practices and document the challenge function. The government seems to feel a verbal discussion is all that is needed.

I want to point out that the Auditor General did not find this at all sufficient and was very suspicious of the verbal discussion, as almost all discussions between Treasury Board and the departments are done through email therefore leaving some sort of paper trail. Treasury Board insisted there was no paper trail. With no paper trail, there is no accountability.

Why does the government keep insisting on accountability when there is nothing? When is it going to put in a gender-based analysis that we can be assured of?

Mr. Andrew Saxton: Mr. Speaker, under our government, our Prime Minister gave a new directive to all central agencies that all Treasury Board submissions and memos to cabinet show evidence of gender-based analysis, GBA.

Canada is a leader in GBA. When our government was elected in 2006, there was no process in place for gender-based analysis. Under the leadership of the Prime Minister since 2007, in order to obtain funding, Treasury Board submissions require evidence of gender-based analysis.

In 2008 our government took action to ensure all memoranda to cabinet include gender-based analysis.

These are all initiatives that the Liberals failed to take over 11 years. Equality for Canadian women, including implementation of gender-based analysis, is and remains a priority of this government.

ABITIBIBOWATER

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, some time ago, back in May, I asked a question. Circumstances have changed slightly. Allow me to explain what I had asked about at that time.

Workers were laid off from the mill in Grand Falls—Windsor and like any person working in that type of industry or any industry, for that matter, they would be in receipt of severance payments. Unfortunately, AbitibiBowater declared bankruptcy in the U.S. courts and therefore, because it was in trusteeship, it could not pay the severance payments.

However, since then the government of Newfoundland and Labrador has paid these workers in the absence of AbitibiBowater doing so and now there is negotiation, as I understand it, between the two parties as to what the selling price of the assets are going to be.

However, I do have a question and it pertains to the Minister of Natural Resources. In this situation, it involves a smaller community. There are roughly 13,000 people in Grand Falls—Windsor. I would like to ask the parliamentary secretary the following question.

In that situation, the workers want to diversify their economy and they want to do it through some of the wood products that they harvest. There is still a lot of forest and still permits at play and many of the loggers and wood harvesters are doing the job they had been doing for decades. In their situation, what programs are available for them to help the community diversify?

Let me leave the member with this thought. What specific programs are there within the department that they could avail themselves of to help the loggers and harvesters find gainful employment?

Mr. David Anderson (Parliamentary Secretary to the Minister of Natural Resources and for the Canadian Wheat Board, CPC): Mr. Speaker, I am glad the member opposite was able to adjust his question to deal with the situation as it presently exists because, as he mentioned, his question was asked back in May.

I wish I had a little more time than I do tonight to fully explore and speak to the issues he has raised. I appreciate the opportunity to explain to the member opposite and Canadians how this government is helping workers, communities and the industry from coast to coast during this global recession.

We particularly recognize the unique hardships that forest workers, communities and firms right across Canada are experiencing. The Government of Canada is responding to these challenges and we are committing to providing support for these communities and workers.

Let me remind the member that our government, which includes the Standing Committee on Natural Resources, has met extensively with forest leaders across the country. One of the things we were told was that access to credit was a key priority for them. Our government has listened to them and we have taken immediate action in our stimulus package to provide credit and to address the credit issue.

Our economic action plan created a new extraordinary financing framework, providing up to \$200 billion to improve access to financing for Canadian businesses, which certainly includes the forest industry.

Budget 2009 also provided Export Development Canada with more financial flexibility to support businesses during the current economic downturn. EDC has working relationships with 90% of the Canadian forest industry and has new flexibility to work with firms in the forest sector and across the economy to address those financing gaps.

In 2008 EDC provided \$13 billion in export insurance, \$800 million in financing and \$200 million in bonding. Those initiatives totalled \$14 billion in financing for the forest sector, including

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financial assistance to 534 different forest companies. At least \$5 billion in new financing is to be delivered under the new business credit availability program. That includes another \$50 billion in additional insured mortgage pools.

More specific, our action plan provides \$8.3 billion to assist Canadian workers through strengthened EI benefits and enhanced availability of training. That certainly would apply in the situation the member opposite has described. The training programs in place will work for his workers.

Our economic action plan also allocates \$1 billion over two years for a community adjustment fund to help mitigate the short-term impacts of economic restructuring in communities. That builds on the \$1 billion that our government provided for a community development trust just last year.

Our economic action plan has a long-term vision that includes the expansion of markets, which is critically important to the forestry sector both in North America and overseas. We have allocated \$50 million to various programs to achieve this vision. By harnessing the potential of new markets and technologies, our industry is reinventing itself and preparing for a competitive comeback that will reinforce and sustain its international reputation as a leader in the world's forest industry.

We are working closely with industry to develop our wood construction market. We are working with it to raise the profile of Canadian wood products. We are encouraging value-added manufacturing, promoting the transfer of technology from labs and research facilities right onto the floors of industry.

It is clear that the future health of Canada's forest sector will depend on innovation and on industrial and entrepreneurial creativity and we are supplying support for that.

● (1915)

Mr. Scott Simms: Mr. Speaker, granted, in some of these situations, the situation and programs the member is describing may prove to be beneficial, or not. However, the situation is the Grand Falls-Windsor mill. It is gone. There are no markets to explore. There are no research grants to be given. It is gone.

Let me switch gears slightly and talk about the fact that there has to be an investment in environmental remediation. This is a mill that has operated for over 100 years. Within the Department of Natural Resources, will there be an opportunity for the Grand Falls-Windsor mill to receive federal money to help it clean up environmentally?

Mr. David Anderson: Mr. Speaker, we are focused on the future. As I mentioned, there are a number of initiatives. The \$1 billion community adjustment fund certainly comes to mind in terms of communities making adjustments that have taken place because of changes in their economy.

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I need to point out a couple of the other investments we have made that may impact places where traditional mills have shut down. We have included a special \$170 million forestry sector package which focuses \$120 million on innovation, such as finding new products and working on new fibre products for the future. It also includes \$50 million on market expansion, trying to find new markets for new products and for the old products that we have had in the past. A strategic \$120 million investment is being made to ensure Canada continues to be a leader in developing and demonstrating innovative and sustainably produced forest products.

Through FPInnovations, the federal government has supported revolutionary research regarding the application of nanotechnology

in the forestry industry. Certainly the forestry industry is changing over the years, and we will be there for the workers and the communities.

• (1920)

The Acting Speaker (Mr. Barry Devolin): The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 7:20 p.m.)

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