CANADA

House of Commons Debates

VOLUME 145 • NUMBER 077 • 3rd SESSION • 40th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Tuesday, October 5, 2010

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, October 5, 2010

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

● (1000)

[*Translation*]

PRIVACY COMMISSIONER OF CANADA

The Speaker: I have the honour to lay upon the table the report of the Privacy Commissioner on the Privacy Act for the fiscal year ended March 31, 2010.

[*English*]

Pursuant to Standing Order 108(3)(h) this document is deemed to have been permanently referred to the Standing Committee on Access to Information, Privacy and Ethics.

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PROTECTING CANADIANS BY ENDING SENTENCE DISCOUNTS FOR MULTIPLE MURDERS ACT

Hon. Gordon O'Connor (for the Minister of Justice and Attorney General of Canada) moved for leave to introduce Bill C-48, An Act to amend the Criminal Code and to make consequential amendments to the National Defence Act.

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

* * *

[*Translation*]

COMMITTEES OF THE HOUSE

FINANCE

Mr. James Rajotte (Edmonton—Leduc, CPC): Mr. Speaker, I have the honour to present, in both official languages, the sixth report of the Standing Committee on Finance concerning Bill S-3, An Act to implement conventions and protocols concluded between Canada and Colombia, Greece and Turkey for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.

[*English*]

The committee has studied the bill and has decided to report the bill back to the House without amendment.

INCOME TAX ACT

Mr. Peter Julian (Burnaby—New Westminster, NDP) moved for leave to introduce Bill C-577, An Act to amend the Income Tax Act (hearing impairment).

He said: Mr. Speaker, there are hundreds of thousands of hard of hearing Canadians and yet, because of the existing structure of the disability tax credit, many of those Canadians cannot access the disability tax credit. This came out very clearly from hearings that I have had over the last few years in my riding of Burnaby—New Westminster.

What my bill foresees is tax fairness. This would change the criteria that currently exists, which is people who are able to hear in a quiet setting with somebody familiar to them, to what would be a more realistic criteria, which means a normal setting with somebody who is unfamiliar to the person.

This bill has been endorsed by the Canadian Association of Speech-Language Pathologists and Audiologists, the Canadian Academy of Audiology and the Canadian Hard of Hearing Association. Each of these organizations are supporting the bill because they believe in tax fairness for people who are hard of hearing.

[*Translation*]

This is for the hard of hearing, who are not treated fairly when they apply for a tax credit for people with disabilities. This bill would provide for equality, access to the tax credit, and fairness for hard of hearing Canadians.

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

* * *

● (1005)

[*English*]

BUSINESS OF THE HOUSE

Hon. Gordon O'Connor (Minister of State and Chief Government Whip, CPC) moved:

> That, notwithstanding the provisions of any Standing Order, for the remainder of 2010, when a recorded division is to be held on a Tuesday, Wednesday or Thursday, except recorded divisions deferred to the conclusion of oral questions, the bells to call in the members shall be sounded for not more than 30 minutes.

The Speaker: Does the Chief Government Whip have unanimous consent to propose this motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

The Speaker: I declare the motion carried.

(Motion agreed to)

* * *

PETITIONS

VIA RAIL

Mr. John Rafferty (Thunder Bay—Rainy River, NDP): Mr. Speaker, petitioners in my riding are concerned that two decades ago VIA Rail service was stopped along the north shore and through Thunder Bay. Petitioners, like Laura Vanderwees and others, are concerned that, with the rising cost of gas and other expenses in northern Ontario, restoring passenger service would be a wonderful thing.

The petitioners call on Parliament to support the Superior passenger rail motion that would restore passenger rail service along the spectacular north shore of Lake Superior and in through Thunder Bay.

EMPLOYMENT INSURANCE

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, this petition is on a subject that is dear to my heart, as we have been campaigning for this for quite some time.

Back in 2005, three pilot projects were introduced to the Canadian public regarding employment insurance. These projects had been extended up until now but one has already expired. We are about to see the second one expire, which is what we normally call the best 14 weeks. Essentially, it allows people to use the best weeks they have accumulated, with 14 being the minimum, to receive benefits. Unfortunately, if this program fails, they will only be able to use the last 14 weeks, which, in effect, would provide a disincentive to work. I hope the government will see fit to make this program permanent or, at the very least, extend it.

I thank the petitioners primarily from the Fogo Island area for providing this petition to restore the best 14 weeks.

[*Translation*]

VETERANS AFFAIRS

Ms. Christiane Gagnon (Québec, BQ): Madam Speaker, it is with great empathy that I table a petition today signed by some 6,000 citizens. They are calling on the federal government to amend the veterans charter to restore the lifetime monthly pension for injured soldiers as compensation. This petition supports the steps taken by a constituent in the riding of Quebec City, Francine Matteau, who is the mother of an injured soldier, and who is fighting for this amendment to the veterans charter.

I thank all of the individuals and groups who helped make this a success, and I hope that the federal government will not remain unmoved by the legitimate claim that these petitioners are making here today. Although the minister announced new measures two weeks ago, he did not deal with the main issue, which is the payment of a lifetime monthly pension as compensation.

[*English*]

PENSIONS

Ms. Chris Charlton (Hamilton Mountain, NDP): Madam Speaker, I am proud to table a petition today that has been signed by hundreds of people in my riding of Hamilton Mountain who are predominantly seniors or people who are very worried about the future of their own retirement incomes.

As people across the country will know, public pensions provide, at most, $16,000 to the typical retiree. Privately, only 31% of Canadians contributed to an RRSP in the last year and they have just seen billions of their savings evaporate. Fewer than 40% of Canadians have workplace pensions. Today, over a quarter of a million seniors subsist on poverty level incomes.

The petitioners in my riding are asking the House to adopt the NDP's comprehensive retirement security plan that would: (a) increase the guaranteed income supplement to end seniors' poverty; (b) strengthen the Canada pension plan and Quebec pension plan in consultation with the provinces with the goal of doubling benefits; (c) develop a national pension insurance program funded by employer pension plans that would guarantee pensioners a minimum of $2,500 a month in the event of bankruptcy and plan failure; and (d) create a national facility to adopt workplace pension plans of companies in bankruptcy or in difficulty and keep them operating on an ongoing concern basis.

● (1010)

CONSCIENTIOUS OBJECTION BILL

Mr. Bill Siksay (Burnaby—Douglas, NDP): Madam Speaker, I am pleased to again table a petition signed by many people from greater Vancouver supporting the passage of the conscientious objection act, a private member's bill that I have tabled in the House.

The petitioners note that our Constitution guarantees freedom of conscience and freedom of religion. They note that some Canadians object on conscientious or religious grounds to participating in any way in the military and associated activities that train people to kill and use violence, produce and purchase lethal weapons, conduct military-related research, prepare for war and killing, and other activities that perpetuate violence, thus hindering the achievement of all forms of peace.

These petitioners support legislation that would allow such conscientious objectors to redirect a portion of their taxes from military to peaceful, non-military purposes.

PASSPORT FEES

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, my petition calls upon the Canadian government to negotiate with the United States government to reduce the United States and Canadian passport fees. American tourists visiting Canada are at their lowest levels since 1972. It has fallen by five million people in the last seven years, from 16 million in 2002 to only 11 million in 2009.

Passport fees for multiple member families are a significant barrier to traditional cross-border family vacations, and the cost of passports for an American family of four can be over $500. While over half of Canadians have passports, only 25% of Americans have passports.

At the Midwestern Legislative Conference of the Council of State Governments, attended by myself and 500 other elected representatives from 11 border states and 3 provinces, a resolution was passed unanimously and reads, be it:

> RESOLVED, that [the] Conference calls on President Barack Obama and [the] Prime Minister...to immediately examine a reduced fee for passports to facilitate cross-border tourism;
>
> ...we encourage the governments to examine the idea of a limited time two-for-one passport renewal or new application; and be it further
>
> RESOLVED, that this resolution be submitted to appropriate federal, state and provincial officials.

* * *

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*]

STANDING UP FOR VICTIMS OF WHITE COLLAR CRIME ACT

The House resumed from October 4 consideration of the motion that Bill C-21, An Act to amend the Criminal Code (sentencing for fraud), be read the second time and referred to a committee.

Hon. Bryon Wilfert (Richmond Hill, Lib.): Madam Speaker, today I will be splitting my time with the hon. member for Newton—North Delta.

I am pleased to speak to Bill C-21, particularly given the importance of white collar crime in this country. Over the last few years we have seen more and more of these cases. The Canadian securities administrators note that at least 5% of adult Canadians have been affected in one way or another by this white collar crime situation and that over one-third of these large numbers of victims of fraud are seniors who have invested money and who have obviously been misled. These people take the money and often it is not recoverable.

We also note with interest that corporations have estimated that between 2% and 6% of their annual profits are affected by white collar crime. Over the last few decades this has totalled billions and billions of dollars, so both the average individual in this country and corporations are affected by the activities of these fraudsters who clearly prey, in many cases as I have indicated, on seniors and the most vulnerable in our society.

We welcome the government's legislation, finally, on this and obviously support it going to committee to be reviewed. This legislation has a minimum mandatory sentence of imprisonment for two years for fraud valued at over $1 million. We could get into the issue of where people stand on mandatory minimums, but the reality is that the courts need to be much tougher on these individuals who prey on the most vulnerable and who clearly take people's life savings.

There have been cases recently where these situations have occurred and have caused great personal trauma for people, the Jones case in Quebec, for example. People believe that the individual before them is a reputable individual who tells them they will be able to invest their hard-earned money in certain investments for their retirement. Yet it turns out that they are victimized, and the penalties are not tough enough.

Not only do we have to look at the penalties but we have to look at prevention. How do we stop the fact that 2% to 6% of corporation profits are lost? How do we stop the fact that 5% of Canadians have been victimized? The committee will have to examine it, but it is not simply about the penalties; it has to be about how we can do better in terms of dealing with these kinds of individuals who are preying on our society.

Prevention is obviously important. The bill does not address the issue of the end of the one-sixth accelerated parole provisions for these offenders, which the opposition has called for and certainly the public has called for. There is absolutely no reason why this provision should still be there, and we hope the committee will deal with that issue. That is one of the shortcomings we see in this proposed legislation.

There is no question that the legislation has been a long time coming. It would have been dealt with earlier by the previous legislation that was introduced before Parliament was prorogued. Now we have new legislation, Bill C-21.

The Earl Jones case in Quebec and the Bernie Madoff Ponzi scheme in the United States are examples of the kind of individuals out there who prey on people and why we need to have tougher legislation. We need to have legislation, in my view, that not only includes the mandatory minimum but also deals with the sentencing issue and the psychological and financial impact on individuals.

The legislation permits victim impact statements after sentencing, but just as it is with an individual who is a victim of a mugging or an offence of that nature, the psychological impacts and the financial impacts in this case are quite significant, which is important. It is important that the courts look at those victim impact statements as well, to see obviously what mitigating factors were involved, but these things have a very long-term effect.

● (1015)

Constituents in my riding of Richmond Hill have been victims of white collar crime, and some of these people are still feeling the effects 10 years later. They should not, but they blame themselves in many cases and ask how they could have been taken in by this individual, how they could have been so gullible. Therefore, they ask what the penalties are, and often it is simply a slap on the wrist, and this is why the mandatory minimum is obviously important. But, it is also important to look at those community impact statements as well.

The Royal Canadian Mounted Police has indicated its support for this. The Canadian Bar Association has concerns about the mandatory minimum issue, but again we need to deal with the reasons for white collar crimes. We need to deal with what the regulations are. One of the issues the House has been dealing with as well is the issue of the securities commissions, the fact that we have 13 across Canada and the issue of a national regulator. When I was parliamentary secretary to two ministers of finance, we promoted the idea of a national regulator. The government is again talking about a national regulator. It is important because, in trying to keep track of investments and the fact that if people overseas are looking at investing in Canada, it does not make a lot of sense that we have 13 bodies. But there are other issues. There are about 50 entities as well that are also involved in the issue of regulations, as well as dealing with the issues of enforcement, investigation, coordination, et cetera. We have a very bureaucratic system, which is often why these kinds of cases slip through the cracks and why these people are able to advance their particular agenda on individuals who unwittingly fall victim to this.

On the issue of recouping of dollars, when people have taken the money how do we get the money back, if any of it is recoupable? How do we get that in terms of where they have put it? Have they put it offshore? Have they simply spent it? What are the tough penalties to deal with individuals who do this?

In my riding there was an elderly lady who had invested $10,000 with someone she thought was a reliable individual, and unfortunately she never recouped that $10,000. When people are elderly and that kind of savings is gone, it has a tremendous impact. The question again is, what are we doing as legislators not only to deal with the proponents who are involved in this kind of white collar crime activity but as well to prevent it? How can we be tougher in terms of the regulations? How can we be tougher in terms of monitoring? Those are the kinds of things that people want to see. The bill deals with part of that, but it does not deal enough on the prevention side. I hope the committee will do more with that.

The victim restitution issue is obviously going to be extremely important because again that is something that at the end result people are most concerned about, in terms of how that impacted on individuals and their families and their community. How do we get the word out of what happens to these people? Some would argue that a minimum of two years is not strong enough, but from the Liberals' standpoint we do believe that there need to be strong provisions put in place, and if we had not prorogued we probably would have had this a lot earlier. But we have to move quickly on a bill of this nature because this addresses an issue in our society, which is becoming more rampant. When we think of 5% of Canadian adults who have been in one way victimized by white collar crime, that is quite significant. I look forward to future deliberations on this.

● (1020)

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Madam Speaker, obviously Canadians welcome greater measures in our laws, policies and programs to protect them from shysters, but one area the bill does not address is one of the largest categories of fraud, which impacts on the public market and the public, and that is environmental fraud.

When I worked in Bangladesh, I discovered that in Asia the government regularly brings fraud charges under its criminal code against major polluters. There have been recent serious cases in my own province of industry filing false reports on pollution. This is not a minor blip or technical matter. Our entire environmental regulatory system is based on self-reporting and if companies do not self-report, there can be significant harm to human health and the environment.

I am wondering if the member could speak to whether the bill should cover a much broader area, including environmental crimes, and in that case, who would speak on behalf of the community in the court.

Hon. Bryon Wilfert: Madam Speaker, as a former parliamentary secretary to the minister of the environment, I welcome the question. My personal view is that yes, it should be broader. It should deal with those kinds of issues. There are jurisdictions where this in fact takes place. She mentioned Asia, and Japan is another example.

This is a type of fraud, although obviously a different type, one that not only has a major impact on the community but can have significant financial implications as well. Environmental false reporting or fraud is an issue that the committee would certainly have to look at, but there are examples in Japan and Singapore where these in fact are on the books and could be very useful.

Who speaks for the community? That is a good question. Both interest groups in the community at large and we as legislators have to put some teeth into legislation that sends a strong message to companies that we do not want it to occur and if it happens there will be penalties. We have to speak with a very loud voice because, whether the pollution is in rivers or fields, the fact is that it is having health effects. Those are implications that need to be addressed.

● (1025)

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Madam Speaker, the member talked about a single regulator. With his experience in the previous government with financial matters and being from the centre of the financial universe, the greater metropolitan Toronto area, he would have some experience in giving an answer to this question.

Why is the government behind the United States with respect to the self-regulation of securities, with respect to cracking down on fraudsters, and why does this bill have no response, for instance, to the type of rampant Madoff situations that occur in the United States? Even though the Conservative government emulates the United States in so many ways in its style of politics, why is it so far behind the U.S. regulatory and punitive regime with respect to securities?

Hon. Bryon Wilfert: Madam Speaker, it partly comes down to political will. It also comes down to the fact that we seem to always be bogged down in jurisdictional issues. There are not only 13 regulators but 50 other bodies involved in the co-ordination, investigation, et cetera. The fact is that this is one area where Parliament needs to act very strongly because the ability for these things to slip through the cracks is very evident.

I do not know of too many countries, in fact I cannot remember one, where there are so many regulatory bodies dealing with this issue. The United States, Great Britain and France all have a single body, and yet we are still debating regulations and jurisdictions rather than who we are supposed to be serving. It is the public that is the victim because of these 13 bodies and the other 50.

Mr. Sukh Dhaliwal (Newton—North Delta, Lib.): Madam Speaker, first I would like to thank the member for Richmond Hill for sharing his time with me. It is always wonderful to work with him as part of a team.

I rise to speak to Bill C-21. This legislation, after dying on the order paper when the Prime Minister decided to prorogue Parliament last year, is finally being revived by the government. This bill is so important and has such an urgency because of the trail of victims that white collar crime has scattered across North America in recent years.

In the United States the infamous Bernie Madoff, while serving as a stockbroker, an investment adviser and a non-executive chairman of the NASDAQ Stock Market, operated the largest Ponzi scheme in history, ripping off thousands of investors for more than $65 billion.

Canada has also had its share of fraud. The highest profile case came to light last year in Montreal. Earl Jones took more than $50 million from dozens of victims in a 20-year long Ponzi scheme. The victims included his own brother to the tune of $1 million.

For too long white collar criminals have received only slaps on the wrist for their crimes. In 2007 there were 88,286 incidents of fraud in Canada. Of those cases, approximately 11% of those responsible were found guilty for their actions. Of that 11%, only 35% received jail sentences and over 60% received probation or a lesser penalty.

The rate of conviction and record of punishment is unacceptable. Because these individuals do not use a gun or a knife, in the past they have been treated with kid gloves. This is absolutely ridiculous because the impact of these crimes is often far more damaging than a simple assault. We are talking about people whose entire life savings, their long-term plans for retirement, their hopes and dreams for the rest of their lives have been taken away from them.

We are dealing with a class of criminals that have no regard for their victims. If a potential victim has to take a mortgage on his or her house to invest in a sure bet, get-rich quick scheme, no problem. How about a senior who has spent 50 years saving for retirement only to have his or her trust broken by someone who guarantees that the senior will never have to worry about his or her money again. Maybe it is a young couple who have saved for their children's education and who are taken advantage of because of their hope to build a better life for their son or daughter.

These are the kinds of stories that have been emerging from these massive frauds for years. They also represent the people who have watched their fraudsters walk over the justice system without any kind of adequate penalty or restitution.

Bill C-21 is a good start toward correcting these voids in our system. It proposes a minimum two-year jail term for fraud over $1 million, and it proposes additional aggravating factors for sentencing. It proposes consideration for victims' impact statements and requires consideration of imposing restitution for victims. It proposes to allow the court to prohibit an offender from assuming any position, volunteer or paid, that involves handling other people's money or property.

● (1030)

I would like to point out that many of these ideas emerged from this side of the House when a group of Liberal MPs from Quebec met with the Earl Jones victims committee and presented nine immediate action items. The spokesperson for the group stated that the Liberal MPs presented for the first time a concrete plan. From the very beginning the Liberal Party has pledged that we will co-operate with the government on the bill in terms of input and fast passage.

Once again, if the House had not been prorogued by the Prime Minister, we would already have a law in place to protect Canadians. Nonetheless, on this side of the House we are pleased to see that the government chose to reintroduce the legislation this past spring.

I would like to make some clarifications of my support for the bill. I would point out the necessity for the bill in its current form to go to the committee stage for scrutiny. There are some huge holes that must be addressed.

Sentencing is important, but so too are the investigations and preventive measures that can be taken before crimes even occur.

Investigators across the country are under-resourced badly and in spite of calls for more funding, the government has ignored this aspect of tightening things up.

Parole for white collar crimes has not been addressed in any way, leaving it unclear whether the fraudster deserves jail time or should go back into the community.

Finally, the one-sixth accelerated parole provisions are outrageous, as they allow these criminals to serve a fraction of their sentence before being eligible for parole. The government has done nothing to correct this glaring error.

Those are the deficiencies in the bill that demonstrate how much work it needs before it becomes the law of the land.

In closing, this is a bill that is a long time coming and one which the Liberal Party was instrumental in helping to craft. For that reason, we are working with the government to get the legislation passed. That being said, we need to ensure that the bill is correct and airtight when it comes to the methods it prescribes for dealing with white collar crime.

This is why I am supporting sending the bill to committee for fine-tuning and improvement.

● (1035)

Ms. Chris Charlton (Hamilton Mountain, NDP): Madam Speaker, I know that many people who are watching the debate today will be very concerned about white collar crime and in particular, their own protection against those kinds of criminal activities.

We need only to think about things like Enron or the case of Conrad Black and the prosecutions that happened south of the border, and here in Canada, many seniors were impacted negatively by what happened around Earl Jones. We have a government that is reacting to a huge public outcry. However, it is not good enough for the government just to say, "We are a law and order government, so trust us, our bills will be perfect and they will be the cure for whatever ails us". It is important to take a very close look at the legislation that is before us.

It strikes me as legislation that was quick to come forward, but is short on innovation and on real teeth. For example, if we look at the provisions about compensation, the bill says "shall consider making a restitution order under section 738 or 739", but it does not compel offenders to compensate their victims. I think that for people who have been defrauded financially, this legislation would be very inadequate in terms of meeting their needs.

The question I want to ask the member has to do with things that are not even in the bill, in particular, environmental crimes. This is one of the areas that has to be looked at much more closely and ought to be included in the bill. I wonder if the member would agree that those kinds of provisions have to be part of this legislation before it receives third and final reading.

Mr. Sukh Dhaliwal: Madam Speaker, I certainly would support those kinds of suggestions. As my Liberal colleague, the hon. member for Richmond Hill stated, on crimes to do with the environment, whether to do with money or substance, they are equally important. That is why we on this side of the House are supporting sending the bill to committee, to let the committee make those changes and make the bill airtight and to take into consideration issues such as the ones the hon. member mentioned.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, I was reading an article on *Canadian Business Online* from September 24, 2007. The headline was "...Canada's losing war against white-collar crime". The author was talking about the RCMP's launch of the integrated market enforcement team, IMET, which was an elite squad of investigators who were supposed to work together to crack down on white collar crime, but the results were extremely disappointing.

In the United States, the justice department there racked up more than 1,200 convictions against high-level executives from Enron and other companies like that in the last five years, and the IMET had only managed to get two. There were 1,200 in the United States and only two in Canada, and both of them were against the same person.

It went on to say:

> Just ask people on Bay Street who they are afraid of. It's not the cops, it's not the [Ontario Securities Commission]. It's the U.S. Securities and Exchange Commission because they have real teeth.

In spite of all of that, President Obama in the United States is re-regulating because he and the Americans do not feel that their system is adequate, and our system is so much worse than their old system was.

When does the member think Canada is going to get tough on white collar crime?

Mr. Sukh Dhaliwal: Madam Speaker, Bill C-21 is long overdue, but as I mentioned earlier, it would have been the law of the land today if the Prime Minister had not prorogued Parliament so many times.

The Liberals are willing to support the government to pass this bill and make this a law. Now the bill is on the floor and we on this side of the House are supporting sending the bill to committee and making sure that it takes care of the victims of these frauds.

● (1040)

The Acting Speaker (Ms. Denise Savoie): Resuming debate.

[*Translation*]

Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Ms. Denise Savoie): The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

The Acting Speaker (Ms. Denise Savoie): Motion agreed to. Consequently, this bill is referred to the Standing Committee on Justice and Human Rights.

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

* * *

[*English*]

SERIOUS TIME FOR THE MOST SERIOUS CRIME ACT

Hon. Lynne Yelich (for the Minister of Justice) moved that Bill S-6, An Act to amend the Criminal Code and another Act, be read the second time and referred to a committee.

Mr. Bob Dechert (Parliamentary Secretary to the Minister of Justice, CPC): Madam Speaker, it is a great pleasure to rise today in support of the important Criminal Code amendments contained in Bill S-6 that will fulfill the government's platform commitment to repeal the Criminal Code faint hope regime.

As hon. members may be aware, the so-called faint hope regime is found in section 745.6 and related provisions of the Criminal Code. Basically, it allows those convicted of murder or high treason to apply to be eligible to seek parole as soon as they have served 15 years of their life sentence, no matter how many years of parole ineligibility remain to be served in the sentence originally imposed upon them.

Before going on I should note that because the National Defence Act incorporates by reference the faint hope regime in the Criminal Code, all the changes proposed in Bill S-6 would also apply to any member of the armed forces convicted of capital offences under that legislation.

Allow me to discuss for a moment the reasons these amendments have been brought forward and why the government places such importance on seeing them brought into law.

From the inception of the faint hope regime in 1976, the availability of early parole eligibility for convicted murderers has been a source of concern for many Canadians. These early concerns became more concrete as greater numbers of sentenced murderers began to benefit from early parole in the early 1990s. This in turn led to a citizens' petition for its repeal in the mid-1990s and to considerable negative newspaper commentary.

The passage of time has not alleviated those concerns. Many Canadians continue to be of the view that the existence of a mechanism that allows convicted murderers to short-circuit the lengthier period of parole ineligibility imposed at the time of sentencing offends truth in sentencing and appears to allow for overly lenient treatment of murderers.

In addition, victim advocacy groups argue that faint hope applications add to the trauma experienced by the families and loved ones of murder victims by forcing them to both live in dread that a convicted killer may bring an early application and then require them to relive the details of their terrible losses, during the faint hope review process and any subsequent parole board hearings. The measures proposed in Bill S-6 are in direct response to these concerns.

In this regard, let me briefly recap the current situation regarding parole eligibility for those who commit murder or high treason. I will not go into detail because Bill S-6 is virtually identical to Bill C-36 in the last session of Parliament and hon. members will already be familiar with the broad outlines of what is being proposed.

The Criminal Code currently provides that conviction for the offences of high treason and first degree and second degree murder carry mandatory terms of life imprisonment coupled with mandatory periods of parole ineligibility.

For high treason and first-degree murder, that period of time is 25 years, while for second degree murder it is 10 years except in three situations: first, it is automatically 25 years for any second degree murderer who has previously been convicted of either first or second degree murder; second, it is also automatically 25 years for any second degree murderer who has previously been convicted of an intentional killing under the Crimes Against Humanity and War Crimes Act; and third, it may be anywhere from 11 to 25 years if a judge decides to go beyond the normal 10-year limit in light of the offender's character, the nature and circumstances of the murder, and any jury recommendation in this regard.

However, the point to be made is that all first degree and at least some second degree murderers must spend at least 25 years in prison before they are eligible to apply for parole. While this may seem like an appropriately long time, the reality is that the faint hope regime provides a mechanism for offenders to apply to have their ineligibility period reduced so that they serve less time in prison before applying for parole.

What this means is that murderers who are supposed to be serving up to 25 years in jail before applying to the parole board are getting out of prison earlier than they would be if they had to serve the entire parole ineligibility period they were given at sentencing.

Before I go on to describe the current faint hope application process and the changes proposed by Bill S-6, I would also like to set out the changes to the faint hope regime that have been implemented since 1976.

The original procedure was for the offender to apply to the chief justice in the province where the murder took place to reduce the parole ineligibility period imposed at the time of sentencing. The chief justice would then appoint a Superior Court judge to empanel a 12-person jury to hear the application. If two-thirds of the jury agreed, the offender's ineligibility period could be changed as the jury saw fit.

● (1045)

Upon reaching the end of the ineligibility period, the offender could then apply directly to the Parole Board of Canada according to the normal standards for parole. By 1996, of the 204 offenders then eligible to apply for faint hope relief, 79 had done so and 55 had seen their parole ineligibility periods reduced. In other words, of those who applied, a full 75% had been successful.

In response to the public concerns and petition I mentioned earlier, the faint hope regime was amended in 1995, with the amendments coming into force two years later. These amendments had three effects. First, they entirely barred the access to faint hope regime for all future multiple murderers. Thus, since 1997, the faint hope regime has effectively been repealed for any post-1997 multiple murderer. This includes those who were convicted of murder prior to 1997 if they had committed another murder after that date.

Second, for those murderers who retained the right to apply for faint hope, the procedure was changed to require the Superior Court judge named by the chief justice of the province to conduct a paper review of each application beforehand to screen out applications that had no "reasonable prospect" of success. Only if an applicant could meet that new standard would a jury be empanelled to hear the application.

Third, the amendments also set a higher standard of jury unanimity as opposed to a mere two-thirds majority before the parole ineligibility period of an offender could be reduced. In 1999, the Criminal Code was amended yet again in response to the report of the House of Commons Standing Committee on Justice and Human Rights entitled "Victims' Rights—A Voice, Not a Veto".

As a result, a judge sentencing someone convicted of first or second degree murder or high treason must state, both for the record and for the benefit of the families and loved ones of murder victims, both the existence and the nature of the faint hope regime. In short, families and loved ones of victims are now at least made aware of the faint hope regime in order to allow them to prepare themselves psychologically in the event that an offender decides to apply later.

Despite these piecemeal attempts to address the criticisms of the faint hope regime raised by concerned Canadians over the years, the faint hope regime remains problematic, nor have parliamentarians been immune from this controversy. Many have also voiced their concerns over the last few years and at least half a dozen private members' bills have been brought forward in that time seeking to repeal the faint hope regime in its entirety.

In the face of the continuing controversy surrounding this issue and the concerns that have been raised both inside and outside the House, it seems clear that this is the time to deal once and for all with the faint hope regime. In this regard, the bill before us today has to two fundamental purposes. The first is to amend the Criminal Code to bar offenders who commit murder and high treason after the date the amendment comes into force from applying for faint hope.

In short, Bill S-6 proposes, effectively, to repeal the faint hope regime entirely for all future offenders. Bill S-6 would thus complete the process begun in 1997 when all multiple murderers who committed at least one murder after the coming into force date were entirely barred from applying for faint hope.

After Bill S-6 is passed and comes into force, no murderer, single or multiple, will be able to apply for faint hope and it will effectively cease to exist except for currently sentenced offenders and anyone who may be convicted or committed murder prior to that date. They will continue to be able to apply until they have reached the end of the original parole ineligibility period imposed upon them.

In this regard, hon. members are no doubt aware that it is a fundamental constitutional principle that a sentence cannot be changed after it has been imposed. Both the mandatory parole ineligibility periods I described earlier, as well as the availability of faint hope, form part of the life sentence imposed on an offender found guilty of murder or high treason.

Repealing the faint hope regime as it applies to the more than 1,000 already incarcerated murderers in this country would be a retroactive change in sentence that would not survive a court challenge under the charter. That does not mean, however, that stricter faint hope application procedures cannot be applied to those who will continue to have the right to apply once this bill becomes law. Thus, the second thing Bill S-6 would do is to tighten up the three stages in the current faint hope application procedure, with the goal of restricting access to these offenders.

Let me now go through the current three-stage faint hope application process in order to highlight the significant changes proposed in Bill S-6. First, as I mentioned earlier, applicants must convince a Superior Court judge in the province where the conviction occurred that there is a reasonable prospect that their application will be successful.

● (1050)

If this threshold test is met, the judge will allow the application to proceed. This is a relatively easy threshold to meet. Bill S-6 will strengthen it by requiring applicants to prove that they have a substantial likelihood of success. This should prevent less-worthy applications from going forward.

At present, applicants rejected at this stage may reapply in as little as two years. Bill S-6 will increase this minimum waiting period from two to five years. An applicant who succeeds at stage one must then convince a jury from the jurisdiction where the murder occurred to agree unanimously to reduce his or her parole ineligibility period. An unsuccessful applicant may reapply in as little as two years. Bill S-6 will also change this waiting period to five years.

An applicant who is successful at stage two of the process is able to apply directly to the Parole Board of Canada. Bill S-6 proposes no changes in this area.

The net result of the change in waiting period from two to five years at stages one and two of the current process will be to reduce the overall number of applications that any offender may make. At present it is theoretically possible to apply every two years once 15 years have been served, for a total of five applications: after having served 15, 17, 19, 21 and 23 years respectively.

In normal circumstances, Bill S-6 will permit no more than two applications: after having served 15 years and once again after having served 20 years. Five years following the second rejection, an offender will have served the full 25 years and his or her parole ineligibility period will have expired.

However, this is not all that Bill S-6 will accomplish if passed into law. As things now stand, convicted offenders may apply for faint hope at any point after having served 15 years. The possibility that an application may come out of the blue with no prior warning causes great anxiety to the families and loved ones of murder victims.

For that reason, Bill S-6 will change this by requiring applicants to apply within 90 days of becoming eligible to do so. This means that applicants will have to apply within three months after completing 15 years of their sentence, and if rejected, within three months of the expiry of the next five-year waiting period.

The goal is to provide a greater degree of certainty to the families and loved ones of victims about when or whether a convicted murderer will bring a faint hope application.

Before closing, allow me to address briefly a criticism of Bill S-6 that was raised in the other place, namely that it ignores rehabilitation in favour of retribution. This criticism is misplaced for it appears to assume a role for Bill S-6 in the parole application process that it does not have.

As I have already mentioned, Bill S-6 does not change in any way the third stage in the faint hope application process for successful applicants of applying directly to the Parole Board of Canada.

There is nothing in this bill that in any way affects the ability of convicted murderers to rehabilitate themselves and to apply for parole in the normal course once the parole ineligibility period imposed on them at the time of sentencing has expired.

The bill simply insists that, for all future murderers, the full time in custody to which they were sentenced following conviction be served prior to making an application for parole. In the same way, for those who will continue to have the right to apply after 15 years, the bill simply insists that they follow a stricter procedure in the interests of the families and loved ones of their victims.

This government is committed to redressing the balance in Canada's criminal justice system by putting the interests of law-abiding citizens ahead of the rights of convicted criminals and by ensuring that families and loved ones of murder victims are not themselves victimized by the justice system.

The rationale for the bill before this House is very simple, that allowing murders, those convicted of the most serious offence in Canadian criminal law, a chance to get early parole is not truth in sentencing. Truth in sentencing means that those who commit the most serious crime will do the most serious time.

I am proud to support this historic measure. The government promised Canadians that it would get tough on violent crime and hold serious offenders accountable for their actions. The measures proposed in Bill S-6 offer further proof that this promise has been kept.

The reforms proposed in this bill have been many years in the making and are decades overdue. They reflect a well-tailored scheme that both responds to the concerns raised by the public and by victims' advocates that the faint hope regime as presently constituted allows for far too lenient treatment of murderers and measures those concerns against constitutional standards.

● (1055)

Bill S-6 proposes to effectively repeal the faint hope regime for all future murderers, as well as to require that currently sentenced offenders who may choose to make an application in the coming years do so according to stricter standards that fairly balance their rights against the legitimate interests of the families and loved ones of their victims.

These reforms are tough but they are fair and they are long overdue. For these reasons I support the bill and I call on all hon. members of the House to do so as well.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Madam Speaker, I look forward to continuing to work with my friend on the justice committee. Scooping our position in our speech, we will support this to go to committee.

I would ask the member for some preliminary response from the government side with regard to one of the questions that we will ask at committee. The overall aim of all parliamentarians is the security of the public, without question. What about the argument posited by some penitentiary officials, officers who tend our prisoners and society advocates in general, that a murderer who is not given the faint hope of getting out on parole under supervision, if he has seen to his rehabilitative goals while in prison, becomes completely without hope and, therefore, an extreme danger to the good men and women in our penitentiary and correctional facilities?

What about the argument that if there is no hope of parole when a person has been rehabilitated and, therefore, in the judgment of officials, not harmful to the community, we are doing a disservice to the primary goal of security to the public?

Mr. Bob Dechert: Madam Speaker, I also look forward to working with the hon. member in the future on the justice committee.

As he will know, for current offenders the faint hope regime will continue. They will still need to apply for parole and in order to achieve parole would need to show some rehabilitation. For future murderers we are simply saying that they would serve 25 years and that, at the end of that 25 years, they would still need to apply for parole when the parole eligibility period expires. If they want to be paroled at the end of 25 years they would need to show that they have been rehabilitated.

● (1100)

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Madam Speaker, it is a pleasure to speak to this bill and give a few comments.

In response to the parliamentary secretary's speech, I have said that the official opposition, the Liberal Party, will be supporting sending this bill to committee for examination to see how it might be improved upon or at least made clearer.

However, because this is Parliament, we ought to debate or bring out subjects that perhaps are not top of mind for every Canadian and every parliamentarian, and that is the whole regime of how we treat prisoners and how we treat convicted murderers in Canada today versus the rest of the world compared to other periods before the death penalty was abolished, and how we might be treating convicted murderers in the future if this bill continues.

The first crime that I would like to speak to is the fact that this bill, Bill S-6, had a predecessor, which was Bill C-36. It went through the usual steps of being introduced, particularly with the present government in control, with multiple national news conferences to inform, excite and educate the Canadian public of the fact that help was on the way with respect to convicted murderers. They would not be given the chance of getting out and that the government would do something. However, it did not. Four years and eight months after it was first elected—and I will say that P word again—we were prorogued and the bill did not get passed.

This is the first crime we have to speak to from a justice point of view. The government must be held to account for not bringing forward good legislation that people were looking forward to getting at, improving perhaps and getting on the books.

This seems to be justice week. One of the topics is car theft. No one in this House is going to say that car theft is good. Another topic is white collar crime. No one in this House is going to say that white collar crime is good. Another topic is the security of the public by not having convicted murderers prematurely out on the street. No one is going to say that is not a good thing. However, all three of these subjects have not been addressed on a timely basis by the government and it is the government's fault because we were prorogued.

Specifically, with respect to the context of convicted murderers, we need to remember that in this country we had executions. I remember my grandfather talking about the last public execution in the province of New Brunswick. My family has been in the legal industry for a long time. I remember my uncle, a provincial court judge, talking about executions. I remember that he was part of a previous generation's set of mind that public executions happened and that executions for serious crimes took place. However, this generation, I believe, if I am speaking to the Canadian public, would not know that political milieu and that philosophical mindset.

The current generation of Canadians, the mainstream of Canadians, would not be amenable to the death penalty. It does not exist. Let us not talk in a vacuum. It is not part of the laws of Canada. It was in fact the law of Canada until it was abolished. However, when the capital punishment debate took place and capital punishment was abolished for murder, the compromise on this point was to institute a faint hope clause, the reason being that capital murders, as they were called then, would quite often end with no chance for parole whatsoever because there might be executions.

In this case, the idea of life meaning life or life meaning 25 years served was met with the idea that there would be no chance of rehabilitation if a person were to be subject to the death penalty, but there might be a chance of rehabilitation, which is very much a pillar of the Criminal Code of Canada, if a person serves up to 25 years without the eligibility for parole.

● (1105)

What the government and the Parliament of the day decided to do was insert the faint hope clause. The faint hope clause in simple terms means that a person convicted of a murder in Canada should be given an opportunity to rehabilitate himself or herself and therefore be returned to the public as a non-threat to the public. Having taken into account the principles of sentencing, rehabilitation, which is incredibly important because we cannot keep everybody who has done something wrong in handcuffs, which seems to be the mentality of the party opposite, must be a cornerstone goal. We also need to have an idea that the person understood and has been remorseful with respect to the crime that has occurred. Proportionality is always the case with respect to crimes and a sentence needs to be proportional to the crime committed.

At that time, the faint hope clause was put in place with many safeguards. My hon. friend went through the history and the details of the faint hope clause regime as it exists now. It should be very clear to parliamentarians and Canadians that the faint hope clause is very faint in achieving, because, first, there is the chief justice who selects the Court of Queen's Bench judge, who then empanels a jury which then determines whether there is a reasonable likelihood of release on parole for the person based on their rehabilitation achievements. It is then sent further. There are all kinds of gates before a person can even be considered for parole.

Before I get into the details of faint hope, I want to ensure that people understand the context of time served for murder convictions. I think we will have a bit of a moral debate at the committee on this, but it is important to understand, right or wrong, how long people serve upon being convicted for murder. The following are some averages. An international comparison that was done in 1999 showed that Canada sat at some 28.4 years served for first degree murder. We might ask ourselves whether we are ahead, behind, serving more or serving less than other countries across the world.

The average in the United States, not surprisingly, is 29 years life sentence without parole, which is slightly more time than us. However, what I found interesting, not being a criminal lawyer with 24 years of experience, and not necessarily comforting and led me to ask many questions about other countries, frankly, is that other countries have much lower years of sentences served for convicted murders. They are New Zealand at 11, Scotland at 11.2, Sweden at 12, Belgium at 12.7 and Australia at 14.8. The United States has 18.5 for life sentence with the eligibility of parole.

As we get into the debate and as we will be sending this legislation to committee, we need to ask ourselves what is so different between Canada and the countries I have mentioned. Do we consider ourselves that different from any other British found Commonwealth like New Zealand and Australia? I do not think we do. Do we consider ourselves on a social level that much different from European countries like Sweden and Belgium? In some ways I do not think we do. We need to examine why their regimes render much lower time served for convicted murderers.

As I said, when the death penalty was abolished in 1976 and replaced with mandatory life terms of imprisonment, the faint hope clause was seen as a necessary safeguard to a sentencing regime without capital punishment to encourage rehabilitation. It was not left there in 1976. It was amended in 1997 by the Chrétien government to require judicial review and the unanimous consent of 12 jurors as a prerequisite to the National Parole Board application process. So further gates or controls were added to the faint hope clause situation.

Like everything in politics, sadly, there is a bit of a slip from reality and importance to what is perceived to be urgent and important. When we go to committee, we would like to know the actual number of convicted murderers sitting in our prisons now. I also think knowing the actual number who have applied and failed would be reassuring to Canadians. Does faint hope mean faint hope in practice as in law? The actual number of people who get out on a faint hope clause in a long process is a very small number.

● (1110)

However, what happens in politics is that the notorious cases get the attention. As I said, it has been four years and eight months since the government brought this forward as a campaign promise. It is something it felt very strongly about but did nothing about it until the introduction of the bill, and it will be over five years before it becomes law.

It has been brewing for some time. I think one of those instances was Colin Thatcher, who was granted parole through the faint hope application. He was convicted of killing his ex-wife in 1984 and sentenced to life in prison with no chance of parole for 25 years. He was granted full parole in 2006 and that process certainly brought the faint hope clause aspect to the fore.

As I mentioned, with Bill S-6, having been through the Senate and having had now the second eyes look at it, there can no longer be the argument on the other side that the Liberal dominated Senate upheld the bill. In fact, we have many speeches on record from Conservative senators outlining the same history of the faint hope clause. The bill was sent to the Senate to be dealt with rather than having started it in the House of Commons.

There has been a revolution on the other side. The government now welcomes the Conservative dominated Senate in proposing bills. I do not know if this is a debate for another day, but I guess the other side has concluded that the work of senators and the work of the Senate, in general, is worthy, because we are sitting here discussing a Senate bill. Yet it is a reintroduction of previous House of Commons work in Bill C-36, which died on the order paper in 2009.

There is no doubt that serious crimes deserve serious time and that the desires for victims' groups for retribution must be balanced by a sense of justice toward all Canadians, including those who have committed crime. The statements of the minister and the statement by the parliamentary secretary would indicate that all we should be concerned with are the rights of victims. By implication, they are saying that we have never been concerned about the rights of victims. This is not true.

Victims like people convicted of murder and non-involved citizens of the public are all part of a rubric of public safety and public security. There is not a member of the House who does not believe that our community should be safe and that public safety and public security are the most important thing we do as parliamentarians.

This brings us to the main debate that we will have at committee with respect to the faint hope clause amendments. Is it really in the public's interest to deny convicted murderers of any chance of ever getting out on parole directed by parole officers? Carte blanche we may say yes. I am sure a victim might say yes.

However, as a footnote, many times, through the committee's experience since the time I arrived here, we would be surprised to see the number of victims' families and families of prosecuted persons in the organized crime milieu or in the gun control debates who would say that we should turn the other cheek and ensure that this crime, for instance, does not happen again. This type of violence is very much predicated on items that we believe very strongly on this side, such as early intervention, emphasis on rehabilitation, the idea that someone who commits a crime is someone else's son or daughter. Someone who commits a serious crime is a Canadian person usually brought up in our community somewhere and is deserving of an attempt at least to have he or she meet not only these serious consequences of crime, but have a chance to rehabilitate and reintegrate into the community as well.

I would hope that would be the goal of all parliamentarians and I would hope that these tightening provisions on the faint hope clause regime would not deny, even if it is one person, a person who committed a heinous crime but who has been rehabilitated, to get back into the main stream of the community under supervision.

Numerous briefs and calls have been made on the idea that if we have an inmate who knows he or she has no chance whatsoever of getting out of prison, even though he or she has made strides toward rehabilitation, that person might lose hope. Talking about faint hope of getting out, that person then has no hope of getting out and no real desire of keeping the peace and being on good behaviour while in our system. That presents a number of difficulties.

● (1115)

I was a difficult student in school and the nuns in Grade 8 told me that I was difficult and to go out into the lobby and read the encyclopedias, which I did. Therefore, it worked out for me. However, it is a lot more complex in the prison and correction systems in Canada because a difficult inmate sucks up resources that should be used otherwise within the facility. It is not only a matter of resources; it is a matter of attending to the other incarcerated individuals, many of whom will not be there for 25 years, but could benefit from the proper spreading out of the budgets of correction facilities. Therefore, corrections officers and their organizations will be before us to ensure that there is a balance here.

The parliamentary secretary in his remarks did strive for balance. I take him at his word, as a lawyer of some years, that the government is trying for balance. However, the rubber will hit the road at committee when we determine exactly where the balance would be and whether the removal of faint hope would be too far.

The bill itself has three provisions, which my friend went over.

No offender convicted of murder or high treason after the coming into force of the legislation would be eligible for early parole. An important footnote is that people already in the regime would have the rights that accrued from the previous legislation.

There are certain serious crimes. We have no doubt of that. However, we must consider the reasoning behind the introduction of the clause. It is designed to encourage prisoners to reform themselves, as I mentioned, and prison guards will be before us to say that there are some dangers presented by that.

As well, we know there is opposition from the Canadian Council of Criminal Defence Lawyers, Barreau du Québec, the John Howard Society and the Elizabeth Fry Society to the bill. We have to listen to the opposition with respect to the bill and why they oppose it. After four or five years, members of the justice committee, and the Conservative side in general, think that all the organizations I mentioned have nothing to say. Clearly if the first question asked of a John Howard Society or a Elizabeth Fry Society representatives is if they believe in greater security for the public, I cannot imagine them saying no. In fact, I can imagine them saying yes, that it is precisely for the greater security and safety of the public that they oppose the bill or have recommendations to amend it.

The provisions of the bill, which would permit early release, are very strenuous as is, and we will see that at committee. We will see it is not an easy wicket to get through to get out under the faint hope clause regime. We will have the exact numbers. We are well served by Statistics Canada, and I do not want to bring up the census debate, and juristat provisions in the Department of Justice working with Statistics Canada. They will be able to give us the updated numbers of persons who are eligible, who have applied and who have succeeded under the regime. I think we will see that this is a very small number of people.

As mentioned, amendments have been made to faint hope along the way. There were restrictions in 1997. It is very fitting in this day and age, when judicial discretion seems to be under attack, that the regime, as it was set up, relies on the wisdom of 12 men or women, Canadian citizens, to determine, at the first instance, whether there will be eligibility. Thankfully, that remains. Under this regime, if successful, a jury will be responsible, on a unanimous basis, as to whether an inmate deserves of early parole. Only following that unanimous decision would a judge decide that the file would be moved to the national Parole Board.

The reasonable prospect provisions, which will remain, would not be changed. It is just a matter of the time limits, the review, the degree of discretion involved that we must look at in committee.

We will support the bill going to committee and I very much look forward to a rigorous debate and I welcome questions.

● (1120)

Mr. Bob Dechert (Parliamentary Secretary to the Minister of Justice, CPC): Madam Speaker, I take this opportunity to thank the hon. member for he and his party's support for this very important bill, Bill S-6.

The member asked for some statistics. If he had an opportunity to catch all of my speech earlier, he would remember that I mentioned there were currently approximately 1,000 murderers incarcerated in our country. In 1996, 204 offenders to that point were eligible to apply for the faint hope clause, 79 had done so and of those 79, 55 were granted early parole, which represents an approximate 75% success rate. Perhaps he will find that interesting and will get updated information in committee.

I listened to the hon. member's speech with great interest and I did not hear him mention much about the impact of the constant possibility of faint hope parole hearings on the families and loved ones of victims. Could he perhaps comment on what impact that would have on people constantly worrying about having to relive the tragedies in their lives?

Mr. Brian Murphy: Madam Speaker, there is a case in my riding involving that. There is no question that the periodic fear and re-aggravation of the pain that was once inflicted is very hard on the Davis family from Riverview.

A side issue that the government has control of, however, is how the National Parole Board deals with the families of deceased with respect to the reinstitution of hearings of any sort. Some of them are not faint hope. Some of them are just regular Parole Board hearings, where the families are not treated very well at all. They are told that a hearing is to take place, that they will be reimbursed for their travel expenses, but the expenses will not be provided upfront. The government nickels and dimes them on every expense. If an adjournment is requested, they will not be told. If an adjournment is granted, they will not know and they will fly, take the train or drive, in some cases as far away as Atlantic Canada, to a hearing that does not take place.

The government should take some measures toward simplifying that process and really thinking of the victims with respect to the National Parole Board.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Madam Speaker, I will have the opportunity to talk about that when I speak about this bill.

Perhaps the error is due to faulty interpretation—I listened to the remarks in both English and French—but unlike the Parliamentary Secretary to the Minister of Justice, I am not sure that the Liberal Party will support the bill in its current form right up until it is passed. I do not want to put incorrect words into my colleague's mouth, but I believe that the Liberals simply agree that this bill needs to be studied by a parliamentary committee, even if we will not support it. I will tell you why we oppose it in a moment.

I would like to ask my colleague a question and quote from the hon. member for Windsor—Tecumseh, who sits with us on the Standing Committee on Justice and Human Rights:

> And what if the lack of hope crushed the desire for rehabilitation of the convicted and increased violence and the problems in prisons?

● (1125)

Mr. Brian Murphy: Madam Speaker, one thing is certain: the Liberal Party will support sending this bill to the Standing Committee on Justice and Human Rights. In committee, everything will depend on the evidence and new statistics. The parliamentary secretary's statistics only cover up to 2006. I hope that we will have more up-to-date statistics than that.

As well, in my speech I said that that it is very important to strike a balance between the hope of an imprisoned man and public safety. I believe that public safety is the top priority for all members of this House.

[*English*]

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Madam Speaker, the hon. member opened his debate by bemoaning and, I would suspect, criticizing the government for its inability to pass Bill C-36. He cites prorogation as the cause. He would no doubt know from sitting on the justice committee that there is another bill before that committee, Bill C-4. We are having a difficult time getting this bill out of committee because of the endless number of witnesses that his party and the other parties in the opposition keep supplying.

I am curious if he will guarantee swift passage of Bill S-6 out of committee and back to this House for third reading. Canadians demand that this legislation be passed.

Mr. Brian Murphy: Madam Speaker, I thank the member for his question on Bill C-4. He knows that it was my motion in June, which he supported, that called upon the Minister of Justice to deliver the report, memoranda, or even the minutes of the 2008 round table meetings on youth criminal justice. They were held across the country and the Minister of Justice headed them up. But the justice committee has received no record or report of these meetings. The Government of Canada and the Minister of Justice went all across the country, found out what everybody thinks on Bill C-4, but never reported to us.

I ask the hon. member to get his Minister of Justice to table those reports and he will have a version of Bill C-4.

[*Translation*]

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Madam Speaker, I am always fascinated by the Conservatives' double-talk when it comes to justice issues. They say they are going to get tough on crime, yet they leave more guns in circulation. All police officers are calling for the gun registry to be maintained, but the Conservative government will not listen to them.

Of course they always quote some “Constable Smith”, a traffic cop in some unknown town, saying that he is against the firearms registry, yet every police chief of all major Canadian police forces and associations told us that the firearms registry was needed.

Does my colleague not find that there is something hypocritical—and I will connect the dots—about saying they will get tough on crime and give criminals longer jail sentences, and the fact that they want to make things easier for criminals and undermine the work of police officers by trying to destroy the firearms registry?

[*English*]

Mr. Brian Murphy: Madam Speaker, certainly there are a number of contradictions.

The first one is that between five and six o'clock on the nightly news the government is tough on crime.

[*Translation*]

The government has not delivered any bills. It has not achieved anything on this issue. I think it is positively criminal that it took the government nearly five years to introduce any such bills.

The Conservative Party and all members of this House agree that the public needs all members of this Parliament to work very hard every day in order to improve public safety.

● (1130)

[*English*]

That is the crime that has occurred here. It has now been almost five years and the government did not get its bills through on important subjects like white collar crime, auto theft, and what we are speaking of today. If it is that big a threat, why did it not deliver the goods sooner? That is the crime of today.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Madam Speaker, if my colleague from Moncton—Riverview—Dieppe stays, he will hear the most recent statistics. My colleagues in the official opposition and the Conservative Party would do well to remember them. Today we are going to talk about what is really going on, and what this government is trying to do at this time.

I will present many statistics to explain why the system is working so well at present. It puts victims first, unlike what the Conservatives are presenting with Bill S-6.

As of April 9, 2009, of the 265 applications submitted for a reduction in the parole ineligibility period, 140 had been granted. The National Parole Board granted early parole to 127 applicants, 13 of whom later returned to prison. To answer the question on everyone's mind, none of these 13 people went back to prison for the same offence, murder. All of them returned to prison for lesser offences, such as violation of their parole or the conditions of their release, shoplifting or auto theft. So 13 out of 127 people went back to prison. There were 140 originally, so the number went down. Three people were deported, 11 died, one was out on bail and another was in temporary detention. Ninety-eight out of 127 complied with their parole conditions.

More up-to-date figures will be available in the coming weeks, but as of November 4, 2009, 1,023 prisoners who were likely to apply for early parole were in custody. Of this number, 459 had already served at least 15 years of their sentence and 542 had not yet reached the 15-year mark, but will be able to apply in future. On average, every year, 43 of these 1,001 offenders will become eligible to apply for early parole.

The death penalty was abolished in 1976. I know that some of my colleagues opposite would like it to be restored, but I believe that Canada is smarter than that. We will not bring back the death penalty, and we will not let them bring it back. In 1976, when the death penalty was abolished, the famous faint hope clause was introduced. It has always been known by that name. A new classification system for murders was brought in, with first, second and third degree murder.

I would like to explain how this system works for the people who are watching. I am a criminal lawyer, and I can say that a first degree murder is when someone plans a murder and carries it out, killing another person. A first degree murder is premeditated and carries a sentence of 25 years. An offender cannot apply for parole after two years, but has to wait 25 years before being able to apply for eligibility for parole.

Second degree murder is not premeditated. I often give the example of a man who comes home and finds his wife's lover. He takes a gun and kills the man. That is non-premeditated murder.

● (1135)

In that case the offender has to serve at least 10 years of his sentence before he is eligible for parole. Then what happens? The faint hope clause was implemented when the death penalty was abolished. This was done for a number of reasons. I will read an excerpt to prove that I am not making this up. I am citing the Department of Justice and therefore the government:

> It had three main purposes: to offer some hope for offenders who demonstrated significant capacity for rehabilitation,—I will come back to that in a moment—to motivate good conduct in prison, and to recognize that it was not in the public interest to continue incarcerating certain offenders beyond a 15-year period.

This is going to hurt because at the end of 15 years they are going to say blah, blah, blah. These three principles are extremely important, including the very first one, "offer some hope for offenders who demonstrated significant capacity for rehabilitation." We are going to settle this once and for all for those across the way who do not understand anything. It is clear that no one has a right to apply for parole before the end of their prison sentence. That is clear. That person has to have made an effort and demonstrated a capacity for rehabilitation in society. In prison, people are monitored for a very long time before they find out whether they are eligible to apply. Not just anyone can apply. What is more, victims are considered in all this. In my career I had two clients who made this type of application. I told one of them to just forget it. He had no chance because he was not ready. The current system would not release an individual like him, who shows no remorse for his crime.

Our Conservative friends should accept this once and for all. The Parole Board of Canada and the correctional service closely monitor and prepare those who are eligible to apply. As I said earlier, of the 140 eligible persons, only 127 could apply. How does that happen? They tell us that we do not care about the victims.

I will not cite all the Criminal Code provisions, but all the corresponding sections are in the Code. An offender who wishes to file an application must first apply to the chief justice of the court in which his or her conviction took place. That is the first step. For example, the prisoner applies to the Chief Justice of the Superior Court of Québec. In that court, there was a trial with jury. What does the Chief Justice do? The Chief Justice appoints a judge. What does the judge do? The judge has the individual appear without witnesses. The judge asks the offender to convince him that, if 12 people formed a jury, those 12 people would be likely to unanimously recommend that the sentence be reduced.

The Conservatives must stop panicking. It is not true that the person is released if the application is successful. The sentence is reduced but the offender is not released. If the sentence is reduced, the offender may apply to the Parole Board.

I will now come back to the judge. The judge listens to the offender, who must convince the judge that he or she can—not just might—convince a jury. The offender must convince the judge first. That is the first step. If they do not get past this first step, it is game over. The offender must wait another two years before re-applying.

● (1140)

No victims are called, nor do a murder victim's relatives attend. There is no one.

Let us look, for example, at someone who gets past the first step. The judge sees that he has made an effort in prison, that his character has changed, and that it is perhaps worthwhile. The judge summons a jury in the judicial district where the murder was committed. It is not true that people are brought to the prison where the individual is being detained. It all takes place in the judicial district where the individual was convicted.

If a jury does not care about victims, I do not know who does. The individual makes it past the first step and the jury is summoned. The 12 people sit down, and it is the individual, through his lawyer, who must prove, beyond any doubt, that he can get his sentence reduced. He better be up good and early, be prepared, and have done some assessments. This is where the psychologists and psychiatrists come into play. If the Conservatives do not understand that, it is not my fault because I tried. It is clear that the individual who is requesting a reduced sentence must express a degree of sensitivity for the victims of the murder he committed. That is clear.

If he answers the first question by saying that he is not remorseful, his case will go no further. If he says that he would do it all over again, obviously, it will go no further. And at that point, we can say that we did the right thing. What the Conservatives do not understand is that a lot of work has been done with the victim's family before reaching the jury stage. Unfortunately, the murder victim, as far as I know, is dead. This process is far more relevant to those close to the victim.

Not just anyone can apply. The hearing may take hours or days because the individual has to convince the jury. He has to convince 12 people from the judicial district where the murder took place 15, 17, 19, 20 years ago. I know that people in Montreal, Ottawa, Calgary or Vancouver might not remember, but I can tell you that people still remember a murder committed in Abitibi 20 or 25 years ago. I still remember very clearly a murder committed by two individuals; they killed two little aboriginal girls. I know that they are still in detention, even though they applied. Their applications were denied, of course.

In the end, the jury must agree unanimously. It cannot be 10 to 2 or 11 to 1. All 12 people on the jury must agree that the person has convinced them. And if they say yes, what happens then? The jury has been convinced, which means that the individual can apply for parole. The best example is the case of lawyer Michael Dunn. He was charged with and found guilty of first degree murder in the death of his colleague, a lawyer named McNicoll. This happened in Lac-Saint-Jean. He was sentenced to 25 years. He served 17 or 18 years before applying for and being granted parole under the faint hope clause. Today he is an in-reach worker helping criminals reintegrate into society. He is a good person.

● (1145)

Why should we not want to have this type of person rejoin society? Why not keep the faint hope clause? Why change a system that works well?

We asked the Minister of Justice these questions. When he appears before the Standing Committee on Justice and Human Rights, I will ask him again to provide just one example of a case that did not work out. I just want one. There is not one. There are none because we have ensured that those individuals not ready to return to society are not released. It is that simple.

Individuals get past step one before a judge. They get past step two by convincing a jury. Then they move on to step three. Once leave has been given to have the application heard before a jury, and once the jury has approved the application, the parole board must be convinced. That is step three, and for some it is very difficult. The offender must convince the Parole Board, the board that is responsible for protecting society, enforcing sentences, and ensuring that the offender is ready to return to society. What is the National Parole Board's priority? Protecting society. Is that clear enough?

Hence, it is wrong to say that we do not care about the victims. It is an outright lie that the Conservatives have been spreading in an attempt to ram through Bill S-6. It is false. Not only do we care about protecting victims, we also do everything possible to ensure that an offender does not return to society if not ready.

What happens after that? When an offender applies to the National Parole Board, they must convince the Board that they have a release plan. The Conservatives are not familiar with release plans. They should tour the penitentiaries now and again to see how they work. A release plan is established when an individual is preparing to leave jail. An offender does not go before the National Parole Board and claim that he should be released because he was allowed to apply and appear before the board.

That is not how the system works, not at all. The offender has to submit a release plan. What is a release plan? It is a document that indicates what education the offender has received. Has he taken any training? Has he been rehabilitated? Does he empathize with his victims? What is he going to do if he is released? Does he have a job? Does he have a place to live? We have to remember that we are talking about people who have served 17 to 25 years for first degree murder and a minimum of 10 years for second degree murder, so there has to be a plan for their release.

Now, let us look at how this works. The former Bill C-36 has become Bill S-6 because the Conservatives want to sneak it in through the Senate. I have looked carefully at the bill. The Conservatives are saying that people can make multiple applications. That is not true. The Conservatives are saying that victims are forced to travel for no reason, that they have to go through things that make no sense and that it is not right to bring them back. I want to say one thing about that. An offender who does not make it past the first stage has to apply to a judge. There are no witnesses.

Now, if someone is told by a judge that he cannot go before a jury, he cannot re-apply for two years from the date his application is dismissed. What happens then? The offender has served 17 years of a 25-year sentence. After 17 years, he submits his application. The judge says yes, but the jury says no. The jury is not convened the very next week.

● (1150)

I will conclude by saying that we cannot vote for this bill. If the bill is sent to committee, we will ensure that it is in line with the faint hope clause.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Madam Speaker, I do not know if the Conservatives are aware of this, but I think my Bloc colleague knows that this legislation was put in place because the death penalty was abolished in Canada in 1976. At the time, people looked at what was happening in other countries around us. There was a report on what was happening in Australia, Belgium, Denmark, England and two or three other countries. It became very clear that offenders should not have to wait 25 years before they could apply for parole, but rather 15 years.

I wonder if my colleague thinks we need to look at the work done by other countries when it comes to this kind of bill.

Mr. Marc Lemay: Madam Speaker, my answer is yes. We cannot achieve justice in a vacuum. We have to look at what is going on all around us. I think we should at least look at how this has been handled and is being dealt with in the Commonwealth countries.

When the death penalty was abolished in 1976, the intention was not to release people back into society as quickly as possible because the prisons were full and the penitentiaries were overflowing. That is not true. Studies were done. We looked at what was going on in a number of countries. We can do that again. I would say we absolutely must look at what is happening elsewhere. We absolutely must give inmates a chance. If not, what would an individual in a penitentiary do with no chance? I can tell you that an individual who does not see a light at the end of the tunnel will commit murder or become involved in a gang. There is an interesting book called *Green River Rising* that I will bring to committee. It is about life in a penitentiary. The book is quite violent because the individuals have no chance. They have no opportunity. When someone has no chance left, as this bill proposes, what happens? It is not complicated. These individuals feel they have no choice but to kill or become strong arms for groups in the penitentiaries. This has been demonstrated. This will probably come up in committee. There are reports showing that violence increases in penitentiaries when individuals have no chance of being rehabilitated or released.

[*English*]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Madam Speaker, as I have been listening to the debate today, I must admit I have been suffering from some real pangs of frustration. This is a terrible bill; it really is as simple as that. The background behind it and the role the Conservative Party has played, and the Reform and Alliance parties before it, and I cannot put it any other way, in using the faint hope clause as a way of stirring up fears among the families of the victims of murderers in this country is, quite frankly, shameful.

As we have already heard from the Liberal member for Moncton—Riverview—Dieppe this bill has sat around for quite some time. It is a typical example of a government and a political party that claims to be concerned about victims and sees its members as self-appointed champions of victims, but when it came to prorogation last December, the Prime Minister had no hesitation and, I believe, gave absolutely no consideration to the various crime bills that were going to go down and to the delay it was going to cause in dealing with issues.

I am also frustrated because the way this bill has been handled by the Conservatives is a classic example of the government refusing, as we saw most recently with the census, to deal with facts and reality if it at all clashed with the government's ideology.

What I am referring to is that evidence came forward from Correctional Service Canada on this particular bill and on the whole issue of the faint hope clause in the Criminal Code. As a result of questions from me and the Bloc, further evidence was required. The department prepared a report in answer to those questions. It sat on the desk of the minister of public safety at that time until after we completed clause-by-clause study. The evidence that came out in that report was quite damaging to the government cause and it was never heard by the committee. The bill came back to this House without that evidence having been considered.

The evidence was clear that this bill is not going to do anything in terms of dealing with the one problem that exists with the faint hope clause, and that is how we treat the victims in the process. That is the only issue that has some validity here. Unfortunately, I do not believe it is an issue that can be dealt with in any serious way by legislation.

There are practical solutions. One of them is for the government party to stop the fearmongering around this issue, to tell the victims how the system actually works, how it has worked for almost 35 years, what the effect is on the murderers who are incarcerated, and what impact it is going to have on them. There are ways of doing that. The Conservatives have not done any of that in the five years they have been in power. There are ways of softening it.

It is important to put this into context. The faint hope clause came into effect when we did away with the death penalty. At that time we looked at what the penalties were going to be for first degree murder. Most of my comments today are going to be with regard to first degree murder.

When we investigated it at that time and looked around the globe to our normal allies, that is, societies that are close to what Canadian society is, the average maximum sentence for first degree murder in those other countries was 15 years. We did not do 15 years; we did 25 years.

● (1155)

We then said, “Okay, we trust our judges and our juries”. This bill is really an insult to both of them. We trust our judges and our juries to look at individual cases, to say that 25 years is too much, that the person is rehabilitated and will not be a risk to society and the recommendation is to allow the person to apply for parole earlier than 25 years. That is what the faint hope clause did at that time.

It was in consideration of looking around the globe at societies similar to ours, and those societies have lower murder rates than ours and some of them have 15 years as a maximum for eligibility for parole, and in a good number of them, it is 12 years. That is still the case today. In fact, in that period of time, most of those countries have reduced it from 15 years to 10 or 12 years. That is the factual situation. That is how it works elsewhere, and it is how it works here in the sense that the clause does work.

The parliamentary secretary stood up in the House today and put forward figures and facts that are grossly misleading.

Here is a fact that every Canadian should know. This is a fact that the Conservative government should be passing out to every Canadian. The average time that someone who commits first degree murder in Canada is incarcerated is 28.5 years, not 25, not 15, before the person can first apply, and most of them do not, but it is 28.5 years. That is the longest incarceration period in the world. That is the situation in Canada today.

These facts came out during the course of hearings on Bill C-36, which preceded this bill but is identical. We are dealing with a problem that does not exist in terms of the years. I repeat that 28.5 years is the average incarceration period in Canada and it is the longest in the world, longer than that in any of the United States. That is the so-called problem we are dealing with.

I made earlier reference to the request that I and the Bloc made for more information. We did get it. These were the facts, and I want to read them into *Hansard* today.

I have a letter from Don Head, the commissioner of Correctional Services Canada. None of this evidence got into the record at committee before the bill was returned to the House. I wanted to know the factual situation. I would have thought the government would have wanted to know this before it drafted the legislation. Here are the facts of the situation in Canada.

For those people sentenced to first degree murder, there is no eligibility for parole under 25 years. As of October 18, 2009, there were 622 people in custody who were in that category. Of those 622 people, 174 applied for and received a decision from our courts as to whether they could apply for an earlier parole. Thirty of them were rejected; 144 were granted the opportunity to apply.

On the first application, 140 were granted the opportunity to apply—and let us consider this carefully—by a jury composed of people who live in the region where the crime was committed. That is how the system works. This was not one of those, as the Conservatives like to think, elitist juries or an elitist judge totally disengaged from the community. They are people who live in the community. They are given all the evidence as to the nature of the crime. They are told all the facts about the individual's record while incarcerated. It is an in-depth process. It is the jury, not the judge, that ultimately makes the decision as to whether an individual is going to be granted a reduction in the number of years he or she has to serve before being able to apply for parole. Even then, of the 144 cases where the individuals were granted the right to reply, those individuals still had to go through the parole process and 10 of them were not granted parole.

● (1200)

If we look at it, and we heard some of this from the Bloc, of those who were granted parole, there was only one serious crime that had been committed. It was an armed robbery, but they were not able to give us information. We do not know what kind of weapon was involved, whether it was a gun or not. We do not know if there were any injuries that came out of it. There was only one serious crime, and we do not know how serious it was.

There were a number of people, 14 in total including that one, who were sent back to prison. The other 13 were all because of breaches of their conditions, usually because of abuse of drugs or alcohol. In some cases the abuse was as simple as changing their place of residence and not telling the person where they had moved to, but they continued to comply with the rest of the provisions. It is a very rigid supervision that is done through that period of time, for life.

Perhaps I should stop at that point. We have to remember that the sentence is a life sentence. Even when they get out in these circumstances, they are still serving life sentences and their parole can be pulled at any time, up to death. The supervision goes on for the rest of their lives.

Again as we heard, three were deported, eleven died, and one is missing. They did not know where one person was. There seems to be some indication that they thought the person had left the country, but that was the situation as of a year ago.

What we get from the government is that we have a major problem here and it is going to toughen this up. I do not know how it would toughen it up. What does it want? Does it want the average time spent in custody to be 35 or 40 years? Does it want to bring back the death penalty?

In fact, the only way we are actually going to deal with the one problem that is here, and that is how victims are treated by the system as the process happens, is by bringing back the death penalty and killing the murderer. The problem that exists is that we have people who are told that the person who committed the murder against a person's friend or family member has applied for eligibility for early parole. There is no one who was sitting on that committee who did not understand the implications for the emotional and psychological well-being of the victims' families. We understood that. That is not an issue here. We understand there is a problem in this area, but the solution that is being envisioned by this bill is not an answer to that problem.

I have been on the justice committee for more than six years and a number of different pieces of legislation have come forward. We have heard of the problems that victims have in dealing with the criminal justice system. We have seen occasions where there are some systems in place, usually regional ones, across the country that go quite some distance to support victims and their role in dealing with the criminal justice system, whether as witnesses or, as in cases like this, where they are coming in as family members or friends of the victim of the crime.

We know there are ways of lessening the burden. One of them clearly in this situation is education. So let us have the Conservative Party of Canada stop running around the country fearmongering on this issue. Let us have it simply put out the correct information.

Less than 25% of the people who are incarcerated with no eligibility for parole for 25 years apply. That is the first figure that victims and victims' families should know.

● (1205)

The second one they should be aware of is that the process itself takes a long time. One of the facts I have not given that came out, and this one is not nearly as clear, is that most of the applications do not come at the 15 year mark. Most of them start at around the 17 to 18 year mark.

Of the 622, we have only had one case where somebody applied immediately after the 15 years and was granted the right to apply, and in fact was granted parole. He actually came as a witness and testified before the committee. He is the only one. He was granted parole at about the 17.5 year mark. That is a fact that people should know; there was only one.

The vast majority, around 22%, of people apply on average at 17 or 17.5 years. The process itself takes more than two years. That is how long it is taking at this point. A number of them do not get out. They are rejected. Of the people who actually get out and who are released back into the community, the best figure we could see was at somewhere from 19 or 19.5 years up to 23 years. That is the range for people who are released.

When we think about the number of people who are getting out, the 20% to 22%, I want to go back to the 28.5 years. They are included in that group. The balance of somewhere between 75% and 80% of the people who are incarcerated in Canada for first degree murder spend well over 30 years in custody. A number of them, and this was an interesting fact that came out from the John Howard Society, after 25 years, are pressed by authorities to apply, and they will not do it. Some never do apply. They die in custody.

Those are the kinds of facts that victims who survived the loss of a loved one should be aware of. The education part is something that should be done. It has nothing to do with legislation. I posited, as we were going through this process, the possibility of one amendment, which would be that we do not tell the victims in the initial stage that an application has come forward, because as I already indicated and I think we heard it from a member from the Bloc, the way the process works is that when the initial application is put forward, it goes before a judge alone. The judge then takes a look at it and decides whether the application has any merit at all. As has already been said, there were 174 of them and 30 of them were rejected at that point.

It seems to me that if we said to the victims that we would let that initial phase go forward before telling them because we want to spare them from that, because they do not have the opportunity to make representations at that time, that is one of the solutions. I must admit I got both positive and negative responses from victims groups on that.

I want to make a final point with what we could be doing with victims, which is to provide them with a support system that is meaningful. Oftentimes, if there is an adjournment of the proceedings, they are not told. They travel to wherever the hearing is, if they are not in the immediate community. They are compensated for that eventually, but they are not told, so they oftentimes have to go repeatedly. Every time they go for a hearing, the memory is jogged and they suffer those emotions.

That is another area where we should be doing much more, both with our prosecutors and with the financial support we provide. The financial support is really quite limited and we should be doing more. Those would be good practical solutions. There is no legislation required. This is something the government could have done five years ago, and of course it did not, because it wanted to play politics with it.

● (1210)

Mr. James Lunney (Nanaimo—Alberni, CPC): Mr. Speaker, I listened closely to my colleague's remarks. He started by saying this is a terrible bill and accused my party and predecessors of fearmongering. He then proceeded to do his own fearmongering about bringing back the death penalty.

He brought up the bogeyman of prorogation, even though prorogation is something that has happened 105 times in 140 years, as though that were some scary thing.

The member says this is an ideological debate. Actually, it is an ideological debate and not on one side of the House. It is about competing ideologies. His position and that of the Bloc is certainly no less ideological than the position of other members in the House. Certainly there is an ideology about how we manage very serious crimes. We are talking about first degree and multiple murderers and about what has been characterized as the faint hope clause.

This debate is about truth in sentencing. We are talking about a 25-year sentence before parole. That is what murderers are given, but the faint hope clause allows them to apply much earlier.

The member is advocating now that victims should not be informed of early parole for a murderer, but we are talking about a 25-year sentence for murder. Victims' families have lost a family member, communities have lost a family member and the sentence for the person who has been murdered is life for sure. The deceased has lot an entire life at that point.

We are talking about the consequences for serious crimes. What is it about this debate that the member thinks is ideological only on one side of the House and why does he not honour the concerns of the victims?

● (1215)

Mr. Joe Comartin: First, Mr. Speaker, I am not advocating at all that we should not advise victims of the process. I am saying that we have to look at whether it makes sense in what would oftentimes be a short period of time, and since victims are not going to be allowed representation at that time, there is no need to put them through the pain if in fact the initial application is going to be rejected by a judge as having no merit.

It is very limited. There were 30 cases as of October of last year. In those 30 cases, the families would not have been notified. There would have been no reason to notify them because there was nothing further to do. It is a question of trying to save them pain. It has nothing to do with ideology. That is just humanity.

With regard to whether this is an ideological debate, I want to be very clear that this is not for us an ideological debate. It is for the Conservatives. This is all about their very typical American right-wing agenda of wanting to portray themselves as being tough on crime. This should be a practical debate. What is the proper practice? How do we best protect the victims? This does not do it.

The member used all these buzzwords, such as truth in sentencing. Yes, we want to be truthful about sentencing and tell people that the average time that a person is incarcerated in Canada for first degree murder is not 25 years. That is not what convicts are going to spend in jail. They are going to spend 28.5 years in prison and 80% of them are going to spend even longer than that. That is truth in sentencing.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, our justice critic certainly laid out very coherently the major flaws with this bill and the underlying approach that the government is taking. Yet it appears to be pretty much a template of almost every piece of legislation we have seen the government bring in.

In fact, if we look back on the last five years, we have never seen such a meagre result from any government in the history of Canada that has put forward such hot-button, wasteful legislation. It is so disconnected from its own legislation that it prorogued the House a number of times and sunk its own legislation, but it keeps people on the hamster wheel of fear.

Meanwhile, on the issue of pension reform, which is a major crisis facing our country, it has done zilch, nothing, nada. On the need to deal with climate change and the pollutions coming out of the tar sands, it has done nothing.

I would like to ask my hon. colleague this question. In light of crime bill after crime bill that the Conservatives bring forward, in this case trying to strike fear over multiple murderers and the fact that prisons are being built for phantom guests that have not yet been identified, why does he think they are continuing trying to use these wedge, divisive issues when the real serious issues affecting safety in our communities and security for senior citizens and others in our country have been completely neglected by that lot over there?

● (1220)

Mr. Joe Comartin: Mr. Speaker, it is a relatively simple analysis here that I think has been made by the government's strategists: create a bad guy, create the devil, create the demon, and use that as a way of avoiding other issues. Appeal directly to a relatively small percentage of the population, but then spread that message throughout society.

On a short-term basis, and we have seen this any number of times in our history, it works. However, as people begin to recognize what the major issues are that are confronting Canada, whether it is within the criminal justice system or in any number of other sectors of our society, they begin to say, "What are you doing?" And that is what has happened. I think the breaking point for them occurred during the summer when, as my friend already indicated, we had the Conservatives saying, "We are building prisons. We are going to need to prisons because we have all this unreported crime". That was absolutely so shallow that the average Canadian, even a number of the hard-core supporters of the Reform-Alliance-Conservatives, identified it. That was probably the breaking point. When $9.5 billion is spent on prisons when we have declining crime rates, the average Canadian says, "Enough is enough".

However, it has worked for them up until this point. That was their strategy. It is going to fail on an ongoing basis now if they pursue this.

[*Translation*]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, I am pleased to take part in this debate on Bill S-6.

We already know the basics about this bill after hearing the speeches of the Conservative and NDP members, but I would still like to give a brief history before going into more detail.

[*English*]

We know that Bill S-6 was introduced prior to prorogation as Bill C-36, which had passed through the House with Liberal support. At the time of prorogation, the bill was being debated at second reading in the Senate. Therefore, when the Prime Minister decided to prorogue the House in late December 2009, he did so knowing that his decision would kill this bill. That is the first point that needs to be made.

The second point that needs to be made is that Bill S-6 will amend section 745.6 of the Criminal Code. That section is the so-called faint hope clause, which offers offenders sentenced to life imprisonment a chance to apply, at the 15-year mark in their sentence, for an earlier parole eligibility date . Bill S-6 would amend section 745.6 of the Criminal Code in such a way that offenders who commit murder on or after the date that this proposed legislation comes into force will no longer be eligible to apply for early parole.

However, a point that the government seems not to want to make known to the public is that this legislation would not change anything for offenders currently serving a life sentence in prison. They will still benefit from the faint hope clause as it now exists.

Therefore, even if the bill was adopted, proclaimed, and enacted today, it would apply only to those sentenced today or thereafter to life without parole. That means the practical effect of this legislation will not be seen for about 15 years. Under the existing faint hope clause, people sentenced to life without possibility of parole for 25 years could apply for early parole at the 15-year mark.

In fact, the practical impact of this legislation, if it becomes law, will be seen only in 15 years. That is the second point I wish to make.

The third point that I wish to make is that the existing section 745.6 of the Criminal Code was included in the Criminal Code in the wake of Parliament's 1976 decision to abolish the death penalty. Capital punishment at that time was replaced with mandatory life imprisonment for first- and second-degree murder. The faint hope clause was seen as a necessary means of encouraging rehabilitation in a sentencing regime without capital punishment.

I would like to remind anyone who is listening to this debate that rehabilitation is one of the core principles of our criminal justice system. Deterrence is one; rehabilitation is another. That is important and people should remember it.

The section was amended in 1997 by the Chrétien government to require judicial review and the unanimous consent of 12 jurors as a prerequisite to the National Parole Board application process. In 1997, the section was also tightened so as to remove the right to apply from anyone convicted on more than one count of murder. In fact, as of 1997, with the amendments brought to the faint hope clause, someone convicted of more than one count of murder is no longer eligible for the faint hope clause. That is the third point.

● (1225)

Fourth, during the 2005-06 election campaign, the Conservatives actually pledged to repeal the faint hope clause.

The election took place on January 23, 2006. We are now closing in on January 23, 2011. That means the government has definitely been in place for four years. Counting every month from January 2006 to now demonstrates that this government has been in place for four years and nine months. It is only now moving on this bill.

Who knows? The Prime Minister may decide to prorogue again and kill this legislation yet again, as he has done with every single one of the criminal justice bills that were on the order paper, in debate at second reading, before a committee, at report stage, or were at third reading in the House or the Senate. Each time the Prime Minister prorogued the House, he knew he was going to kill every one of those bills.

When the Prime Minister brought Parliament back, he had the opportunity to reinstate those bills at the stage they were in at the time of progrogation. He chose to do this with a number of the bills, but not with all the criminal justice bills. That is another point I would like people to understand.

Perhaps the most famous instance of a prisoner's being granted parole through a faint hope application is the case of Colin Thatcher, who was convicted of killing his ex-wife in 1984. He was sentenced to life in prison with no chance of parole for 25 years. In 2006, Mr. Thatcher was granted full parole under the faint hope clause.

On June 28, 2010, the Senate adopted the bill, on division, with no amendments.

These are just a few of the points I wish to make before going to the substance of the bill. I thought it important to raise these points, because they provide the context for the bill.

● (1230)

[*Translation*]

We know that the repeal of the faint hope clause is something that victims of crime and their families have been calling for for a long time. No one wants someone who has been convicted of a serious crime to get out of serving a long prison term.

When we were in power, we tightened up the faint hope clause to ensure that anyone who committed more than one murder was not eligible. We believe that there needs to be a balance between rehabilitation and punishment in the correctional system. We would like this government to put more emphasis on rehabilitation.

We continue to support the fundamental principles behind the faint hope clause, in particular because they encourage good behaviour and encourage prisoners to work toward rehabilitation. However, since this provision can have some serious repercussions for victims of serious crimes and their families, it is important that we examine it in light of recent data and statistics.

[*English*]

We all know this is a government that is not interested in scientific data or evidence. Witness the decision to eliminate the long form mandatory census. However, Correctional Services, through its appearances before House committees and its annual reports, provides statistics, some of which I will be using in my speech.

[*Translation*]

As I mentioned, Bill S-6 was first introduced before prorogation. At the time, it was known as Bill C-36, which had passed through the House with Liberal support and was being debated at second reading in the Senate. As I already mentioned, it was the government's decision to prorogue the House that caused the delays for all of its criminal justice bills.

During the 2006 election campaign, the Conservatives promised to repeal the provisions, but they did not fulfill that promise and they are trying to do so now, four years and nine months after their election and their promise. Way to go. It is four years and nine months later, but congratulations, anyway.

I already talked about the fact that in 1997, a previous Liberal government amended the provision to require judicial review and the unanimous consent of 12 jurors as a prerequisite to the National Parole Board application process. I have already mentioned that, at that time, the provisions were also tightened so as to prohibit anyone convicted on more than one count of murder from applying for early parole. I think that is a very important point.

[*English*]

Our criminal justice system has a number of different purposes. Yes, punishment is a large part of the system, but so too is rehabilitation, crime prevention, and victims programs. This bill, if not all Conservative justice bills, does not address these other important aspects of criminal law, and these other important aspects are key to ensuring public safety. They are key to ensuring that each and every member of our society remains safe.

While Liberals believe in appropriate sentences for crimes, we, unlike the Conservatives, understand that appropriate sentencing is only one piece of a much larger puzzle, and that this larger puzzle includes crime prevention. If we are not willing to attack crime prevention at the entry point, then what comes out at the end will not change. Studies have shown time and again that tougher sentences, locking someone up and throwing away the key, do not create or enhance public safety.

One has only to look at the United States, where states like California instituted "three strikes and you're out" laws. Crime rates in these states went through the roof. Meanwhile, prisons became breeding grounds for more serious criminality than the individuals had been convicted of, instead of becoming a milieux that offered some inmates a chance to rehabilitate themselves.

The Conservative government, by tackling only one piece of the criminal justice system, that is, the sentencing portion, and not working to enhance the crime prevention portion of criminal justice, is in fact endangering the safety of our communities. The Conservatives have slashed spending to programs that stop crime before it happens. I am not making this up. Government department reports have clearly demonstrated this.

● (1235)

[*Translation*]

During the last full year the Liberals were in power, the National Crime Prevention Centre supported 509 projects in 261 communities for a total investment of $56.9 million. At present, the Conservatives have cut over half of that spending, cutting a little more every year. In fact, 285 of those projects are no longer being financed and the total spending for that program is only $19.27 million.

[*English*]

Four years and 9 months ago, under the Liberals, the National Crime Prevention Centre supported 509 projects in 261 communities for a total investment of $56.9 million. Today, 285 of those projects are no longer being financed, and the total financing under the National Crime Prevention Centre is only $19.27 million. That is a big cut.

[*Translation*]

As for inmates sentenced to life imprisonment with no eligibility for parole for 25 years, but who might be eligible under section 745.6 of the Criminal Code, here are the numbers.

[*English*]

In 2007, 921 inmates were eligible for hearings under the faint hope clause. That figure comes from Correctional Service of Canada. If the Conservatives want to say that it is being made up, then it is their own department that is making it up.

The other piece of information that Correctional Service of Canada provided us is that of the 921 inmates eligible for hearings under the faint hope clause, only 169 actually had hearings and, of the 169, 125 individuals were released on parole. Of the 125 inmates released on early parole under the faint hope clause, and that is out of 921 inmates, 15 were returned to custody.

I will provide some information on those 15 inmates. The vast majority of individuals returned to society without incident, which means that 110 inmates convicted of life imprisonment with no possibility of parole before 25 years but who were eligible under the faint hope clause in 2007, had a hearing, successfully pled their case and who were released on early parole, are still out there with no incidents, meaning that they have not violated the conditions of their parole, that they are integrating into society and that they are not a risk to the public. Fifteen were returned to custody.

I will provide a bit of information, which again comes from Correctional Service of Canada. on those who were returned because they violated the conditions of their early release.

Instead of going to the stakeholders, I will just say that, from what I understand, the groups that support victims and families of victims are strongly in support of this legislation. The Liberals already supported it when it first came through the House and we will be supporting it l again going to committee. We again want to hear from all of the different stakeholders, particularly the association of prison guards who work in the federal penitentiaries, as to what their view of the amendment through this legislation would be.

● (1240)

[*Translation*]

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Mr. Speaker, I listened to my colleague's speech. Personally, I am quite worried by the Conservatives' approach to crime. The bill before us today deals with the issue of serious and violent crime. Yet at the same time, the government is doing everything in its power to abolish the gun registry, which the police want to have at their disposal because it helps them in their work.

This morning we spoke about another bill concerning justice and white-collar crime. This government, just like the Liberal government before it, is refusing to address the issue of tax havens. Even if white-collar criminals are put in prison for a while, if they can hide their money in tax havens around the world and spend the rest of their days living off the proceeds of their crime, it is not much of a deterrent.

Does my colleague have the same worries about the Conservative government's doublespeak and hypocrisy when it comes to justice issues? They play the tough guy and boast that they are tough on crime. But when it comes time to take real measures, and not just change the length of a prison sentence in a bill—and you have to wonder if criminals often read the Criminal Code—that is another story. They need to do more than just grandstand. We need real, meaningful measures to fight crime and, in terms of prevention, measures for gun control and control of tax havens. Is that not doublespeak right there? The government has done nothing in terms of prevention, but it has been very big on repression.

Hon. Marlene Jennings: Mr. Speaker, I thank my Bloc colleague, the member for Jeanne-Le Ber, for his question.

The Conservative government engaging in doublespeak. We need only read the titles of its bills. The bills in question seem to be marketing tools rather than bills to improve our criminal justice system and ensure public safety for all Canadians in all communities.

It costs approximately $101,000 per year to keep a person in prison. Supervision of an inmate on probation or parole or in a community release program costs $25,000 per year. That is a big difference. Statistics and studies clearly show that the vast majority of people who commit crimes will not reoffend. In the case of non-violent crimes, if people are not members of an organized crime group, they can easily serve their sentence in the community. The Conservative government's priorities make no sense.

● (1245)

[*English*]

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, as the nuns used to teach us back in grade school, there are the sins of commission and the sins of omission. It is the same with the sense of what is criminal or what should be criminal. For example, I would suggest that it is criminal that we have thousands of aboriginal children being educated in substandard, basically shanty shack buildings and we have a government that says these children are not a priority. The government will not spend any money on those children who are in mould-infested classrooms and yet it would spend $9 billion to build prisons for non-existent prisoners. I would think, in terms of crimes of omission, that would certainly be one of the major glaring examples.

I would suggest that in terms of output for any legislative government in the history of Canada, we are looking across the bench at the ultimate underachievers. They have done zero, nada in terms of moving forward an agenda on dealing with any number of issues and yet they bring in one crime bill after another that all follow the same template because none of them are grounded in the reality of the communities and none of them are grounded in basic public safety and justice.

Given the vicious attack we saw this summer on the long form census and the attack on anyone with credibility who ever challenges the myths that the current government perpetrates, why does the member think we are once again having to deal with a government bill that is based on fear-mongering, wedge issues and division?

Hon. Marlene Jennings: Mr. Speaker, it is clear that a government must make choices and the party that forms the government must decide where its priorities lie and what is important to that party and to the people it represents?

In the case of the Conservative Party, which is the government and has been the government now for four years and nine months, it has decided that its priorities do not lie with average Canadians, middle class Canadians, poor Canadians, low income earners and aboriginal communities. If those were the government's priorities, it would not now be ready to borrow $6 billion in order to provide tax breaks to the most profitable large corporations, rather than invest in our families that are struggling today to make ends meet, struggling to deal with an aging population or struggling to deal with family members who are either terminally ill or ill with a chronic disease. The government has its priorities elsewhere.

That is also why we have seen the cut in crime prevention. Rather than put money where it will in fact do good work, it puts it in advertising, doubling and tripling its funding.

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, yesterday we were debating white collar crime. One of the parts of Bill C-21 would place the onus on a judge to review restitution. It would appear that the reason for that is to concentrate on deterrence and ensure that those who abscond with public funds or private funds will be held accountable.

The parole system also acts as a deterrent. If it is very clear that the likelihood of parole is not there unless criminals keep in mind the need to participate in rehabilitation programs while in prison, what happens if they do not? Does this bill come to grips with a judge having to focus on their records, not only outside but inside prison?

I think the House would be interested to know why it is important in committee to have prison guards give some input with respect to this bill and its impact.

● (1250)

Hon. Marlene Jennings: Mr. Speaker, yes, of course deterrence is part of it, as is rehabilitation, and yes, of course the way in which inmates conduct themselves during the time they are serving their sentences is looked at by the National Parole Board to determine whether they have proven themselves capable of being out in the community.

It is important to hear from the prison guards when this bill goes to committee, as I hope it will, because they are the front line officers when we talk about inmates. They will be able to tell us whether the faint hope clause, as it now stands, is something that is a useful and effective tool for them or whether it makes no difference if it is changed in the way that the Conservative government wishes to change it, which is to repeal it. They will be able to tell us that.

The Conservatives say that they are the party of law and order. Let us listen to what the law and order in the penitentiaries have to say.

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, this is the second time this bill has come before us. We voted against it the first time and in any case, because of prorogation, it was never enacted. It went through the Senate before and now comes to us from that other place. Basically, the bill makes it harder to obtain parole before a minimum period under the law for the most serious murder, first degree murder, specifically, a period of 25 years. For second degree murder, the minimum period before an offender can obtain parole is decided by the presiding judge, who has the discretion to give between 10 and 25 years.

Under current legislation, after 15 years, a convicted murderer sentenced to life imprisonment without parole for 15 to 25 years can apply to the court to have his or her case heard by a jury. The jury decides if that individual can obtain early parole. That was not the case in the beginning, when the legislation was passed several years ago. Now the jury must be unanimous.

This is just one more piece of legislation brought forward by this government that, at first glance, makes it look like they are being tough on crime. According to the government's propaganda, anyone who supports a reasonable approach to fighting crime is defending the rights of the accused or of criminals. These arguments, which are given repeatedly, should convince any observer who hears them long enough that the criminal justice reforms proposed by the Conservative government are motivated by demagoguery. When introducing such bills, the government never considers how effective its proposed measures will be or what ills they may prevent. Instead, it always considers how the measure will affect its election campaign and the majority of voters' superficial understanding of its criminal justice program.

In that respect, the Conservatives are almost blindly following the policies of the Republicans in the United States. Even Democrats win votes when they take a tough-on-crime attitude and describe anyone who advocates a smart, effective approach to fighting crime as being a champion of criminals' rights. This is the only reason the Conservatives introduce these bills. This one is a case in point.

Does this law work? When we look at the statistics, the answer is clear. First, very few people who can apply under this law do apply. Second, not all applications are granted. It makes sense that most applications are granted, given everything offenders have to do to support their application. Have these people reoffended? Not one has committed another murder. Not only have there been no repeat murders, but only one offender has committed a serious offence, and that was a robbery.

● (1255)

So I do not believe that this proves that this bill meets any need whatsoever, unless it is the Conservatives' need to cause conflict with reasonable representatives of the opposition calling for reasonable solutions. Such solutions are not always clear to the general public. The Conservatives introduce bills like this one because it is an easy thing to do and it serves their demagogic purposes.

I want to give an example of how we have always taken a different attitude. A few years ago, legislation was passed that prohibited an offender convicted of multiple murders from applying for parole before having served 25 years.

Let us consider multiple murders. Objectively, multiple murders are certainly more serious than single murders. But should we be guided by this objective factor alone when we decide to release someone? The decision has to take into consideration all the guarantees that have been provided, what this person has had to demonstrate and the fact that this person will remain under the supervision of the National Parole Board for the rest of his life.

In Quebec, we have a striking example of a single murder of a prison guard by a member of the Hells Angels who—according to the jury—was following orders from the leader of the Hells Angels. The latter was found guilty. When the person committed the murder, as he was ordered, the weapon he was using jammed in such a way that when he aimed at two prison guards who were standing next to each other, he killed the first guard but was unable to kill the second. This is certainly one of the most serious crimes not only because it is a murder, in other words deliberately causing the death of another person, but also because of the subjective factors in this case. We are talking about someone who can consider taking a life in cold blood in exchange for some benefit. At the time, Mom Boucher, who had delusions of grandeur, wanted to attack the representatives of law and order to better control his lucrative dealings, and he did so by physically eliminating his competition.

Let us compare that to other multiple murders we have seen recently in Quebec. Early last year, the Chicoutimi police were called by a woman in distress. When the police arrived on the scene, the woman's husband and two children were dead. By all accounts, the woman seemed to still be under the influence of some sort of drug. We knew that the mother and father had both lost their jobs. They had appealed to their immediate family and friends with no luck. They were so desperate that they both decided to end their lives and those of their children. They procured very strong drugs that they gave to their children and then they ingested the drugs themselves. The father died, but the mother survived. The mother is still alive, so in her case this has to be considered a murder, a multiple murder to boot.

● (1300)

We need to look at the motivation behind it. It is an extremely sad story, but it is clear that it is not on the same moral level as Mom Boucher, who ordered one of his flunkies to kill two prison guards in cold blood, simply because they were prison guards.

We saw the same thing last year in the Saint-Jérôme region. We were shocked to hear about another terrible family tragedy. A well-known cardiologist was appreciated for his professional abilities, his rapport with patients, the care he provided, and his dedication to the hospital where he worked. He was married to another doctor. They appeared to be a very happy couple, at least until she decided to leave him. It is difficult to understand the kind of desperation he must have felt, but he decided to kill his two children.

Once again, it is extremely sad. He is not insane to the point of not being criminally responsible, but there are certainly some psychological factors to take into consideration, and it is completely different from the crime committed by Mom Boucher. I believe that Mom Boucher's crime is much worse, and that he certainly deserves a much harsher punishment than those involved in the family tragedies I mentioned. Frankly, what is the point of saying that for one, you are eligible, but for two, you are not?

Here is my view, or the view of my party and the majority of Quebeckers: in these cases, we must also always think about prevention. Yes, we must find a fair punishment for the guilty party, but we must not use simplistic reasoning. We need only look at what we are fighting for with the firearms registry. The current firearms legislation states that all firearms must be registered because they are dangerous. They are not dangerous simply because some people use them to commit murder, but because, very often, they are used in cases of suicide. They are also used by desperate people who sometimes kill other family members before killing themselves.

The current law states that when a person is depressed like that and might commit desperate acts, a court order can be requested in order to take his guns away. It is obvious that this person is likely depressed. But that person may not be depressed forever. They could work through it. However, while that person is depressed, any guns they might have should be taken away. So it is important that the police know what guns to look for and what guns they should take with them to execute the court order. This is one of the provisions that cannot be applied efficiently or effectively if these guns are not registered.

It is telling that some of the biggest advocates of the gun registry are suicide prevention organizations. They were the most ardent supporters in Quebec. Since the bill was passed, there has been a significant drop in suicide rates in Quebec. That is surely not the only reason, but the people who work in suicide prevention feel that it has certainly helped. In fact, even though it is not mandatory to register your guns in Quebec, there are still people who believe in it and register their guns, which shows that they do not intend to use them for criminal purposes.

● (1305)

In any case, it is important because people do change. If their attitude suggests that they might use weapons, if their lives have changed, if they are depressed, we must be able to find them. In fact, that is how it is done. When they are no longer depressed, based on their psychiatrists' opinion, their weapons can be returned to them.

That is the difference in attitudes. It is more complicated to explain and it does not look as good on the hustings as it does to say "we are tough on crime and they are soft on crime", or say that those who want to enforce criminal law intelligently are defending the rights of the accused and of criminals. That is not the case; it is more complicated than that. I am convinced that if most voters were familiar with these specific cases they would understand that what we are defending is better measures. That is somewhat the case here.

The Conservatives know they have people's superficial support when they say we must be tough on murderers. We must not forget that in this case, a jury of 12 people from the community where that person lived and where the murder took place must unanimously agree to grant the possibility of early parole. The public has representatives to speak on its behalf. If one person out of the 12 does not agree, the request for early parole is refused. Furthermore, to get even that far, the offender must convince a judge that a jury is likely to grant early parole. That is why offenders' behaviour is monitored in prison and reports are produced to determine whether they have changed since committing their crimes.

This is especially important in the case of a crime committed by a young man—someone who has reached the age of majority but is still not very old—who kills his no-good father because he beats his mother and is dangerous. Certainly, defending his mother is no excuse for killing his father, under any circumstances. But if this person is convicted of murder, then that has to be taken into consideration after some time has gone by.

There are other reasons for maintaining such measures. People who are sent to prison need to have hope that if they change their behaviour and make an effort to become rehabilitated so they no longer pose a threat to society, they can get something in return. Human nature is such that behaviour can change out of fear of punishment, but generally it can change much more out of hope for a benefit. Napoleon understood this and awarded lots of medals and so on. Criminologists are well aware of this. People who are sentenced to long prison terms have to be given hope.

It is also important for the safety of correctional officers. If someone knows that good behaviour could get him paroled, then he is more likely to be receptive to rehabilitation and measures to maintain order in the prison. To date, there have been no abuses of these provisions, and it is very difficult for an inmate to get an application approved. The provisions have at least three main advantages, and experience has shown that they work well.

● (1310)

[*English*]

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I listened with great interest to my hon. colleague, who has extensive experience in the issues of criminal justice and rehabilitation. Those are two key elements in developing safe societies. They are two elements that the Conservative government has tried to wedge apart with its devices of dumbed down policies on crime.

I had the great honour to live with a number of people who came out of prison and to work with them on rehabilitation. One of them lived with my family for 17 years and he became like a grandfather to my children. He had been in every prison in Canada. He taught me a great deal about prison and the need to have policies that actually, as he said, were rehabilitation, not re-humiliation.

I have watched the crime agenda for the last five years. I have seen a government that is not interested in facts or in a forward-looking vision of how to deal with the problems. The Conservatives are only interested in frightening people and then going back to those people asking them to give the government money to help continue whatever crazy cause they are running at any given moment.

From his extensive experience in the criminal justice system, what does the member think about the danger of poisoning discourse around criminal justice and basing policy not on fact but on the ideology and on the attack machine of the Conservative Party? What does that do to the legitimacy of the criminal justice system and the ability of a society to develop legislation that protects citizens, that incarcerates criminals and that finds a path for the rehabilitation of those who have been caught up in the prison system?

[*Translation*]

Mr. Serge Ménard: Mr. Speaker, I do not think I have enough time to answer that question, but I can say one thing for certain.

We can see an example of how this type of principle is working close to home, just south of the border in the United States. In less than 25 years, with this type of policy and this type of attitude, the United States has become the country with the highest incarceration rate in the world. The U.S. incarceration rate is somewhere around 730 per 100,000 inhabitants, while in Canada and most western European countries, rates range from 65—I think—in the Netherlands to 130 in Great Britain. Nevertheless, it is always around 100, give or take. That is a big difference.

Is the United States seven times safer than Canada? Quite the contrary and never mind the human cost. Someone who is rehabilitated becomes an asset to society. We can cite many an example. What is more, according to religious principles—I am no longer practising and I wonder whether I am agnostic—I see that every religion teaches the benefits of forgiveness. They recognize that people are not perfect, that they will commit sins, crimes, but when they do, we must try to rehabilitate them and put them back on the right path. That is not what we have here. The Conservatives are fixated on being tough on crime in order to please the masses.

● (1315)

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the faint hope clause has been very controversial for a long time. There are many cases where people would say clearly that they do not want to see a particular person out of prison, but eventually people have to get out of prison.

I want to ask the member how the faint hope clause fits into the whole concept of parole. Eventually, when people demonstrate they are no longer a danger to society, we still have a system of parole. It seems that the faint hope clause is simply an extension of the parole system.

Is the bill undermining the foundations of parole in Canada?

[*Translation*]

Mr. Serge Ménard: Mr. Speaker, the member is quite right to point this out. It is part of a set of principles whereby when someone enters prison for a certain period of time, not only are they kept in prison, but they are also offered programs to help them be better people when they get out. This information is given to the National Parole Board which, when the person has made sufficient progress, may agree to early parole. In any event, in the case of murder for which the minimum sentence is currently life imprisonment, this person remains under the jurisdiction of the National Parole Board until their death. They are monitored continually. They are not completely free. They are released with conditions. Experience shows that those cases in particular have been very successful.

[*English*]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, clearly the Conservatives want us to believe that murderers are lined up to get out after 15 years. In fact, as has been pointed out, less than 25% even apply under the faint hope clause and very few actually get out. In Canada the average time in jail is 28.5 years, not the 25 years that is commonly thought of. The faint hope clause does what it is supposed to do. It encourages good behaviour in the prisons.

We only have to look at the best practices of other countries to see how much time is spent in jail. In 1999 an international comparison was done on the average time served in custody by an offender given a life sentence for first degree murder. It showed that the average time served in Canada was 28.4 years, greater than all the countries surveyed. In New Zealand the average time served was 11 years. In Scotland it was 11.2 years. In Sweden it was 12 years. In Belgium it was 12.7 years. In Australia it was 14.8 years. In the United States it was 18.5 years.

I would think these would be countries with which we would want to compare favourably. They are not countries that we look down on the world as having systems that are extremely different than ours. They are our peers.

If these countries are all considered best practices, then why are we out of line with them?

● (1320)

[*Translation*]

Mr. Serge Ménard: Mr. Speaker, I had his notes.

What the previous speaker said is quite right. I spoke at length about other aspects, but I would now like to add that the homicide rate in Canada has fallen steadily over the past 30 years. I am certain that my statement has taken more than half the general public by surprise.

The Conservatives use rhetoric because all they want is to win votes. They never mention this. Canada's murder rate is about one-third that of the U.S. If there is one American failure that is clear, it is certainly this blasted tendency to look like they are tough on crime, which has disastrous results.

The Deputy Speaker: There is enough time for the hon. member from Jeanne-Le Ber to ask a brief question.

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Mr. Speaker, in his eloquent speech, my colleague demonstrated the wisdom of the Bloc Québécois' position.

He also decried the Conservatives' grandstanding. I would like to add something to that and ask his opinion. The Conservatives have an increasingly ludicrous habit of giving their bills ridiculous titles such as the Cracking Down on Crooked Consultants Act, Sébastien's Law or the Keeping Canadians Safe Act. The bill title has become a kind of political marketing tool instead of an objective description of the bill's scope, as is usually the case in the House.

Does my colleague feel that this demonstrates the Conservatives' grandstanding?

The Deputy Speaker: The hon. member for Marc-Aurèle-Fortin has 30 seconds to respond to the question.

Mr. Serge Ménard: Mr. Speaker, that is a fact, and I am looking into it. It is clear that the bills they are introducing have titles that serve as propaganda.

We will soon be looking at their proposed legislation to reduce opportunities for sentences that can be served in the community. They say they want to ensure that people convicted of violent and dangerous crimes cannot benefit from things like that. But the current law already states that a judge cannot give this type of sentence if it presents a threat to public safety.

[*English*]

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, this is my first time speaking on this type of legislation. Prior to being called Bill S-6, it was Bill C-36 before the prorogation. I would like to talk about the process by which we get here and the tough on crime agenda that many of us on both sides of the House have referred to. There has been so much time spent on the issue of tackling violent crime, yet we have been using this, for the most part, as a divisive political wedge between many sections of the country, many sectors of society, and unfortunately a lot of what I would call the mature debate has been lost as a result of that.

Yes, I support sending the bill to committee at this point and I support the fact that we are able to carry on a mature conversation about people who are convicted for life for serious crimes. Even the bill's title, the serious time for the most serious crime act, in and of itself almost sounds like an advertising slogan. I feel as though we are trying to sell something through the Shopping Channel, pardon the vernacular, but nonetheless, members get the idea. This is how revved up this debate has become, to a point of wedge issues, fear tactics and all around misinformation by both sides because both sides have been so vehemently opposed to the other that we forget the fact that we at some point have to listen to the other side as to which part of the debate is germane to the situation and which part of the debate matters the most.

I want to provide a few more notes on that issue, but before I return to that, I want to talk about the background on the bill and the analysis of Bill S-6. As I mentioned earlier, it was introduced in the House as a Senate bill, but it was before us a while back as Bill C-36. It passed through the House with support of the parties here and was debated at second reading into the Senate when we faced the prorogation. I am going to leave the prorogation matter out of it because we have debated that ad nauseam. I do not think it was a fair thing to do, but nonetheless, we will leave it at that.

Section 745.6 is the clause that was devised and included in the Criminal Code in the wake of Parliament's decision to abolish the death penalty in 1976. Capital punishment was replaced with mandatory life terms of imprisonment for first degree and second degree murder. The faint hope clause is essentially the vernacular we use for what is being debated here today. That clause was seen as a necessary safeguard to a sentencing regime without capital punishment, to encourage the rehabilitation. Therein lies the other aspect of this debate that is so very important to this, which is rehabilitation.

Unfortunately, in terms of the idea and the concept and the methods by which we rehabilitate people who are convicted, that argument seems to be lost and I do not think we have had the full argument on this particular issue for quite some time. Since 2006, since crime has become far more at the forefront of the agenda than in the past, that part of it really has been left out. We have focused a lot on the crime itself. We have focused a lot on the victims, and there is nothing wrong with that. I am certainly in favour of that, and if I were not in favour of it, I would not be supporting that the bill go to committee. Nonetheless, we also have to have that mature debate that I spoke of that sometimes escapes us about the idea of rehabilitation and how this country deals with rehabilitation for people who get parole and go back onto the streets.

● (1325)

Are they rehabilitated? Are they a threat to society? Do we believe that our system allows these people to be rehabilitated enough? Do we raise the bar by which these people can be brought back into society? Does our penal system believe that these people are rehabilitated? Would our penal system benefit by focusing more on the more violent criminals who cannot be rehabilitated? These questions are the reason we should have a more fulsome debate on this issue.

I spoke of section 745.6. As I mentioned, the section goes back to 1976. Amendments by the Chrétien government in 1997 changed this particular section so as to require judicial review and the unanimous consent of 12 jurors as a prerequisite to the National Parole Board application process. Even at that point it was decided that the faint hope clause was a serious issue.

Several stories in the media referred to the faint hope clause as being used by people convicted of first degree murder and being released back into the public. There are several sides to every story, but on the surface this shocked people. There is shock value to this. Unfortunately, there are groups that use the issue of rehabilitation, or the lack thereof, for shock value in the media. It was addressed at that time in some of the stories that came out.

The most famous instance where a prisoner was granted parole through a faint hope application was the situation with Colin Thatcher, who was convicted of killing his ex-wife in 1984. He was sentenced to life in prison with no chance of parole for 25 years. Mr. Thatcher was granted full parole in 2006.

That is just one example of how we have sensationalized many of the issues involved in first degree murder, dangerous offenders, and rehabilitation.

In the international context of rehabilitation and in the context of how we deal with this issue, are we really having an honest debate?

I spoke earlier about the politics of the issue and I would like to return to that for just a moment.

A key benefit of being involved in the political system is our ability to rely upon expert advice. We listen to the experts and we find out how they deal with a particular situation. As politicians, we become generals. All issues come before us. I have issues to deal with. I just had a major flood in my riding and I am dealing with disaster relief. I dealt with employment insurance this morning and now I am dealing with serious crime. One of the benefits is that we have the resources to get as much material as we can in a very short period of time.

We can also hear the stories of serious crime that affects everybody: yes, the victims, and yes, the people involved in the penal system who have to rehabilitate serious offenders while at the same time looking after them.

Societies outside the penal system know quite a bit about this issue, so we should look to them for advice. Victims of crime groups generally support the elimination of the faint hope provision. Some other groups do not, and their opinions mean quite a bit to us.

The John Howard Society opposes the legislation. It believes the faint hope clause as it currently exists encourages prisoners to reform their behaviour in the hope of being granted early parole. The Elizabeth Fry Society opposes this bill and believes there are already sufficient checks and balances in place to ensure only offenders unlikely to pose a threat to public safety are paroled based on faint hope applications. The Canadian Council of Criminal Defence Lawyers, as well as the Quebec bar, oppose this legislation. To varying degrees, prison guards believe the faint hope clause makes their job safer.

● (1330)

These are just a few snippets of the stakeholder reaction to this. There are many groups out there that believe we should get rid of this. Victims of crime obviously believe people who are the most serious offenders should be doing the time, not going through the faint hope process.

I would also like to mention what my colleagues noted earlier about the fact that as far as the international context is concerned, and I certainly have the notes here as well, 28.4 years is the average time spent in jail for a Canadian convicted of first degree murder in this country. At 28.4 years, that is certainly on the high end of the scale.

In other countries, I think Sweden, Belgium and other European countries were mentioned, it was close to half that length of time. In the United States of America, it was also less, and several other countries followed suit.

There is certainly quite a bit of time spent here, on average 28.4 years. It still goes back to the situation of the faint hope clause. Do we provide a faint hope clause for people who have been convicted of first degree murder?

I can honestly say that in this particular situation I do support this bill going ahead to committee because I think it deserves further study. However, I also believe that the faint hope clause may provide an incentive for people who are not rehabilitated to go back into society and this is going to cause problems. It is something that concerns me greatly and it greatly concerns people I represent.

I do believe that in this particular situation one of the issues we should be giving more emphasis to is the idea of rehabilitation. I implore the House not to shift back into an example where we are using this as a poster or a sound bite for a political issue of the day, which unfortunately happens too often.

If we start using labels in this particular situation, we could be denying the public an honest debate on rehabilitation, which I feel needs to be debated in this country. I mean that in a general sense, not just for those who are convicted of doing the most serious crime.

I would suggest to the House that we take this issue and give it the reading and study it deserves, especially in regard to rehabilitation.

In this particular situation, we can look at examples of people who cannot be rehabilitated. A small number of those, we know, do receive a favourable hearing with respect to the faint hope clause. Even though the number is not great, we have to look at that as well. This was talked about in the campaign in 2006, to get rid of the faint hope clause. This just might be the way to go. However, I feel deeply within my heart that we have not fully debated how rehabilitation is handled in this country.

I thank the Speaker and the House for this time to present a few of my thoughts.

● (1335)

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, my hon. colleague gave an excellent speech.

We can take a look at early interventions that will have the most profound impact upon the trajectory of individual lives. We know right now that what happens in the first five years of a person's life will have a profound impact on his or her life.

Subject a child to violent sexual abuse, improper nutrition, or improper parenting and the trajectory of that child's life will change significantly. Ensure that the child is in a loving, secure environment with proper nutrition, is subjected to a healthy environment, and that child will be the best that he or she can be.

Early learning head start programs have the most profound impact upon the trajectory of that child. When it comes to youth crime, an investment in early childhood intervention will actually decrease youth crime by 50%.

I would like to ask my colleague a question. Does the member not think one of the most powerful things the federal government can do is work with the provinces to ensure that Canadians from coast to coast will have access to early childhood education?

Mr. Scott Simms: Mr. Speaker, my colleague asked a great question. We have touched on many other subjects today. He mentioned a 50% reduction in youth crime where there is an early childhood education component. It is of vital importance. We are now seeing the studies and data that prove to us the benefits of early childhood education, and I mean for the very youngest, even before a child is one year old. The trajectory dictates that with the right amount of education, a person will have a more fulsome and healthier life, and so on and so forth, as my colleague pointed out. The problem is that in this country right now we do not target the investment in this particular type of education.

What bothers me about this is that there is a satchel of money that is provided for day care, but that is not the point. The point is that the federal government does not say that it believes in early childhood education. It just gives a bit of cash and people can do with it as they may.

On the surface, it sounds like it is a wonderful thing that the government gives people money to do with as they want, but we also have to provide some of that money to people who are early childhood educators. They provide such an invaluable service. Since I am not an early childhood educator, I do not know the full benefits of what it is educators provide, but I can say they provide fantastic benefits and one of them is the reduction in crime that my hon. colleague spoke of.

● (1340)

Hon. Keith Martin: Mr. Speaker, as a follow up to my colleague's response, fetal alcohol spectrum disorder is the leading cause of preventable brain damage in neonates. The fact is it is entirely preventable.

The federal government believes that in matters of health, the province is the lead manager, and it is correct, but nothing precludes the federal government from using its convening power and its financial levers to work with the provinces to develop innovations in health care that would improve the health of our citizens. Because these problems are transboundary, nothing precludes the federal government from doing this. We desperately need this type of leadership to deal with problems like FASD.

If FASD is the leading cause of preventable brain damage in children, does my colleague not think it is crucially important for the federal government to use its power, work with the provinces and implement best practices?

I have worked in jails as a guard and as a physician. The average IQ of somebody with FASD is 67. How on earth are people with an IQ of 67 able to integrate, engage and be productive members of society? They cannot.

As a matter of humanity and being progressive in our country to deal with a fundamental issue that is so trying and difficult for those who work in the judicial system and the medical system, does my colleague not think that the federal government should work with the provinces to implement best practices in the prevention of FASD?

Mr. Scott Simms: Mr. Speaker, after that speech I think my colleague should be one of the ones to lead the charge. I certainly put the compassionate argument. I will go back to what I said in my speech. One of the benefits of being a member of Parliament is that we have access to resources and people who work within the industry, people who are experts, people who know more than we do. Believe it or not, some of us actually believe there are others out there who know a lot more than we do. Because of the member's personal experience, he is able to bring the matter of FASD into this House and certainly give it the full debate it deserves. That goes back to the idea of the faint hope clause.

It is an incredible way to debate this issue through the measures he mentioned. The convening measure, the first ministers conference, is certainly something that can bring the whole country together, not to be divisive but to lift the bar on how we can address rehabilitation for people who commit the serious crimes and for people who are victims of FASD, and the member talked about IQs.

That being said, the federal government has that power through the Canada health and social transfer. It can become one of the driving agents behind this. There is nothing wrong with that, because by being in the driver's seat on this particular issue, let us face it, we also safeguard the five principles of health care across the country, which is universal to all despite in which territory or province people live.

I commend my colleague for bringing this up. I think that is all part of the debate within this House. Sometimes we do not give these issues the debate they deserve. It becomes a series of sound bites and cute little slogans that we use from time to time to gain ourselves momentum into the next election. Unfortunately, that may be what I would call the negative aspect of a minority Parliament, if indeed we want to use that. However, there are positives of a minority Parliament and the positives include fulsome debate in order to get something passed. Otherwise, if we do not have the numbers, we have to have honest debate.

Am I convinced that we are using this House in a situation like Bill S-6, the faint hope clause, which was formerly Bill C-36, and the idea of rehabilitation, or protecting victims or allowing victims to receive the justice they so desperately deserve? We need within this Parliament to give these people the voice that they deserve. If we surround it with sound bites and politics and divisiveness, which we see normally on the 10 o'clock news, then they become the ones to whom we have given short shrift. That is the unfortunate part of this.

I implore my colleagues, this is the big reason that I want to send this bill to committee, so that we can discuss these issues. Unfortunately, we did not have that chance before, but now we do.

● (1345)

Mr. James Lunney (Nanaimo—Alberni, CPC): Mr. Speaker, since the debate has gone all the way from the faint hope clause to fetal alcohol spectrum disorder, I want to ask the member a question about that. Indeed, we are all concerned about fetal alcohol spectrum disorder. However, recent evidence has shown that a simple folic acid supplement helps to reduce the methanol content that is also in the alcohol products, which seems to be the main problem contributing to fetal alcohol spectrum disorder.

Would the member therefore recommend that Canadians at risk and people in communities where they are at risk take a folic acid supplement to mitigate that risk and to help prevent that syndrome from happening in the first place?

Mr. Scott Simms: Mr. Speaker, I am not really aware of that part of FASD and how to treat it in that particular sense. Quite frankly, as I said earlier, I am just not qualified to say that at this point. The member has brought up a good point. I suggest that he press this point even further within this House. If it is okay with him, I would like for him to send me the information that he is speaking of because I think it is a valid point.

That being said, in the spirit of providing a decent debate within this House, I want to thank the member for bringing that up. I can guarantee, thanks to Google, that I am going to try to figure out what it is he is talking about. I think that will add to the debate of FASD as to how we can reduce it, especially in the most vulnerable societies.

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, it is an honour for me to stand and speak on behalf of my party and the constituents of Vancouver Kingsway to this important bill, Bill S-6, An Act to amend the Criminal Code and another Act, sub nomine, serious time for the most serious crime act.

Bill S-6 amends provisions in the Criminal Code regarding the right of persons convicted of murder or high treason to apply for early parole. This is done through the elimination of the so-called faint hope clause as it is commonly known by which those given a life sentence for murder or high treason could apply for parole after serving 15 years of their sentence.

A similar predecessor bill, Bill C-36, was introduced during the second session of this Parliament but did not become law before that session ended when the current government prorogued Parliament at the end of 2009.

It is important when we discuss profound issues, particularly ones that involve critical issues of crime and punishment and proper approaches to our carceral system, to have a very sound understanding of the structure and facts. I will spend a little time reviewing what the current law is.

Section 745.6 of the Criminal Code, known as the faint hope clause, provides offenders serving a sentence for high treason or murder with the possibility of applying for parole after having served 15 years when the sentence that they have been imprisoned for amounts to life without eligibility for parole for more than 15 years.

Offenders convicted of first degree murder receive life imprisonment as a minimum sentence with the earliest parole eligibility date set by law at 25 years. For offenders convicted of second degree murder, a mandatory sentence of life imprisonment is also imposed with the judge being able to set parole eligibility at some point between 10 and 25 years. Judges have that discretion in our Canadian courts.

Those serving a life sentence can be released from prison only if granted parole by the National Parole Board. Unlike most inmates who are serving a sentence of a fixed link, for instance two, five or ten years, lifers are not entitled to statutory release.

If granted parole, those convicted of a life sentence remain subject for the rest of their lives to the conditions of parole under the supervision of a Correctional Service Canada parole officer.

One thing that is important to point out is that in this country, those who are given a life sentence do have a life sentence. That sentence is and will be applied to them for the rest of their natural lives. The question is whether or not and when they will be permitted to serve that sentence in the community as opposed to being incarcerated.

Parole may always be revoked and offenders returned to prison at any time if they violate the conditions of parole or if they commit a new offence. Of course, not all people who have been given a life sentence are granted parole. Some offenders are never released on parole because the risk of their reoffending is too great and that is appropriately so.

During the years following its initial introduction in 1976 the faint hope provision underwent a number of amendments so that now the criteria for the possible release on parole of someone serving a life sentence include the following. The inmate must have served at least 15 years of his or her sentence. An inmate who has been convicted of more than one murder where at least one of the murders was committed after January 9, 1997, which was when certain amendments came into force, may not apply for a review of his or her parole ineligibility period. To seek a reduction in the number of years of imprisonment without eligibility for parole, the offender must apply to the chief justice of the province or territory in which his or her conviction took place.

The chief justice or superior court judge designated by the chief justice must first determine whether the applicant has shown that there is a reasonable prospect that the application for review will succeed. This assessment is based on the following criteria: the character of the applicant; the applicant's conduct while serving his or her sentence; the nature of the offence for which the offender was convicted; any information provided by a victim at the time of the imposition of the sentence or at the time of the hearing under this section; and any other matter that the judge considers relevant to the circumstance.

If the application for early parole is dismissed for lack of a reasonable prospect of success, the chief justice or judge may set a time for another application not earlier than two years after the dismissal, or he or she may declare that the inmate will never be entitled to make another application.

● (1350)

On the other hand, if the chief justice or judge determines that the application has a reasonable prospect of success, a judge will be assigned to hear the matter with a jury. In determining whether the period of parole ineligibility should be reduced, the jury should consider and does consider the five criteria I just mentioned. The jury determination to reduce the parole ineligibility period must also be unanimous.

The victims of the offender's crime may provide information either orally or in writing, or in any other manner that the judge considers appropriate.

If the application is dismissed, the jury may, by a two-thirds majority, either set a time again not earlier than two years after the determination when the inmate may make another application, or it may decide that the inmate will not be entitled to make any further applications. Furthermore, if the jury determines that the number of years of imprisonment without eligibility for parole ought to be reduced, then a two-thirds majority of that jury may substitute a lesser number of years of imprisonment without eligibility for parole than the number then applicable. The number of years without eligibility for parole that they may assign can range from 15 to 24 years.

After all that extensive process, once permission to apply for early parole has been granted, the inmate must apply to the National Parole Board to obtain parole. Whether and when the inmate is released is decided solely by the board based on a risk assessment, with the protection of the public as the foremost consideration. Board members must also be satisfied that the offender will follow specific conditions, which may include restrictions of movement, participation in treatment programs and prohibitions on associating with certain people, such as victims, children and convicted criminals and the like.

A faint hope clause review is not a forum for a retrial of the original offence, nor is it a parole hearing. A favourable decision by the judge and the jury simply advances the date upon which an offender will be eligible to apply for parole.

This section, of course, has been considered by the sharpest legal minds of our country, the Supreme Court of Canada. The Supreme Court of Canada has stated that the purpose of this review procedure is to re-examine a judicial decision in light of changes that have occurred in the applicant's situation since the time of sentencing that may justify lessening the parole ineligibility period.

Section 745.6 of the Criminal Code gives the jury broad discretionary power to consider any matter governing the offender's situation, and the Supreme Court has provided guidelines for the judicious exercise of that discretionary power. The jury, for instance, must consider only the applicant's case and must not try the cases of other inmates who may have committed offences after being released on parole. The court has also stated that it is not the jury's role to determine whether the existing system of parole is effective.

The faint hope clause was added to the Criminal Code in 1976 in the hope that it would provide an incentive for long-term offenders to rehabilitate themselves and therefore afford more protection to prison guards, as well as fundamentally achieve greater justice in our country. The provision is also said to represent Parliament's awareness of how long other countries imprison persons convicted of murder before allowing them to apply for parole. For example, Australia, Belgium, Denmark, England, New Zealand, Scotland and Switzerland keep persons convicted of murder in prison for an average of 15 years before they may be paroled.

The very first judicial review hearing under the faint hope clause was held in 1987. Here are some statistics that the House might find instructive.

As of April 12, 2009, 991 offenders had been deemed eligible to apply for a judicial review. Court decisions have been rendered in 173 cases, and 143 inmates have been declared eligible to apply for earlier parole. Of these, 130 were granted parole, representing just over 13% of those who had been deemed eligible to apply for a review of their parole dates.

I spoke about comparing Canada to other countries, and there are some other instructive facts that would be helpful for parliamentarians as we consider this difficult matter.

In 1999, an international comparison of the average time served in custody by an offender given a life sentence for first degree murder showed that the average time served in Canada is 28.4 years. Moreover, that is greater than in all countries surveyed, including the United States, with the exception of offenders in that country who serve life sentences without parole.

● (1355)

Here is the average time spent in custody by offenders convicted of first degree murder: New Zealand, 11 years; Scotland, 11.2 years; Sweden, 12 years; Belgium, 12.7 years; Australia, 14.8 years; United States for life sentence with parole, 18.5 years; and United States for life sentence without parole, 29 years. Once again, Canadian inmates convicted of first degree murder served 28.4 years.

I know the government is fond of saying where Canada sits on the world stage. It uses those facts when it thinks they are helpful. Let us then take a look at this fact: Canada keeps its first degree murderers in prison longer than every country on earth except for the United States.

Those who favour the retention of the faint hope clause have a number of arguments. They argue that judges and juries who consider whether to reduce the parole ineligibility period often take into consideration the circumstances that have led criminals down the wrong path, factors like poverty, fetal alcohol syndrome, low cognition, and other factors. They also recognize that mistakes can be made in court rooms from time to time resulting in innocent people being convicted.

Those who commit murder do deserve to be treated severely. Despite the government's constant attempt to try to simplify any argument other than its own or its attempt to make up straw person arguments that are easy to beat up, let it be said that there is no parliamentarian in this House who does not think that someone convicted of first degree murder ought to be treated severely. Of course they should. Anybody suggesting that any parliamentarian thinks otherwise is simply trying to mislead the Canadian public.

However while acknowledging that, people who favour retaining this section believe that offenders should not necessarily be utterly robbed of all hope, since one of the aims of punishment is rehabilitation. They believe, in other words, that justice must be tempered with mercy.

The Deputy Speaker: The hon. member still has eight minutes left to conclude his remarks. As it is just about 2 o'clock, we will start with statements by members, and the hon. member will have the floor after question period.

STATEMENTS BY MEMBERS

[*English*]

BREAST CANCER AWARENESS

Mr. Patrick Brown (Barrie, CPC): Mr. Speaker, the Canadian Breast Cancer Network is urging all parliamentarians to recognize October 13 as the first national metastatic breast cancer awareness day. As part of this initiative, the Canadian Breast Cancer Network hosted a metastatic breast cancer awareness event on Parliament Hill today.

Metastatic breast cancer is an advanced breast cancer that appears in other parts of the body. An estimated 30% of women globally who are first diagnosed with earlier stages of breast cancer develop it. Women who receive this diagnosis often feel isolated, without specialized information, proper psychological support or timely access to treatment.

I encourage my colleagues to support the efforts of the Canadian Breast Cancer Network and recognize October 13 as metastatic breast cancer awareness day in Canada.

May I also say how proud I was of the 2,109 Barrie residents who attended the annual CIBC Run for the Cure in support of breast cancer research this past Sunday. This year's run raised $319,000. Congratulations to everyone involved.

● (1400)

[*Translation*]

SMALL BUSINESS

Hon. Navdeep Bains (Mississauga—Brampton South, Lib.): Mr. Speaker, this government is not in tune with the needs of small business in Canada.

When the Minister of Finance created a task force to examine soaring credit card fees, this same task force was charging small businesses up to $45,000 just for the privilege of being consulted.

The Liberal Party has a plan to do things differently. It will find better and easier ways to make investments in new equipment and new processes. It will give Canadians access to ongoing skills development training. It will invest in key sectors. It will cut red tape and develop an international network to create opportunities around the world.

The Liberal Party cares about small businesses, and will work with them to build a better future, at no cost to them.

* * *

NATIONAL YOUTH CENTRE DAY IN QUEBEC

Mr. Nicolas Dufour (Repentigny, BQ): Mr. Speaker, last Saturday marked the 13th annual Journée nationale des maisons de jeunes du Québec. The event was set up in 1997 at the initiative of young people between the ages of 12 and 18 who wanted to raise awareness of youth centres, where they get together.

On the first Saturday of October each year, thousands of young people get busy promoting the way they see society today. Across Quebec, 175 youth centres opened their doors to the community to demystify urban legends about them. Visitors could see for themselves that these places are important to many young people, because they bring them out of isolation, help integrate them into society and promote their independence. In short, the centres make young people responsible citizens.

I myself attended open houses at several youth centres in my riding. I hope that in my own way, I helped people see our youth in a new light, as active, engaged individuals.

* * *

[*English*]

HOLYROOD COMMUNITY LEAGUE

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, Edmonton's community leagues have long served our families and neighbourhoods, running children's sports programs and providing a voice for community concerns. Recently, the Edmonton—Strathcona leagues have been providing clear leadership in greening their parks, play spaces and facilities to reduce their environmental footprint.

One great example is the Holyrood community green space project, beginning with a small naturescape in their elementary school. Buoyed by their success, they launched a project to transform their neighbourhood park into a vibrant community hub. It includes a playground, naturalized landscape and picnic area. Coming soon will be a community garden, systems to capture rainwater and an energy retrofitted community hall.

Even more extraordinary is their effort to consider the health and wellness of senior and disabled residents. Holyrood has actively partnered with Extendicare Holyrood, the Greater Edmonton Foundation and the South East Edmonton Seniors Association to design and deliver recreation programs for seniors.

Hats off to Holyrood and its partners.

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NATIONAL FAMILY WEEK

Ms. Candice Hoeppner (Portage—Lisgar, CPC): Mr. Speaker, I rise today to recognize National Family Week.

Canadian families are diverse and come in all shapes and sizes. Over the years, we have seen a dramatic shift in what the typical family looks like, but one common goal all families share is the desire to provide love and care and see the health and well-being of each family member flourish.

During our greatest challenges and our greatest successes in life, so many times our greatest strength comes from our family. Indeed, all of us in this House depend on the support of our families to do our job here each day.

Let us never forgot the importance of families in Canada and the pivotal role they play in our society. There is no replacement for the stability that families provide, and we must do all we can to support them.

I would like to invite all members to join us in celebrating the family at a reception after question period.

* * *

● (1405)

LOU GEHRIG'S DISEASE

Mrs. Lise Zarac (LaSalle—Émard, Lib.): Mr. Speaker, ALS, also known as Lou Gehrig's disease, is the most common cause of neurological death in Canada. About 3,000 Canadians over age 18 currently live with ALS and 80% die within two to five years. Some people die within a few months and 10% of those affected may live 10 years or more.

[*Translation*]

ALS affects the whole family. People living with ALS need expensive equipment and care, and 90% of care is provided by family members. ALS has a huge impact on informal caregivers' physical, emotional and financial resources.

This disease has touched us here in the House. Richard Wackid, the Liberal whip's chief of staff, succumbed to this terrible disease last year.

[*English*]

Our society is afflicted by so many of these diseases. Whether it is ALS, respiratory diseases or breast cancer, we must as Canadians do everything that we can to alleviate the suffering by providing comfort and support, not only to those who are afflicted but also to those who provide care for them.

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WORLD SIGHT DAY

Mr. Paul Calandra (Oak Ridges—Markham, CPC): Mr. Speaker, I am proud to stand in the House today to welcome members of Vision 2020 Canada who are here with us to celebrate and bring awareness to World Sight Day 2010.

World Sight Day is an international day of awareness to focus attention on the global issues of avoidable blindness and visual impairment. This year's theme is "Countdown to 2020".

Vision 2020 Canada will mark both the successes and the work that still needs to be done in the ambition to eliminate avoidable blindness across the globe by 2020.

Vision 2020 is the global initiative for the elimination of avoidable blindness, a joint program with the World Health Organization and the International Agency for the Prevention of Blindness with an international membership of NGOs, professional associations, eye care institutions and corporations.

The many successes of Vision 2020: The Right to Sight, have been achieved through a unique cross-sector collaboration which enables public, private and not for profit interests to work together helping people all over the world to see.

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[*Translation*]

WORLD TEACHERS' DAY

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, today we are marking World Teachers' Day under the theme "Recovery begins with teachers." This is a golden opportunity for us to express our support and appreciation for teachers. We should never forget that education is a basic right and it is our pleasant duty to highlight the job done by teachers who work hard every day to make this right a reality.

Since 1994, October 5 has been the day to commemorate the signing 44 years ago of the Recommendation concerning the status of teachers under the aegis of UNESCO and the International Labour Organization.

Having a background myself in the wonderful world of education, I can assure the House that teachers are totally invested in the cause of education.

Carry on, dear teachers, with the fine work you do. My colleagues in the Bloc Québécois join me in saying congratulations and thank you.

[*English*]

JUSTICE

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Mr. Speaker, today the Minister of Justice announced the reintroduction of legislation to end sentence discounts for multiple murders. It would allow judges to impose consecutive parole ineligibility periods on individuals convicted of more than one first or second degree murder.

Under the current system, criminals convicted of multiple murders serve their parole ineligibility periods concurrently and are eligible to apply for parole after just 10 to 25 years.

This is just one more step in our government's efforts to restore Canadians' faith in the justice system. We are the only party to stand up for victims and law-abiding citizens in this country and which is committed to ensuring the safety and security of our communities.

We hope that the parties opposite join us in supporting this bill, as well as Bill S-6 aimed at repealing the faint hope clause, in the days to come.

* * *

HUNTINGTON'S DISEASE

Mr. Francis Valeriote (Guelph, Lib.): Mr. Speaker, I rise to speak to the inauguration of the Huntington Society of Canada's Great Canadian Series which will honour the life and work of great Canadians who have been afflicted with Huntington's disease.

The disease is an inherited brain disorder that affects both body and mind. It affects thousands of Canadians across our country and, with no known cure, its victims will succumb to cognitive and physical impairment and eventually death.

The society's first honoree is former Speaker of the House, James Jerome, who became speaker in 1974, where he remained through successive Liberal and Progressive Conservative governments. He was instrumental in the development of broadcasting House proceedings and the creation of our current parliamentary page program, giving young Canadians a unique vantage point in their study of Canada's Parliament.

Having had a profound impact on the work we do here, he developed Huntington's disease later in life, eventually succumbing to it in 2005. Mr. Jerome's impact will forever be felt, as will the efforts of the Huntington Society of Canada.

* * *

● (1410)

[*Translation*]

JUSTICE

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Mr. Speaker, today our government is reintroducing the bill to end the reduced sentences for people who commit serial murders.

The new bill will enable judges to impose consecutive periods of ineligibility to apply for parole on people found guilty of more than one murder in the first or second degree.

Under the current system, criminals found guilty of serial murders serve their periods of ineligibility simultaneously, which means that they can apply for parole after only 10 to 25 years, depending on their sentence.

Our government is determined to support the victims of crime, keep dangerous criminals off the street, and keep our communities safe. I very much hope that the opposition parties will support this bill.

* * *

[*English*]

NEWFOUNDLAND AND LABRADOR

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, hurricane Igor swept Newfoundland and Labrador on September 21 with widespread wind and water damage and wreaked unprecedented havoc on the Burin and Bonavista Peninsulas. One man died.

The damage was so severe to roads and bridges, some 90 communities were left isolated without access to hospitals and services and, in many cases, food supplies. All available emergency services came to the fore, especially volunteer fire brigades and the unselfish assistance of neighbours and friends prevented the situation from getting worse.

The Canadian Forces responded magnificently to the Newfoundland and Labrador government's request for assistance. Three ships and nearly 1,000 forces personnel, along with helicopters and equipment were engaged in reconnecting washed out roads, erecting temporary bridges and bringing medical supplies, food and clean water to the isolated communities.

Nearly all are reconnected, but the work is temporary. It is estimated that the damage exceeds $100 million and will not be fully repaired for a year. The extent of the damage requires significant federal assistance beyond existing programs and we call on the Government of Canada for a full commitment to help.

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LEADER OF THE LIBERAL PARTY OF CANADA

Mr. Phil McColeman (Brant, CPC): Mr. Speaker, while Canadians and our Conservative government are concerned with the economy, the Liberals have different priorities. The Liberal leader's priorities are not the economy.

Last week, when Parliament was debating employment insurance, an issue important to Canadians looking for work and Canadian employees and job creators who pay the premiums, the Liberal leader made the bizarre pronouncement that the issue was the census, not EI.

Also last week, the Liberal leader said that his priority was to make it easier to possess and use an illegal drug, marijuana.

His justice spokesperson echoed those sentiments: hiking taxes on job creators, lowering the EI qualifying period to 45 days which will increase payroll taxes, increasing the GST back to 7% and billions in reckless spending, plus the Liberal leader's iPod tax. The census and marijuana. It seems like everything is a priority for the Liberal leader except the economy.

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[*Translation*]

NATIONAL WOMEN'S CENTRES DAY

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, since 2003, the first Tuesday of October has been celebrated as National Women's Centres Day in Quebec. These centres, run by women and for women, are places where they can come together, get information, discuss issues and take action to change the world and their living conditions.

Some 25 years ago, these centres came together to form the "R des centres de femmes du Québec", a network of autonomous, feminist, community-action-based groups in Quebec.

We owe a large part of our success in maintaining the firearms registry to these women and to all women's groups that mobilized and took action with us.

Solidarity makes all the difference. That is why I encourage all women's groups, particularly the AFEAS, to not give up the fight against this backward-thinking government, which, by eliminating question 33 of the long form census, is making it impossible to quantify invisible work, including family caregivers and women who chose to stay at home.

* * *

● (1415)

[*English*]

FAMILY CAREGIVERS

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, today, the leader of the official opposition announced our party's plan to stand with Canadian families by helping family caregivers with the cost of caring for sick or aging loved ones at home.

These are difficult economic times so that means government and Canadians must choose. The Conservatives choose tax breaks for wealthy corporations. We choose to help Canadian families. Canadians want choices when it comes to caring for their families and allowing their loved ones to live in dignity, an effort supported by Canadians like Leny Van Ryn-Bolland who is here in Ottawa today.

A Liberal government would invest $1 billion annually in a new family care plan to help reduce the pressure on hundreds of thousands of struggling Canadian families. The Liberal plan includes a new six-month family care employment insurance benefit so that more Canadians can care for gravely ill family members at home without having to quit their jobs, and a new family care tax benefit of $1,350 per year to help low and middle income family caregivers who provide—

The Speaker: The hon. member for Saskatoon—Humboldt.

EMPLOYMENT INSURANCE

Mr. Brad Trost (Saskatoon—Humboldt, CPC): Mr. Speaker, last week, the Liberal leader called the coalition's EI bill fiscally irresponsible. His caucus then overwhelmingly voted to support that plan for a job killing 45-day work year.

That is not what Canadians want. If ever implemented, it would cost Canadians at least $7 billion a year, increasing premiums permanently by a whopping 35%. Like the Liberal leader's other taxes, this would kill jobs and stop our economic recovery in its tracks.

Canadians do not want to see rapid increases in EI premiums. Our government is listening and acting on those concerns by limiting EI premium increases to protect Canadian jobs in this time of a fragile recovery.

The bottom line for our government is that, for our recovery to continue, taxes need to remain low.

ORAL QUESTIONS

[*Translation*]

GOVERNMENT PRIORITIES

Hon. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, today I visited a family in Gatineau. Mike has cancer and his wife Helen is sacrificing everything, including her vacation time, to care for Mike.

Why is this government insisting on cutting corporate taxes instead of taking care of families like Mike and Helen?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, today, for the fifth time, the Liberal Party has recycled the promise of additional home care. That is the fifth time. Each time they say they will pay for it by increasing employment insurance premiums and increasing taxes on companies that create jobs. They have never delivered on home care, but they have delivered on tax increases.

[*English*]

Hon. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, Mike has been suffering with cancer for five years. Helen has given up all her vacation time to care for him. Does the Prime Minister not understand that when the minister gets up and says that Helen should take more vacation time to look after him, what she fails to understand is that Helen has exhausted all her vacation time and that it is an insult to talk to her this way? Does he understand that he is letting these families down?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, for the fifth time the Liberal Party has recycled the promise of additional home care. The fact is that party will pay for it by raising taxes on those who create jobs, by raising taxes on employers and employees.

When it came to the things this government actually did, such as increase EI compassionate care, increase the new horizons program, give income splitting and age credits, the Liberal Party always voted against tax breaks for those families and always voted for tax increases.

● (1420)

Hon. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, a Liberal family care plan would provide six months of compassionate care leave. It would provide a tax benefit for families that provide care to families. This could be paid for six times with the corporate tax giveaways to which the Conservative government is committed.

Could the government explain these priorities to hard-working families, like Helen and Mike, that are trying to look after each other?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the Liberal Party already spent away a hike in business taxes. The Liberals already spent that over two times last week when they voted for 45-day EI.

I wish the Liberal Party would actually get its messages right. I look at this brochure. On page 6, the Liberals talk about health care. On page 4, they promote somebody smoking.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, as a former family caregiver myself, I understand how every day close to three million family caregivers struggle to keep their jobs and to provide care in the home for a loved one, a sick child, an aging parent. I understand it and I get it because I have been there.

Why does the Conservative government not get it? Why is it more important to the Conservatives to give $6 billion in tax cuts to the largest, most profitable corporations rather than help Canadian families?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, we are sensitive to the needs of families that have to care for ill family members. That is exactly why we expanded the eligibility for compassionate care, broadening it so more family members and even close friends would be able to help out in times of need. That is also why we introduced compassionate care benefits, along with other special benefits, for the self-employed.

We want to ensure that Canadians do have the support they need in times of trouble.

[*Translation*]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, as a former family caregiver myself I completely understand the situation of close to three million family caregivers who struggle day to day to keep their jobs while providing care for a sick child or an very ill, aged parent.

On behalf of those caregivers, I want to know why it is more important to this government to give nearly $6 billion in tax cuts to the largest corporations than to help these families?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, the Liberals have made this promise five times and they have never kept it. We have focused on job creation. Without jobs, no one could provide care for a family member. We are focusing on jobs. The Liberals should support us.

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MINISTERIAL RESPONSIBILITY

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Minister of Natural Resources stated that he learned through the media that his former aide, Sébastien Togneri, had intervened on more than one occasion to prevent the release of documents obtained under an access to information request. In fact, Mr. Togneri did not act alone. Two other officials close to the minister were also involved in the ploy.

How can the Minister of Natural Resources have the gall to say that he knew nothing about the system—developed by three people who worked closely with him—used to control access to information requests?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the minister has already accepted the employee's resignation. In addition, the minister is co-operating with the Information Commissioner, who is conducting an investigation.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the same logic cannot be applied to two opposite things. When it was time for Mr. Togneri to appear before the committee, the minister and the Prime Minister said that they were responsible, that those people could not appear before the committee, and that it was a question of ministerial responsibility. Now that he has acted improperly, they are no longer responsible. That does not work.

We knew that he was irresponsible. He should now be responsible and resign.

● (1425)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the minister is responsible for his employees. For that reason, he accepted the employee's resignation.

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): Mr. Speaker, in committee, the Minister of Natural Resources said that he would answer for the actions of his aides. Now that three of his closest advisors have been caught pressuring government officials to cover up this information, in violation of the Access to Information Act, the minister refuses to take responsibility.

How does the minister explain that in June, he was ready to take responsibility for the actions of his staffers, but now that they are in hot water, he is nowhere to be seen?

[*English*]

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, let us be very clear. It is our government and our party that championed expanding the access to information law to bring more sunlight into the halls of government. That was our first priority when we were elected to this place.

Let me also be very clear that the minister has accepted the resignation of his assistant. The minister has done the proper thing and has referred the entire matter to the commissioner so she can review the issue.

[*Translation*]

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): Mr. Speaker, the minister cannot get out of his responsibilities that easily. His aides violated the Access to Information Act. They tried to hide information from the public.

If ministerial responsibility is more than just a principle to help them avoid being held accountable, will the minister act accordingly and resign in light of the actions taken in his name?

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, the Access to Information Act is very important. What is very clear is that every ministerial assistant and every public servant is required to obey the act. That is what the act says, and we must all respect it. The minister has done the proper thing and has referred the matter to the commissioner. We will wait to hear her views.

* * *

[*English*]

FOREIGN TAKEOVERS

Mr. Thomas Mulcair (Outremont, NDP): Mr. Speaker, just like his predecessors, the Prime Minister is failing to protect industries that sustain Canadian jobs and our place in the world. Canada's technology leaders, JDS and Nortel, are gone. Canadian mining leaders Falconbridge, Alcan and Inco are gone. Canada's steel leaders, Dofasco and Algoma, are gone. And there is U.S. Steel's destructive takeover of Stelco.

The Conference Board is saying that BHP's potash bid offers no net benefit but lots of risk. Will the Prime Minister finally use the legal provisions at his disposal to protect Canada's jobs and our industry-leading companies?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, the report to which the hon. member refers has just recently been released. It would be inappropriate for me to comment on its contents at this time.

I can assure Canadians who are watching today that we will be, and are, carefully monitoring the situation closely. We will be applying the Investment Canada Act, which has a net benefit to Canada test.

* * *

[*Translation*]

AIR CANADA

Mr. Thomas Mulcair (Outremont, NDP): Mr. Speaker, let us look at a different sort of example. The Air Canada Public Participation Act requires that Air Canada:

> ...maintain operational and overhaul centres in the City of Winnipeg, the Montreal Urban Community and the City of Mississauga;

The act refers not to some centres, but to all operational centres.

Yet Air Canada is trying to get around this act and export thousands of Canadian jobs to El Salvador. The Minister of Finance is responsible for enforcing this act.

Will the Minister of Finance strictly enforce this act, or will he be as soft as when he lets foreign interests buy Canadian companies?

[*English*]

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, this government takes its responsibilities seriously. The Air Canada Public Participation Act is important legislation. It complies obligations on Air Canada, as the member said, in Winnipeg, in Mississauga and in Montreal. The government will continue to work with the industry and with the company involved to ensure the law is fully respected.

* * *

FOREIGN TAKEOVERS

Mr. Thomas Mulcair (Outremont, NDP): Mr. Speaker, thousands of takeovers have been approved, with only one rejected to date. The government is failing to protect our strategic industries. It imports the lousiest owners and exports our best jobs.

It gets worse. The Conference Board confirms the government is using Canadian tax dollars to finance these foreign takeovers that ship our jobs and resources overseas, such as Vale, Xstrata and BHP. Profitable foreign multinationals can writeoff their takeover costs against the taxes they owe Canadians. It is an absurd loophole.

When will the Prime Minister finally stand up and undertake to close it?

● (1430)

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, the hon. member is painting a picture which is not quite accurate. A number of these companies, just as Canadian companies are expanding overseas, create new jobs, new opportunity and new innovation. It always has to be done under the rubric of a net benefit to Canada test.

The hon. member is wrong to suggest that Canada gets nothing out of the interaction between foreign companies that invest, the jobs that are created and the investment and the innovation that is done in our country.

* * *

MINISTERIAL RESPONSIBILITY

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, the former minister of public works says that he has nothing to hide in the investigation into the illegal information cover-up scheme operated by his senior staff. He told the House that he had the current minister forward the Togneri file to the Information Commissioner.

Could he explain why he is refusing to have that minister turn over hundreds, maybe thousands, of emails that would shed some light on this affair? Why the culture of secrecy? Will the minister stop stonewalling the Information Commissioner and provide the evidence, all of it?

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, the law is very clear. All ministerial aides, all public servants are expected to comply with the law. It was our government that fought hard to bring light where there was darkness. It was our government that fought hard to expand the Access to Information Act.

When this government sought to expand the Access to Information Act to the Canadian Wheat Board, it was that member who fought us every step of the way. Thank goodness the House thought otherwise and brought light to the Canadian Wheat Board.

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, with the answers in the House today, obviously not only is the minister not living up to his responsibility, he is hiding behind the coattails of the House leader.

When will the minister take responsibility for his action, for his staff that broke the law? The minister either oversaw this information cover-up scheme or he blindly allowed it to happen. In either case he should resign. If not, will the Prime Minister accept responsibility for this coverup and fire the minister?

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, this government accepts its responsibilities. It brought in the Federal Accountability Act, the biggest ethics reform our country has ever seen. It expanded access to information. When we did that, the Liberals, including that member, fought it every day, tooth and nail.

The minister has accepted the resignation of his assistant and has referred the matter to the commissioner. That is the right course of action on this matter.

[*Translation*]

Hon. Denis Coderre (Bourassa, Lib.): Mr. Speaker, the noose is tightening around the Minister of Natural Resources's neck. There is more and more evidence that Mr. Togneri, his scapegoat aide who just resigned, was not acting alone. Another two of his assistants seem to have been in on the plot.

Two emails obtained by the media concerning access to information requests show that Mr. Togneri referred departmental officials to his colleagues, Marc Toupin and Julian Andrews.

Now that the Prime Minister has just said that the minister is responsible for his staffers, will the minister also ask his two assistants to resign?

[*English*]

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I think the minister has acted appropriately. He has accepted the resignation of one of his political assistants. He has done the right thing. He has referred the matter to the Information Commissioner.

I guess the member for Bourassa would like to adjudicate these matters on the floor of the House of Commons. We would rather have confidence in the independent commissioner looking into this important matter.

[*Translation*]

Hon. Denis Coderre (Bourassa, Lib.): Mr. Speaker, if this goes on much longer, the minister will be out of staffers. He will have to go recruiting.

Here is another example of an email. When an official asks Mr. Togneri for an explanation, saying, and I quote: "Please exclude what is highlighted", the minister's former aide answers, "Please contact Marc Toupin on that file." That proves that Togneri was not acting alone.

Instead of pleading ignorance, the minister should have the courage to shoulder his ministerial responsibilities. If he is a man of honour, is he prepared to resign?

[*English*]

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, it is interesting that the Liberal Party would ask questions on access to information. I have right here a book from a Liberal cabinet minister's office, in which political staff have to tick off a box and initial. It asks whether something is okay to release, yes or no. Then the political assistant initials it. This is very interesting.

Maybe we should refer this book to the commissioner, along with some of the dirty tricks the Liberals would use when they were in power.

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● (1435)

[*Translation*]

INFRASTRUCTURE

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, the federal government's deadlines for the completion of infrastructure work are making life impossible for municipalities, which are faced with a shortage of pipes and labour, the first frosts of the season, and ballooning construction costs. Quebec's municipalities may end up with a $200 million bill or lose their projects.

Will the government stop being paternalistic, do away with its case by case review process, and confirm that every approved project can be completed without penalty, regardless of any deadlines?

Hon. Denis Lebel (Minister of State (Economic Development Agency of Canada for the Regions of Quebec), CPC): Mr. Speaker, over the weekend I had the pleasure of attending the Fédération Québécoise des Municipalités convention alongside 1,100 mayors. I had a number of conversations with people who praised the results of our Economic Action Plan. We talked about the thousands of projects completed throughout Canada. Discussions are underway regarding the current projects between my colleague, the Minister of Transport, Infrastructure and Communities, and the Quebec government. We are awaiting the outcome of those discussions. We will be fair and reasonable, as usual.

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): It is funny, but the Fédération Québécoise des Municipalités passed a resolution calling on the federal government to act. Did it do this for nothing?

Let me give you an example from the minister's riding. In Roberval, there are no contractors to do the work. In East Angus, in the Eastern Townships, a water and sewage treatment plant project is in jeopardy due to a shortage of pipes. In Montreal, the cost of expanding the Deux Mondes theatre will rise because the deadline is going to force builders to work over the winter.

Will the government ever listen to reason and extend the deadlines, which is what the Fédération Québécoise des Municipalités and the Union des municipalités du Québec have been calling for?

Hon. Denis Lebel (Minister of State (Economic Development Agency of Canada for the Regions of Quebec), CPC): Mr. Speaker, if it were left up to the Bloc, all the machinery would still be in the contractors' backyards. There would be thousands of excess pipes because not a single project would have been completed. Our government has made these projects happen. As usual, we will be fair and reasonable.

* * *

AFGHANISTAN

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, before the Military Police Complaints Commission, Major-General Guy Laroche said that 20% of Afghan detainees alleged that they had been mistreated. Despite these allegations, the transfers continued. According to Major-General Laroche, he needed evidence of abuse before he could stop the transfers. But according to the Geneva convention, transfers must stop if there is a suspicion of torture.

Does the Major-General's admission not prove that Canada has failed in its obligations regarding torture and that it violated the Geneva convention?

[*English*]

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, what it proves is that on each and every occasion the Canadian Forces and the professional public service working in Afghanistan have done the right thing.

When credible allegations came forward, the transfers were stopped. Since that time, we have put in place a very rigorous examination of what has been happening inside holding facilities. We have increased the ability to go inside and to follow up on what happens after transfers. We have invested heavily in the justice system, as well as in the infrastructure.

Canadian Forces personnel and those working in the public service continue to distinguish themselves in accordance with the highest levels of behaviour.

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, contrary to the Major-General's statements and the response that the minister just gave us, the convention does not require proof of torture. Even mere suspicion means the transfers should stop.

Does the government admit that by not applying this precautionary principle to Afghan detainees, it failed in its obligations under the Geneva convention?

[*English*]

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, contrary to what the member has said, we continue to meet the highest standards internationally.

We continue to meet all of these obligations. In fact, we perform beyond those obligations, always in keeping with the high standards of the Canadian Forces personnel. They continue to do the work that we expect of them in very difficult circumstances, as do our professional public servants.

We continue to make massive investments in that country at a high cost to life and limb. I am proud of the work of the Canadian Forces and all our public servants. I am proud of what we have done in Afghanistan.

* * *

[*Translation*]

PRIME MINISTER'S OFFICE

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, it seems that the Prime Minister was bullying us when he said that he would like to see strict post-employment rules so that a company cannot unfairly receive a government contract. Nigel Wright is leaving his position as an executive at Hawker Beechcraft, and he plans to return there immediately after he finishes his temporary job at the Prime Minister's Office.

Given that Hawker Beechcraft has millions of dollars in government contracts, why is the Prime Minister not applying the post-employment rules to Mr. Wright?

● (1440)

[*English*]

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, let me be clear. I understand that the Ethics Commissioner appeared before a parliamentary committee this morning. What did she have to say? She reported that she and her office have been very vigilant in the area of conflict of interest.

I can confirm to the House that Mr. Wright has sought and has followed all the advice given by the independent commissioner. That is exactly what taxpayers can expect.

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, Onex owns Celestica, one of the world's largest manufacturers of electronics and computer systems. They have holdings in the automotive industry, plastics and steel, warranty insurance, and even American private health care. The possibility for conflicts of interest are enormous.

The minister mentioned the Ethics Commissioner. Today the Ethics Commissioner said that only Mr. Wright or the Prime Minister's office can release the details of Mr. Wright's employment contract with Onex. She said, "I would love to have them do that". So why does the minister not do it right now?

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, in keeping with the standard for all such staff, this individual will disclose all of his public holdings to the commissioner and will place them in a blind trust.

Let me explain this different kind of blind trust we have now. It is not a Venetian blind trust.

Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.): Mr. Speaker, the post-employment code for public office holders is supposed to prevent corporations from benefiting from their links to government by imposing a one-year cooling-off period before they can work with a company that had dealings with government.

Are we to believe that Mr. Wright, the Prime Minister's temporary chief of staff, on loan from Onex, will have no dealings with any file related to that company, the largest private sector employer in the country?

If the government is so sure there is nothing of concern and nothing to hide, why does it not release the full details?

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, let me say this. I believe it is fantastic that someone who has been very successful in the private sector and very successful outside government is responding to the call of public service and coming to Ottawa to serve the national interest. Canada is blessed.

If members of the Liberal Party had their way, I suppose that they would want to discourage talented people from outside government from coming to Ottawa to contribute. Thank goodness this was not the case, or we never would have had a Paul Martin or a Belinda Stronach.

Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.): Mr. Speaker, the Ethics Commissioner said she would love to have the details released. I do not know why they will not.

Onex is the second largest employer in Canada, second only to the federal government itself. It is involved in energy, defence, manufacturing, aerospace, computer equipment, financial services, even medical diagnostics.

How could a chief of staff to the Prime Minister possibly avoid having dealings with a Canadian company as wide-ranging as Onex? How can he be the top adviser to the Prime Minister when the rules say he should not be at three-quarters of the meetings?

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, let me say this. I can confirm that Mr. Wright has sought the counsel of the independent Conflict of Interest and Ethics Commissioner, and he is taking direction from that office.

It was our government that brought in the toughest ethics reforms in Canadian history. When we did so, it was the Liberal Party that said we were going too far.

* * *

VETERANS AFFAIRS

Mr. Scott Armstrong (Cumberland—Colchester—Musquodoboit Valley, CPC): Mr. Speaker, over the past weeks allegations have surfaced concerning the misuse of veterans' private information.

There are many veterans across Canada who are now concerned that their private files have not been protected by the Department of Veterans Affairs.

Could the Minister of Veterans Affairs please inform the House of what he is doing to ensure that the private information of our veterans will remain confidential?

[*Translation*]

Hon. Jean-Pierre Blackburn (Minister of Veterans Affairs and Minister of State (Agriculture), CPC): Mr. Speaker, we take the protection of personal information very seriously. We are currently re-examining the sanctions in place for those who discover information they should not have access to. Currently, individuals can be suspended for up to five days, and we are looking into the possibility that they could even lose their job.

[*English*]

AFGHANISTAN

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, yesterday at the MPCC we learned of a report stating that one in five Canadian detainees reported abuse at the hands of Afghan authorities. Yet Major General Laroche testified that he needed hard evidence of abuse before halting transfers.

According to international law, it works the other way around. We need to be satisfied that the transferred detainees would not be risking torture or abuse.

Can the Minister of National Defence tell us what advice on torture was provided to Major General Laroche and why his government continued to authorize the transfer of detainees?

● (1445)

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, the Canadian Forces and our government officials take their responsibilities regarding transferring Taliban prisoners very seriously. We expect the same of the Afghans.

As proof fo that, we have improved the transfer arrangement that goes back to 2007. We are ensuring that Canadian officials have access to Afghan detention facilities. We have invested in those facilities. We have invested in training.

Day after day, year after year, progress is being made, whether it is in education, infrastructure, or any of the other efforts that we make to improve this country.

I wish the hon. member would take a little broader view and put aside for a moment his fixation on the health and well-being of the Taliban prisoners.

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, we have a DFAIT report of June 2007 released under access to information that says three of the four detainees it interviewed said they had been whipped with cables, shocked with electricity, or otherwise hurt while in NDS custody.

Any reasonable person would consider this a pattern of abuse. Yet Canada transferred 96 detainees that year and did not stop until November when they saw the cables themselves.

Canadians have a right to know the truth. Why will the government not call a public inquiry?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, they are getting the truth. There are many venues in which the truth has come out. The truth is out there.

In fact, the commander on the ground that he has referred to is the person in the best place to make the decisions on transfers. And that is exactly what happened in this instance. The decision was based on the facts presented to the commander, who had input from various government departments that he works closely with, like Foreign Affairs and the Correctional Service of Canada.

I would suggest to the hon. member that he take a broader view. I invite him to look at all of the situations we are dealing with on the ground in Afghanistan, to look at the progress being made with children and in health care.

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[*Translation*]

INTERNATIONAL TRADE

Mr. Jean-Yves Laforest (Saint-Maurice—Champlain, BQ): Mr. Speaker, the Minister of International Trade is trying to mislead people by saying that the Bloc Québécois is against all free trade agreements. We supported NAFTA, the Canada-Israel Free Trade Agreement, the agreement with the European Free Trade Association, and most recently, the agreement with Jordan.

How can the minister defend an agreement with Panama, a tax haven that appears on the OECD's list of 11 states that do not respect their commitment to share tax information?

[*English*]

Hon. Peter Van Loan (Minister of International Trade, CPC): Mr. Speaker, the government of Panama has made a commitment to follow the OECD requirements for transparency and tax information sharing. We encourage that and we are there to help them do it.

However, it is important for us to create opportunities for Canadian workers and Canadian companies to succeed by trading everywhere but especially in the Americas where we are carving out a special role with free trade agreements with Colombia, which the hon. member's party did not support, Peru, Mexico, Costa Rica and further negotiations under way.

We are delivering jobs and prosperity for Canadian workers and businesses.

[*Translation*]

Mr. Jean-Yves Laforest (Saint-Maurice—Champlain, BQ): Mr. Speaker, the minister says he wrote to his counterpart in Panama, "asking that it undertake its obligations" regarding the sharing of tax information between Canada and Panama. That is not good enough.

Why does the minister refuse to demand an agreement on fiscal transparency before ratifying the Canada-Panama free trade agreement?

Hon. Peter Van Loan (Minister of International Trade, CPC): Mr. Speaker, as I already said, the government of Panama has already agreed to respect the OECD requirements.

[*English*]

It has agreed to take on those obligations.

Our priority is to deliver jobs and prosperity for Canadians and we are entering into these agreements in order to do that. Greater free trade means greater jobs, greater opportunity and greater prosperity for Canadians. In fact, by bringing Panama more and more into that system, we are doing, what so many other countries, including those in the European Union are doing, we are delivering results for Canadian workers.

* * *

CENSUS

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, sadly, Canadians have learned that the government's obsession with secrecy has condoned illegal political interference in access to information.

Documents have revealed that the government's reason for cancelling the mandatory long form census, thousands of complaints daily, is blatantly untrue. CBC found only 22 such complaints.

When will the government tell Canadians the truth, do the right thing and restore the mandatory long form census?

● (1450)

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, we are doing the right thing. We found a fair and reasonable approach that balances the need for data by some businesses and organizations with the idea of protecting the privacy rights of Canadians.

As I have said many times before, if people have been the subject of coercive tactics by a government organization, the last place they will complain about it is to a government organization. They will complain to their MP or other organizations, just like the Liberal member for Richmond Hill did when he wrote to the minister of the day and complained about his constituents getting the—

The Speaker: The hon. member for Laval—Les Îles.

[*Translation*]

Ms. Raymonde Folco (Laval—Les Îles, Lib.): Mr. Speaker, in the 13 years I have been a member of this House, I have never received a complaint from my constituents. The Conservatives said they received thousands of complaints every day concerning the 2006 census, but when Industry Canada tried to find those thousands of complaints, it found that only about 25 or 30 had been received for both the long and short form census for the entire year. This is another perfect example of the Conservative culture of deceit. The Conservatives say 1,000 a day; the facts show between 25 and 30 a year.

What makes them think they can invent bogus stories any time the facts contradict their ideology?

[*English*]

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, I have an actual letter from the Liberal member of Parliament for Richmond Hill addressed to the minister of the day dated June 3, 2006. It states:

> Dear Minister....
>
> I have received a few letters of complaint from constituents concerning the length and detail of the 2006 census.
>
> They are primarily concerned with the great detail of personal information they are required to fill out and therefore potential invasion of privacy.
>
> I share this constituent's concern.....

I am sorry it took us four years but we have acted on the complaint of the Liberal MP for Richmond Hill.

* * *

[*Translation*]

INTERNATIONAL TRADE

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, taking advantage of what is essentially a post office box in Delaware, AbitibiBowater is invoking chapter 11 of NAFTA to threaten this government, which is giving in to the blackmail and paying out $130 million in cash. This $130 million could be used to bring one-fifth of our seniors out of poverty. Now, this government wants to blackmail the provinces. It is saying that in the future, they will also have to cough up the cash.

Why is this government making the provinces suffer the consequences of its own incompetence?

[*English*]

Hon. Peter Van Loan (Minister of International Trade, CPC): Mr. Speaker, we believe it makes sense for governments in Canada to actually be responsible for the actions they undertake.

When we undertake international trade agreements on behalf of all Canadians, that also includes actions for the provinces. We have to defend them in the World Trade Organization. However, when those are provincial policies, we believe the provincial government should have responsibility for the policies it undertakes.

That is something we are trying to work together on. That is the way Canada should work. The provincial governments, territorial governments and the federal government should work together responsibly to ensure our trade agreements are sound.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, Canada does not work when we have the federal government imposing irresponsible sellouts on provinces right across the country, which is exactly what the Americans have done in the United States.

The pretensions of the government are absolutely ridiculous. AbitibiBowater is a Canadian company. Its NAFTA claim from a mail box had no chance of succeeding and yet the government capitulated, gave in to the shakedown and sold out Canadian interests once again. Everyone remembers the softwood lumber sellout.

It is very simple. Why did the government not uphold the public interest? Why did it not fight this bogus claim? Why did it not save $130 million that could be put to better use?

Hon. Peter Van Loan (Minister of International Trade, CPC): Mr. Speaker, this complaint that was raised by the company as a result of an action by the Newfoundland and Labrador government was settled in the best interests of Canadian taxpayers. Our responsibility is to look out for the bottom line best interests of Canadian taxpayers and ensure that we keep in place a trade agreement that has resulted in tremendous benefits to Canada.

There has been a significant increase in our trade with the United States, which has almost doubled, and our trade with Mexico has gone up almost five times. What does that mean? It means that we have millions of Canadians working together as a result of that trade agreement. We want to defend it, keep it in place and protect its benefits for all Canadians.

* * *

● (1455)

JUSTICE

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, today, the Minister of Justice introduced a bill to end volume discounts for multiple murderers. Under the current system, criminals convicted of multiple murders serve their sentences concurrently, meaning that they are eligible to apply for parole in some cases after just 10 years and in other cases after just 25 years in prison.

Would the Minister of Justice please update the House on the important piece of legislation that was tabled today?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I thank the member for chairing the justice committee and for all his efforts in fighting crime in this country. It is much appreciated.

This is exactly what this country needs. The idea that one can commit multiple murders in this country and there is no additional punishment is ridiculous and wrong. This is why I call on all members of the House to do the right thing and let us get this bill passed.

* * *

NATIONAL DEFENCE

Mr. Robert Oliphant (Don Valley West, Lib.): Mr. Speaker, Canadian Muslims are hurt, disappointed and feel betrayed by the Minister of National Defence. Perhaps the minister did not know that Islamic history month is the key project of the Canadian Islamic Congress, or that Dr. Delic is a thoughtful, respected imam, or that the congress completely disavowed itself from hateful remarks made six years ago. It is too late to include him in yesterday's event but it is never too late to apologize.

Will the minister apologize to Dr. Delic and to Canadian Muslims?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, I have a news flash for the hon. member. The Department of National Defence certainly did know about Islamic heritage month and that is why it planned an event. It was a positive internal event that was held at national defence headquarters yesterday. It was done to recognize the many positive contributions made by Muslim Canadians within the Canadian Forces and, in fact, the event went forward as planned.

What we did not do was include an organization that has made inflammatory statements in the past and has embraced extremist views that espouse violence. What we wanted to do was focus on the informative and accurate portrayal of what Muslims bring to our country and the Canadian Forces.

[*Translation*]

VETERANS AFFAIRS

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, some 6,000 people signed the petition that I tabled in this House calling on the government to amend the veterans charter to restore the lifetime monthly pension for injured soldiers as compensation.

Instead of remaining unmoved by this injustice against injured soldiers, will the Conservatives finally listen to the calls from 6,000 people, from the veterans' ombudsman and from veteran's associations, and restore the lifetime monthly pension?

Hon. Jean-Pierre Blackburn (Minister of Veterans Affairs and Minister of State (Agriculture), CPC): Mr. Speaker, the new veterans charter, adopted in this House and unanimously accepted by the member and her party, ensures that the focus is now on the rehabilitation of our injured veterans so that they can return to civilian life, continue to achieve their potential, and of course, find jobs. That is the direction we are taking. Furthermore, last week, we announced nearly $2 billion in additional funding to help our veterans and to fix the problems in the new charter that was adopted four years ago.

* * *

[*English*]

CITIZENSHIP AND IMMIGRATION

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, we have all heard of newcomers with Ph.D.s driving taxis. This is fast becoming the norm. The government's indifference is costing Canada $5 billion in lost productivity each year, but there are solutions: more pre-departure recognition, loan programs for newcomers to obtain recognition services and expanding mentorship, bridging and internship programs.

New Democrats have provided a road map for action. The all party immigration committee even agrees. Why will the minister not act?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, we share the concern, I believe, of all parties and all Canadians about the challenges that newcomers have with successful integration, which is why our government has acted.

We tripled the investment in settlement services to help improve language skills and job skills for newcomers. We created overseas pre-arrival orientation for newcomers. We created the Foreign Credentials Referral Office and invested tens of millions in helping to streamline and speed up the process of credential recognition.

Just today, I announced a new program for expanding the internship opportunities for newcomers in the federal public service. We are acting.

* * *

CN RAILWAY

Mr. Merv Tweed (Brandon—Souris, CPC): Mr. Speaker, since the expiry of their collective bargaining agreement earlier this year, there has been speculation about an impending work stoppage of conductors at CN Railway. Many Canadians have been concerned about the effects that a strike would have on the economy and on local communities.

Could the Minister of Labour please give this House an update on the status of the labour negotiations at CN?

● (1500)

Hon. Lisa Raitt (Minister of Labour, CPC): Mr. Speaker, our economy remains fragile and the stability of it depends upon the productivity of our industries. That is why I am very happy to say that a tentative agreement has been reached between CN and the Teamsters union.

I congratulate both parties that, with our mediator at the table, reached this settlement, because the best solution is an agreement reached by the parties, and it is always in the best interests of the Canadian public that we do not have a work stoppage.

* * *

TAXATION

Hon. Helena Guergis (Simcoe—Grey, Ind. Cons.): Mr. Speaker, as the finance minister says, the economy remains fragile. One of the best ways to encourage private sector investment is to substantially reduce capital gains taxes. Many economists claim that it will not hurt revenues because of the new business start-ups, the innovation jobs and the economic activity it will create.

Fifty-five per cent of those reporting capital gains have incomes under $50,000 a year. While the tax-free savings account is a good start, it is not enough.

When will the government substantially reduce capital gains rates to boost the Canadian economy?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, the member raises an important question about capital gains taxes.

The tax-free savings account is probably the most significant tax change in Canadian public life since the RRSP. Almost five million accounts have been opened now. I encourage Canadians to open tax-free savings accounts. Over time they will have the effect of virtually eliminating taxation of capital gains when they are used by Canadians.

I am pleased to see so many Canadians taking advantage of tax-free savings accounts.

* * *

NATIONAL DEFENCE

Mr. Robert Oliphant (Don Valley West, Lib.): Mr. Speaker, I am a Christian who knows well that there are many divisions and opinions within my own faith, and I expect that there are as many within Islam or other religions. The role of a minister of the Crown is to rise above the noise, to build bridges and to not tear them down.

Dr. Delic has released his planned remarks. They are thoughtful and articulate.

Has the minister read Dr. Delic's remarks? If not, will he? If so, does he now recognize his mistake? Will he apologize?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, as I have said, a very positive event was held yesterday at the Department of National Defence attended by about 40 individuals. It was an event that was very much focused on the contributions made by members of the Muslim community, of the Islamic faith in Canada, who are members of the Canadian Forces. This event was meant to focus on the positive, not to stir up controversy, not to embrace violence and not to bring into the discussion any comments by organizations that do not espouse that approach.

I am very proud of the efforts made by the Department of National Defence and we will continue to reach out in that spirit.

* * *

[*Translation*]

CENSUS

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, in April, the House of Commons unanimously adopted a motion recognizing unpaid work. By abolishing the long form census, the government will no longer be able to estimate unpaid work as measured by question 33, which is not included in the short form census.

How can this government both recognize the importance of volunteer work, and get rid of a tool to help adjust its programs to the needs of volunteers?

[*English*]

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, certainly we do value unpaid work; there is no question about that. All I can tell the hon. member is that this question was canvassed via Statistics Canada with stakeholders. They came to the conclusion that there were other means to get that information, other than the census. We relied on that advice from Statistics Canada as we do from time to time or more often than that. We accepted the advice of the experts and Statistics Canada on this question.

* * *

PRESENCE IN GALLERY

The Speaker: I would like to draw to the attention of hon. members the presence in the gallery of the Honourable Conor Murphy, Minister for Regional Development in the Northern Ireland Executive.

Some hon. members: Hear, hear!

The Speaker: Order. I am going to hear a question of privilege from the hon. Minister of Human Resources and Skills Development.

* * *

● (1505)

PRIVILEGE

COMMENTS ATTRIBUTED TO MINISTER OF HUMAN RESOURCES AND SKILLS DEVELOPMENT

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, I am rising on a question of privilege. During the opening questions this afternoon, the leader of the official opposition attributed certain statements and comments to me that he said I made publicly. This was erroneous. I did not make those statements as transcripts of the event would indicate and prove.

In the interests of accuracy and honesty and respect for this House, I do ask that the leader of the official opposition withdraw those comments and apologize.

The Speaker: I am sure the leader of the opposition will examine those comments in light of the minister's statements and we will hear from him in due course.

The hon. opposition House leader is rising on a point of order.

* * *

POINTS OF ORDER

DOCUMENT PERTAINING TO ACCESS TO INFORMATION REQUESTS

Mr. David McGuinty (House Leader of the Official Opposition, Lib.): Mr. Speaker, during question period, the government House leader bandied about a handbook of some kind, a binder. I wonder if the hon. government House leader would be prepared to table that document immediately. It is something that he referred to at least once if not twice during his answers to questions put to him today.

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I can tell my colleague, the House leader for the official opposition, that this book comes from former Liberal minister Jim Peterson's former director of parliamentary affairs, Lou Riccoboni, who is identified as the interferer in chief.

Tab A outlines the general attempts by the Liberal minister's staff to interfere in ATI requests. Tab B provides summary statistical information on delays to ATI requests by the minister's office. Tab C provides written documentary evidence demonstrating that the minister's director of parliamentary affairs had to sign off in order to release access to information requests to non-partisan public servants. Members will see that Mr. Riccoboni had to physically okay the release of these requests. The first page in Tab C outlines and provides a template on how Minister Peterson's office would interfere with ATI requests.

There are also numerous examples that I can provide. I would hope that all members of the House would look into this important matter.

The Speaker: I think the question was whether the minister would table the document, fascinating as it may be to hear it read. Perhaps the minister could clarify that point because I know we are going to get it again if he does not.

Hon. John Baird: Pardon me, Mr. Speaker. My earphone was not working. Could you repeat.

The Speaker: I wonder if the minister is going to table the document. Reading from it is fine. He can read the whole thing if he wants. The question was whether he was going to table it. That is what we are waiting for.

Hon. John Baird: Mr. Speaker, before you asked me if I would table it, you said I could read it if I want. Mr. Speaker, I want.

Speaker's Ruling

Mr. David McGuinty: Mr. Speaker, for the third time, through you, could we ask the minister to just give us a straight answer. Is he going to table the document or not?

Hon. John Baird: Mr. Speaker, yes.

* * *

[*Translation*]

POINTS OF ORDER

MOTION TO CONCUR IN THE SEVENTH REPORT OF THE STANDING COMMITTEE ON INDUSTRY, SCIENCE AND TECHNOLOGY—SPEAKER'S RULING

The Speaker: I am now prepared to rule on the point of order raised on September 30, 2010, by the Parliamentary Secretary to the Government House Leader concerning the disposition of the order for resuming debate on the motion to concur in the seventh report of the Standing Committee on Industry, Science and Technology.

[*English*]

I would like to thank the parliamentary secretary for bringing the matter to the attention of the House and the member for Windsor—Tecumseh for his contribution to the discussion.

The parliamentary secretary, in raising this matter, pointed out that the motion to concur in the seventh report is essentially the same as the supply motion moved by the hon. member for Westmount—Ville-Marie on September 28, 2010 and adopted by the House on September 29, 2010.

Quoting *House of Commons Procedure and Practice*, Second Edition, at page 560 on the rule of anticipation, the parliamentary secretary argued that to allow the debate to resume on the concurrence motion would violate the principle which forbids the same question from being decided twice within the same session.

● (1510)

[*Translation*]

Noting that it would be redundant to resume the debate on the concurrence motion at a later date, as required by Standing Order 66 (2), he requested that the Chair strike the motion to concur from the order paper to prevent an unnecessary debate and vote.

[*English*]

The Chair has examined the motions in question and agrees with the Parliamentary Secretary to the Leader of the Government in the House of Commons that they are substantially the same. In his arguments, the hon. member for Windsor—Tecumseh pointed out that, in his view, this does not mean that the rule of anticipation would necessarily apply and outlined reasons for why he believes that in this case it does not.

I listened to the intervention of the hon. member for Windsor—Tecumseh with great interest. As he noted, the debate on the motion for concurrence in the committee report had already begun when the opposition motion was moved.

[*Translation*]

In deciding that the opposition motion could proceed, the Chair was guided by the long-standing approach of my predecessors who, as described on page 560 of O'Brien-Bosc, have consistently

> "...ruled that the opposition prerogative in the use of an allotted day is very broad and ought to be interfered with only on the clearest and most certain of procedural grounds."

As I see it, at this stage, the Chair is now left to decide how best to proceed so as to respect the principle behind the rule of anticipation which forbids the same question from being decided twice within the same session.

● (1515)

[*English*]

In the present circumstances the House has actually adopted one of the two motions, namely the supply motion of the official opposition. As such, to allow the proceedings on the concurrence motion to continue would violate the fundamental principle by which we are guided. The Chair cannot overlook the critical importance of unwritten practices and conventions in the conduct of business in this chamber.

Accordingly, I have directed the Clerk to remove the order for resuming consideration of the motion to concur in the seventh report from the order paper.

I thank hon. members for their attention.

* * *

● (1520)

[*Translation*]

PRIVILEGE

COMMENTS REGARDING THE MEMBER FOR PORTAGE—LISGAR—SPEAKER'S RULING

The Speaker: I am now prepared to rule on the question of privilege raised on September 22, 2010, by the hon. member for Portage—Lisgar concerning an emailed media release issued by the Press Secretary to the Leader of the Official Opposition.

[*English*]

I would like to thank the hon. member for Portage—Lisgar for having raised this matter, as well as the hon. Government House Leader, the hon. House Leader of the Official Opposition and the hon. member for Outremont, for their interventions.

The member for Portage—Lisgar, in presenting her question of privilege, stated that she believed that in addition to containing comments about her, which she called a grave slur upon her reputation, the media release at issue constituted an improper use of House resources.

The House Leader for the Official Opposition argued that, read carefully in their full context, the statements contained in the media release were reasonable interpretations of comments the member for Portage—Lisgar had made in a CBC radio interview and, thus, were simply matters of public discourse and debate.

[*Translation*]

Let me deal first with the member for Portage—Lisgar's contention that House of Commons resources were misused in this case. I wish to remind the House that in a ruling on February 12, 2009, at pages 713-4 of Debates, I stated that it is not the role of the Chair to monitor the contents of emails and other electronic communications. I added that:

> ...one important consideration members must take into account is that communications via the Internet and email may not be protected by privilege and may expose members to the possibility of legal action for material they disseminate.

[*English*]

Obviously, in cases where the staff of a member is involved, it is ultimately the member who bears responsibility for ensuring that House resources are used appropriately.

With regard to the main argument raised by the member for Portage—Lisgar, the Chair wishes to state at the outset that it takes very seriously matters in which the reputation of a member is involved. In adjudicating such cases, the Chair is guided by well-established principles. As is stated in *House of Commons Procedure and Practice,* Second Edition, at page 111:

> In ruling on such matters, the Speaker examines the effect the incident or event had on the member's ability to fulfill his or her parliamentary responsibilities. If, in the Speaker's view, the member was not obstructed in the performance of his or her parliamentary duties and functions, then a *prima facie* breach of privilege cannot be found.

Consistent with this, in a ruling by Mr. Speaker Fraser from May 5, 1987, at page 5766 of the *Debates*, which can also be found at pages 111 to 112 of O'Brien and Bosc, it states:

> The privileges of a member are violated by any action which might impede him or her in the fulfilment of his or her duties and functions. It is obvious that the unjust damaging of a reputation could constitute such an impediment. The normal course of a Member who felt himself or herself to be defamed would be the same as that available to any other citizen, recourse to the courts under the laws of defamation with the possibility of damages to substitute for the harm that might be done.

[*Translation*]

In support of her argument, the member for Portage—Lisgar referred to a ruling by Speaker Sauvé from October 29, 1980. But I would invite the House to a closer reading of the ruling at pages 4213-4 of Debates, in which the Speaker stated:

> ...it seems to me that to amount to contempt, representations or statements about our proceedings, or of the participation of members should not only be erroneous or incorrect, but rather should be purposely untrue and improper and import a ring of deceit.... My role, therefore, is to interpret the extracts of the document in question not in terms of their substance, but to find whether, on their face, they represent such a distorted interpretation of the events or remarks in our proceedings that they obviously attract the characterization of false.

[*English*]

Members will note that in this 1980 case, Madam Speaker Sauvé is speaking about the interpretation of statements made in the course of our proceedings; in the case now before us, the statements at issue were made in the context of a media interview. This is a significant difference.

In the past, when members have raised concerns about comments made outside the House and whether or not they constituted breaches of privilege, successive Speakers have been consistent in ruling that these are not matters in which the Chair intervenes. In support of that, I refer members to the *House of Commons Procedure and Practice,* Second Edition, page 614.

[*Translation*]

Speaker Sauvé succinctly summarized the issue in an October 12, 1983, ruling (Debates, p. 27945), when she stated:

> Parliamentary privilege is limited in its application.... If members engage in public debate outside the House, they enjoy no special protection. To invoke privilege, the offence must be attached to a parliamentary proceeding.

[*English*]

In view of these key precedents, it is therefore not surprising that there have been very few instances where the Speaker has found a prima facie breach of privilege related to the damaging of a member's reputation. The member for Portage—Lisgar recalled one such instance in my ruling of November 19, 2009, which can be found at page 6982 of the *Debates*, concerning mailings sent into the constituency of Sackville—Eastern Shore.

However tempting it is to regard that particular instance as analogous to the one currently before us, it did differ materially in several respects. First, that case involved mailings paid for from a central budget in the House. Then, these mailings were sent directly by another member into the complaining member's riding to large numbers of his constituents. Finally, the information in those mailings was factually incorrect, thereby directly distorting the member's position on an issue.

[*Translation*]

Instead of the case just described, I believe that the ruling I gave on February 12, 2009, at pages 765-6 of the Debates, is more helpful in this case. On that occasion, I stated:

> In adjudicating questions of privilege of this kind, the Speaker is bound to assess whether or not the member's ability to fulfill his parliamentary functions effectively has been undermined.... [W]ithout minimizing the seriousness of the complaint or dismissing the gravity of the situation raised by the hon. member, it is difficult for the Chair to determine, given the nature of what has occurred that the member is unable to carry out his parliamentary duties as a result.

[*English*]

On balance, based on the arguments presented in this instance, and given the relevant precedents, I cannot find that the member has been impeded or obstructed in carrying out her duties. While the Chair is sympathetic to the concerns of the member for Portage—Lisgar, in view of the strict exigencies the Chair is bound to observe in cases of this kind, I cannot find a prima facie question of privilege.

The House will have noted that in rising on her question of privilege, the member for Portage—Lisgar did get an opportunity to correct the record: she has been able to dispel any wrong impression of what her true position is on the issue raised in the email media release at the centre of this controversy.

I therefore thank hon. members for their attention on this matter.

GOVERNMENT ORDERS

[*English*]

SERIOUS TIME FOR THE MOST SERIOUS CRIME ACT

The House resumed consideration of the motion that Bill S-6, An Act to amend the Criminal Code and another Act, be read the second time and referred to a committee.

The Speaker: When the matter was last before the House, the hon. member for Vancouver Kingsway had the floor, and he has eight minutes remaining in the time allotted for his remarks. I call upon the hon. member for Vancouver Kingsway.

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, before we broke I was talking about the important matter of the faint hope clause that is in the Criminal Code and the desire of the current government to eliminate that provision.

As the vice-chairman of the public safety committee and someone who is the public safety critic for my party, I have had occasion to visit more than 25 federal prisons, not only in Canada but in Norway, Britain and indeed Taiwan. I have visited medium security prisons, maximum security prisons, minimum security prisons, and I have met and talked to dozens and dozens of offenders, many of whom have been convicted of life sentences.

I visited inmates in all institutions. I want to explain why inmates with life sentences exist in all three of those institutions, minimum, medium and maximum security institutions. It is because the designation of offenders and where they serve their sentence is not characterized by their crime but rather by the security risk they present.

I was quite surprised to find that there are many people serving life sentences in this country who are serving their sentences in minimum security institutions, as well as medium security institutions. The reason for that, of course, is that despite the fact that they have committed a terrible crime, a serious and heinous crime, in many cases they have proven themselves to be capable of serving their sentences and improving their behaviour.

One thing I found is that prisons are undeniably very profound places. They are places of justice, social safety and judgment. Prisons in our society are places where society has chosen to send people who have broken the normative laws of our society, and they are sent there for good reason. They are sent there to protect the safety of the public. They are sent there to carry out the sentences they owe to society for breaking the rules.

They are also places of sadness, compassion and mercy. Prisons, when they operate properly in a society, can and should be places of redemption, atonement and rehabilitation. Indeed, I have pointed out in this House on several occasions that the name of our department is Correctional Service of Canada. It is not called “punishment services of Canada”; it is called “corrections”.

The reason for that is that, in a civilized society, we hope that when we send people to prison, one of the goals we hope exists for every prisoner sent is that they can acknowledge the harm they have caused and perhaps correct their behaviour. In most cases, I would say in over 95% of cases, we hope that those people are able to re-enter society and conduct themselves as law-abiding citizens.

I want to talk a little bit about redemption and atonement. This weekend I was at a retreat in Vancouver. A very wise lawyer, someone who practices law in Kentucky and does death row cases, Mr. Don Major, pointed out the Lord's Prayer. He pointed out that part of the Lord's Prayer says that we ask the Lord to forgive us our trespasses as we forgive those who trespass against us. It leads to this concept that at some point we must be capable of forgiveness and atonement in as many cases as we can.

Many people who are in federal prisons with life sentences will never get out of prison, and properly so; they should not. However that does not mean that every single prisoner who gets a life sentence is incapable of same.

What the faint hope clause does is it gives the opportunity for that person, those rare people who actually can acknowledge their crime, who can correct their behaviour, who are capable of redemption, to have a chance, just a chance at applying for parole.

I spent a large part of my opening speech going through all the details and the administrative structure of how the faint hope clause works. Any person who reads those sections and listened to that speech will see that there is a very careful, measured, guarded, complicated step-by-step process before anybody even gets considered for a faint hope provision.

I want to spend a moment to talk about the victims. I think all parties in this House agree that victims of crime in this country need and deserve to be protected. They need and deserve to be respected. They need and ought to have the chance to be involved.

● (1525)

Victims in this country deserve to be reimbursed for any expenses they have if they participate fully in the process. They deserve to be informed at every step of the process, and they deserve the right to participate in the judicial process.

We on this side of the House in the New Democratic Party champion the rights of victims to be full participants in the judicial process because, after all, they are the ones who are most wronged and harmed by crime in this country.

I am also mindful of the fact that Steve Sullivan, the former federal ombudsman for victims of crime in this country, stressed after working with many victims that victims do not want vengeance and victims do not want punishment or cruelty. What they want is to be heard, to be acknowledged and to be safe. Most of all, when those offenders re-enter society, what victims want is to make sure our country and our system does everything it can to make sure they do not reoffend. That is their prime goal.

That is why a faint hope clause with all of the protections in the present system can be reconciled with the rights and interests of victims. We can achieve all of the aspects that we hope to. We can achieve redemption and we can achieve justice for victims.

I want to talk about guards. It has been said time and time again that the faint hope clause, by giving hope to offenders, acts as a form of behaviour control in prisons, and that helps keep our guards safe. Correctional officers will say that giving a carrot to offenders to behave well gives an incentive for them to follow the norms and rules in prison. If we take away all hope from someone in prison, we are giving that person a licence to misbehave, and that threatens the safety of everyone in prison and outside.

I urge every member of the House to deal with this issue from a compassionate, rational and caring point of view. Let us make sure that the faint hope clause stays in the Criminal Code, so that we make sure that people in our country have a chance at redemption, when it is appropriate to do so, and make sure that the victims' rights and interest are fully respected and taken into account at all times.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I thank my colleague from Vancouver for his insights into the faint hope clause. I know it is a difficult subject for many people and I think he gave it a very sensitive treatment and tried to embrace both sides of the debate.

I was in the government operations committee earlier today, where we tried to put a price tag and enumerate some of the many crime bills that have come through this Parliament in recent years, as they will impact the correction services.

The Parliamentary Budget Officer was there to try to explain to us some of the predictable consequences of having many of these bills with mandatory minimum sentences and doing away with the credit for time served in a remand bill and the predictable explosion in incarceration. We are going to be stacking up prisoners like cord wood in these prisons pretty soon or having to build new ones with price tags of billions of dollars.

Some more cynical people have even implied that this is the Conservatives' alternative to the absence of a national housing strategy. They are going to lock up a whole generation of young native kids in prison instead.

The question I have for my colleague is this. People are coming to the conclusion that perhaps what the government is really doing is laying the foundation for a wholesale privatization of the prison system so that companies like Onex or Halliburton can perhaps offer to house a prisoner for $100,000 a year. The government is charging $147,000 a year. It would be pretty tempting, now that they have the member of the board of directors of Onex Corporation advising the Prime Minister in the Prime Minister's office. Who is to say he is not dropping a bug in the Prime Minister's ear, saying this could be a business opportunity. Let us make lemonade out of lemons and turn the prison system into a revenue-generating private business. Onex could build prisons for the government.

Is it paranoid to assume that these people could be laying the foundation for a wholesale privatization of our corrections system?

● (1530)

Mr. Don Davies: Mr. Speaker, I would not want to ascribe base motivations to my hon. colleagues on the other side of the House, but it is instructive to be reminded of the German philosopher Friedrich Nietzsche's comment that we should distrust anyone in whom the desire to punish is strong.

I also would point out that it is impossible to imprison and punish our way into a safe society. If we could get a safe society by simply imprisoning everyone, then the United States would probably be the safest place on earth and we know that is not the case.

Prison plays a role. Having a corrections system is absolutely an incredibly important part of the justice system where we do need to have a place we can send people from whom society needs to be protected and we need a place of justice where people can pay a penalty for their transgressions.

However, I want to quote William Trudell, the chair of the Canadian Council of Criminal Defence Lawyers, who pointed out that no offender can be released from prison under faint hope provisions unless a jury agrees it is appropriate. So, of course, we have the input of the public, a decision of peers, based into the system.

He also characterized the present bill before the House as:

> erosion of discretion in the system moving towards rigidity that is really changing the criminal justice system as we know it

This is from the point of an experienced criminal trial lawyer, and he added:

> [e]very situation has got a human story to it and you have got to allow some discretion and weighing of circumstances.

That is what I think is the essence of the faint hope provision, that it allows in the sentencing process the possibility after 15 years that the odd person who has served a life sentence may have conducted themselves in such a way that they are deserving of at least an application for parole.

Remember that a faint hope application does not give the person parole. It allows the person to apply to the National Parole Board with all the attendant safety mechanisms and safeguards that are present in the national parole system. The National Parole Board would never release anyone who did not meet the criteria present in that system.

To conclude, I do not want to point to any negative motivations on behalf of the government. I do think it is well motivated and it does care about victims and wants to take steps that will make society safe. On that, all parliamentarians agree, on all sides of the House. The question is what mechanisms are best taken to do so. I fail to see how removing the faint hope of an offender who has redeemed himself after 15 years in prison to potentially return to society can do anything but make guards less safe, make the public less safe, and frustrate justice.

● (1535)

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I am very pleased to follow the member for Vancouver Kingsway, who has made an excellent presentation on this bill, as well as the NDP critic, the member for Windsor—Tecumseh, who spoke to the bill earlier today.

As I pulled out my file on what is now Bill S-6, I noticed that it was labelled as Bill C-36 from last year. I have only been here not quite two years yet and already I am finding my files are rather heavy and there are multiple numbers for essentially the same bill. Perhaps this will be the last iteration of this bill. Let us hope that the government does not see its way to proroguing the House again or finding another way that would cause us to have to start this all over again.

This particular bill, now Bill S-6, is an act to amend the Criminal Code and another act. It was given first reading in the Senate on April 20 of this year. The bill would amend the provisions of the Criminal Code regarding the right of persons convicted of murder or high treason to apply for early parole. This is done through the elimination of the faint hope clause by which those given a life sentence for murder or high treason could apply for parole after having served 15 years of their sentence.

A similar predecessor bill, Bill C-36, as I mentioned before, was introduced during the second session of the 40th Parliament but did not become law because of the abrupt ending of the session on December 30 when the Prime Minister prorogued the House.

In terms of the history of section 745.6 of the Criminal Code, it is known informally as the "faint hope clause" because it provides offenders serving a sentence for high treason or murder with the possibility of parole after having served 15 years. We will see later that there are a number of comparable countries to Canada with similar systems that have a much lower number of years for murderers to serve.

In our case, it is 15 years, where the sentence is imprisonment for life without the eligibility of parole for more than 15 years. Offenders convicted of first degree murder receive life imprisonment as a minimum sentence with the earliest eligibility for parole set by law at 25 years. For offenders convicted of second degree murder, a mandatory sentence of life imprisonment is also imposed, with the judge setting parole eligibility at a point between 10 and 25 years. Those serving a life sentence can be released from prison only if granted parole by the National Parole Board.

Unlike most inmates who are serving a sentence of a fixed length, for example, 2 years, 10 years or 20 years, lifers are not entitled to statutory release. If granted parole, they remain subject for the rest of their lives to the conditions of the parole and supervision of a Correctional Service of Canada parole officer. Parole may be revoked and offenders returned to prison at any time if they violate the conditions of parole or commit a new offence.

Not all lifers are in fact granted parole. Some are never released on parole because the risk of their reoffending is too great. In fact, I will look later at the numbers of people involved in this situation and we will find that a very small number of people in prison, at the end of the day, would get parole.

During the years following its initial introduction in 1976, the faint hope provision underwent a number of various amendments. Now the criteria for the possible release on parole of someone serving a life sentence are as follows.

The inmate must have served at least 15 years of the sentence. As a matter of fact, the member for Windsor—Tecumseh pointed out this morning that it is usually around 17 years before applicants normally apply and that in fact very few people actually do apply even at that point.

An inmate who has been convicted of more than one murder, where at least one of the murders was committed after January 9, 1997 when certain amendments came into force, may not apply for a review of his or her parole ineligibility period.

To seek a reduction in the number of years of imprisonment without eligibility for parole, the offender must apply to the chief justice of the province or territory in which his or her conviction took place.

● (1540)

The chief justice, or a Superior Court judge designated by the chief justice, must first determine whether the applicant has shown that there is a reasonable prospect that the application for review will succeed. The assessment is based on the following criteria.

One is the character of the applicant. We have already mentioned that we have excluded multiple murderers from the applying in this case, so the judge has to look at the character of the applicant. If the character is bad, that person would not qualify.

Another criterion is the applicant's conduct while serving the sentence. I am assuming that if the applicant has been involved in something like a prison riot or some other altercation with other inmates within the prison or just has not co-operated, that too would disqualify him or her from applying.

Next is the nature of the offence for which the applicant was convicted. That too, would vary with the individual.

Another one is any information provided by victims at the time of the imposition of the sentence or at the time of the hearing under this section. So once again we are looking at victim impact statements. The judge then has a better opportunity to look at the total picture of each and every situation.

Finally, any other matters that the judge considers relevant in the circumstances can be considered.

If the application is dismissed for lack of a reasonable prospect of success, the chief justice or judge may set a time for another application not earlier than two years after dismissal, or he or she may declare that the inmate will not be entitled to make another application.

The point here is that it is not a simple process. It is a long, involved process and there has to be an exemplary situation on the part of the inmate for him or her to get through all stages of the process and achieve release.

If the chief justice or judge determines that the application has a reasonable prospect of success, a judge will be assigned to hear the matter with a jury. In determining whether the period of parole ineligibility should be reduced, the jury should consider the five criteria that I have outlined. The jury determination to reduce the parole ineligibility period must be unanimous.

Evidently, before, that was not the requirement. I believe it was two-thirds, but now it has to be unanimous on the part of the jury.

The victims of the offender's crime may provide information either orally or in writing, or in any other manner that the judge considers appropriate. This is also an excellent provision of the rules.

If the application is dismissed, the jury may, by a two-thirds majority, either set a time not earlier than two years after the determination when the inmate may make another application, or it may decide that the inmate will not be entitled to make any further applications.

We see within the bill that there are some changes to these provisions later.

If the jury determines that the number of years of imprisonment without eligibility for parole ought to be reduced, a two-thirds majority of that jury may substitute a lesser number of years of imprisonment without eligibility for parole than the number then applicable. The number of years without eligibility for parole that they can assign can range from 15 to 24 years.

Once permission to apply for early parole has been granted, the inmate must apply to the National Parole Board to obtain the parole. Whether the inmate is released, and when, is decided solely by the board, based on a risk assessment, with the protection of the public as the foremost consideration.

We can see from each of these steps that if there is a red flag popping up at any of these stages, that should end the process. The process should not continue beyond that.

Board members must also be satisfied that the offender will follow specific conditions, which may include restriction of movement, participation in treatment programs, and prohibitions on associating with certain people, such as victims, children, and convicted criminals.

One of the points we have continually made is that progress can only be made if the people in the prisons are actually being rehabilitated. The fact that they are participating in rehabilitation programs is something that we as a society want. We do not want people sitting in the prisons for years and years and refusing to take part in programs. By taking part in programs, the inmate enhances the possibility that at some time, away in the future, there could be some faint hope down the line.

● (1545)

It has been mentioned several times today that Colin Thatcher, a former Conservative member of the legislature in Saskatchewan, had been in jail since 1984. In fact, he wrote a book while he was in prison. He served 22 years or more for the murder of JoAnn Wilson. At the end of the day, I believe the faint hope clause did apply to him only two or three years from the time that his 25 year term would have expired.

Mr. Pat Martin: If you can rehabilitate a former Tory cabinet minister, you can rehabilitate anyone.

Mr. Jim Maloway: As the member for Winnipeg Centre has said, if we can rehabilitate a former Conservative cabinet minister, we can rehabilitate anybody. I think this would apply to anybody from any party, because that was a very sad case.

I followed it very closely at the time. I used to go out to Saskatchewan quite a bit during those periods. It was very sad for the family, the children and everybody. It is just that this case brought excessive amounts of publicity by virtue of who Colin Thatcher was. If it had been another person who did not have his fame, we probably would not even remember the case today.

The faint hope clause review then is not a forum for a retrial of the original offence, nor is a parole hearing. A favourable decision by the judge and the jury simply advances the date on which the offender will be eligible to apply for parole. As stated:

The Supreme Court of Canada has stated that the purpose of this review procedure is to re-examine a judicial decision in light of changes which have occurred in the applicant's situation since the time of sentencing that might justify lessening the parole ineligibility period. Section 745.6 of the Criminal Code gives the jury broad discretionary power to consider any matter concerning the offender's situation, and the Supreme Court has provided guidelines for the exercise of this discretionary power, namely that the jury must consider only the applicant's case and must not try the cases of other inmates who may have committed offences after being released on parole. The Court has also stated that it is not the jury's role to determine whether the existing system of parole is effective.

The point is to counter the misinformation spread by agents of the Conservative Party and the media, which like to give the impression that prisoners are basically in a revolving door, that they are standing in line at the prison, ready to get out and move next door to law-abiding citizens or across the street. Anyone listening to these steps can see it is very rare that someone will be able to follow through on all of these steps and walk out of prison under this program.

The argument of many here, including the member for Vancouver Kingsway, is that maybe only 1% of 2% will get out, but as long as 100% have hope that someday they might get out, they probably will behave a lot better. They will try to rehabilitate themselves and stay out of trouble. We have it on record that the prison guards actually support that. The prison guards of Canada feel the last thing we need are people in prison without hope, who will resort to doing things they should not do, which might endanger the guards, other prisoners and people who should not be endangered, if this system is not in place.

The faint hope clause was put in for very good reasons, dating back to the days of Pierre Trudeau, and I will get into the history of it now.

A lot of us here today were around in those days. This is not an environment for a lot of young people. We do not see young people being elected to the House. The odd person does, but most start in the city council areas, the school boards and the provincial legislatures and work their way up. By the time we get into the federal House of Commons, we have earned that grey hair.

● (1550)

In July 1976 Parliament voted to abolish capital punishment, and I remember how controversial that was at the time, for Criminal Code offences as opposed to the death penalty for military offences, which was abolished in 1999. The Criminal Code was amended and the categories of murder were changed from capital and non-capital to first and second degree murder.

Mandatory minimum sentences for murderers were introduced. The compromise arrived at between the supporters and the opponents of the death penalty was its replacement with long-term imprisonment without parole. The faint hope clause was adopted in 1976 in connection with the abolition of the death penalty.

Speaking in favour of the abolition of the death penalty and the addition of the faint hope clause in the Criminal Code was the solicitor general of the day Warren Allmand. I could read his quote, but it was well said and made sense, certainly for that period of time. The faint hope clause was added to the Criminal Code in the hope that it would provide an incentive for long-term offenders to rehabilitate themselves and therefore afford more protection to prison guards.

The provision is also said to represent Parliament's awareness of how long persons convicted of murder who were imprisoned in other countries served before allowing them to apply for parole. These countries are our peers. I think most people understand that we are not talking about Third World countries, with systems that are radically different from ours. In fact, we are talking about Australia, part of the Commonwealth, Belgium, Denmark, England, New Zealand, Scotland and Switzerland. Key persons convicted of murder are imprisoned an average of 15 years before they may be paroled.

That is why we have heard many speakers today talk about the chart, which shows these countries, on average, keeping people in prison for 15 years, where in Canada it is 25 years. Canada is higher than all those other countries. In fact, the member for Windsor—Tecumseh pointed out today that people stayed longer than 25 years in prison. It is more like 28.5 years.

The first judicial review hearing under the faint hope clause was held in 1987. People want to know how many people are involved in this. As of April 12, 2009, 991 offenders have been deemed eligible to apply for a judicial review. Court decisions have been rendered in 173 cases and 143 inmates have been declared eligible to apply for earlier parole. Of these, 130 were granted parole, representing just over 13% of those who had been deemed eligible to apply for a review of their parole date.

The most recently published Correctional Service Canada statistics concerning the fate of prisoners released on parole under the faint hope clause, as of April 12, 2009, show that of the 130 offenders who had been released by that date, 101 were being actively supervised in the community. They are not running around on their own. Fourteen of them had been returned to custody because they had not behaved themselves. Eleven were deceased, one was on bail and three had been deported.

These statistics also showed that out of a total 22,000 offenders under Correctional Service Canada jurisdiction at the time, 4,495, or 19%, were serving life sentences, almost all of them for murder.

By comparison, in July 2009, 140,000 people, or 9% of the total prison population, were serving life sentences in the United States.

My time has run out, although I find it hard to believe that was a full 20 minutes. I am sure the clocks are off by just a bit.

● (1555)

Mr. Bob Dechert (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, I listened very carefully to my hon. friend and he mentioned some statistics. If he had been listening earlier today when I was speaking, he would have heard some statistics that I quoted about a study done in 1996. Of the 204 offenders then eligible to apply for faint hope, 79 actually did apply and 55 were successful. That is a success rate of 75%. The member said that it was very rare, but certain statistics contradict that.

In addition, I would like to ask the member a question about the impact of the constant threat of a faint hope application to the loved ones of the victims of crimes. Currently a convicted murderer can apply at least five times, after the 15th year, 17th year, 19th year, 21st year and 23rd year of their incarceration, under the faint hope clause. Could he comment on what it would be like for the loved one of a victim who had been horribly murdered when the murderer could apply five times? The loved ones would have to go back five times to relive the horror of the loss of a loved one. Canadians would like to know about the impact on victims. We hear a lot about rehabilitation from the member's party, but we never hear very much about the impact on victims. This government stands up for victims.

Mr. Jim Maloway: Mr. Speaker, we are extremely sympathetic to the victims. In fact, the Conservatives appointed Steve Sullivan as the ombudsman for victims and after three years, they did not renew his contract. He has criticized them for not performing, not doing what they said they would do to help victims.

We are sensitive. Today the member for Windsor—Tecumseh talked about victims and the fact that victims should be compensated if a hearing were cancelled. A lot of administrative things can be done to deal with victims.

The bill will go to committee fairly soon. It does have, as the member knows, provisions which would reduce the number of attempts a prisoner would have in the future to actually apply under the faint hope clause. He knows that is the case.

However, we will bring forward amendments at committee to deal with these issues. Our utmost concern is the rights of victims. The Conservatives oversold their position on the rights of victims because Steve Sullivan would not be as critical as he is right now had they not.

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, both my colleague and a previous speaker referred to the very low percentage of those under the old regime who had applied for parole and received it. There was a caveat, though, that another percentage were given parole, who did victimize others when they were on parole and were sent back to jail.

How can we err on the side of caution and on the side of victims to attempt to totally minimize those who would be given parole and would go out and commit further crimes, even after they had been found guilty of very serious crimes? Does the member not feel we should find every opportunity possible to protect those who have been victimized and to ensure that those who are on parole do not victimize others? The Canadian public deserves to have an explanation of how we feel as legislators about the potential that even one could get out and would victimize further. Do we not owe it to those we represent to ensure that it does not happen, to leave no stone unturned?

● (1600)

Mr. Jim Maloway: Mr. Speaker, the member is absolutely correct. That is what governments do in terms of reviewing legislation, reviewing practises.

We have a bill before the House that will go to committee where we will hear witnesses who will deal with different issues. Amendments will be brought forward by that member's party, our party, the Bloc and maybe even government members.

I agree 100% with my colleague that even one person is too many. We should always try to improve the system. No system is perfect and when we find a flaw or an open door we should move to make some adjustments. We should not just throw out the whole concept because of an ideological prism through which we are viewing the whole thing.

The fact is that the faint hope clause is there for a reason. It was put in by the Liberal government of Pierre Trudeau when the death penalty was abolished. It was designed to give 100% of inmates some glimmer of hope, even though most of them do not apply even after 15 years. It is a very small number apply. I went through all the hoops that they must go through and it is very hard to make it through all the way. As the member said, there is always the potential for the odd person to make it through, and perhaps we ought to look at making some more adjustments, but we should not just throw out the whole concept.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, the member will know that prior to coming here I was part of the labour movement in Hamilton. In Ontario we have the Ontario public service unions and some of those unions are for prison guards. On more than one occasion we have had discussions with those particular people in regard to workplace safety. They told us that we should not to take away the faint hope clause because there was nothing between them and a prisoner, and a prisoner has no hope, there would be no reason in the world for that individual not to murder a prison guard.

We have great empathy for the families of victims and what they suffer through, but on the other side of this case, we do not want further victims in the families of those prison guards.

Mr. Jim Maloway: Mr. Speaker, prison guards are the closest to the situation. Since they deal with inmates on a personal basis day in and day out, week after week, month after month, year after year, we do need to pay some attention to their observations. I know they support keeping the faint hope clause but even they too may be willing to have the concept tweaked and changed a bit. Even they would not write it off and say that absolutely no changes. If the changes are reasonable, they may go along with them.

Many organizations have pointed out that this is a worthwhile program. Even if we plumbed it down, I think a lot of government members would support it, but they are being whipped by their management. They do not have an independent idea among all 143 of them over there because—

The Deputy Speaker: Order, please. I can take one more brief question or comment. The hon. member for Nanaimo—Alberni.

Mr. James Lunney (Nanaimo—Alberni, CPC): Mr. Speaker, the member quoted the member for Windsor—Tecumseh who stated earlier in the debate that families of victims should perhaps not be notified when a murderer applies for early parole, say after 15 years, like the families of the victims of Karla Homolka and Paul Bernardo for example.

I wonder if the member supports the position that families of victims should not be notified when an inmate applies for early parole under the existing system.

Mr. Jim Maloway: Mr. Speaker, perhaps the member should re-read the speech of the member for Windsor—Tecumseh. I heard him definitely say that we should go further and maybe even compensate victims. If a victim or family member has to go to a hearing and that hearing is adjourned or cancelled, those individuals should be compensated for their costs.

The member for Nanaimo—Alberni is totally wrong in what he is representing because the member for Windsor—Tecumseh did talk about the rights of victims.

● (1605)

The Deputy Speaker: Resuming debate. 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.

Some hon. members: No.

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

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the yeas have it.

And five or more members having risen:

The Deputy Speaker: Call in the members.

And the bells having rung:

The Deputy Speaker: Accordingly the vote stands deferred until tomorrow at the end of government orders.

* * *

TACKLING AUTO THEFT AND PROPERTY CRIME ACT

Hon. Rob Nicholson (Minister of Justice, CPC) moved that Bill S-9, An Act to amend the Criminal Code (auto theft and trafficking in property obtained by crime), be read the second time and referred to a committee.

Mr. Bob Dechert (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, I am pleased to speak today to Bill S-9, An Act to amend the Criminal Code (auto theft and trafficking in property obtained by crime). This bill targets property crime, in particular auto theft which continues to cause serious harm to Canadian communities.

To this end, Bill S-9 would create a new offence of motor vehicle theft, a new offence to address tampering with an automobile's vehicle identification number and new offences to address trafficking in property obtained by crime.

Just how serious is auto theft in Canada? According to information provided by Statistics Canada, motor vehicle thefts are one of the most common types of police reported crime in Canada. In 2008, they accounted for 6% of all Criminal Code offences and 7% of all non-violent offences. In 2008, police reported approximately 125,000 motor vehicle thefts, averaging about 340 stolen vehicles per day. It is estimated that this costs auto insurance policyholders approximately $465 million in increased insurance premiums.

We also know that motor vehicle theft is one of the least likely crimes to be solved by police. Of all vehicle thefts in 2008, 12% resulted in an accused person being identified compared to 34% of all other non-violent offences.

Motor vehicle theft is a crime often associated with youth. In 2008, police reported motor vehicle theft rates were highest among 15 to 18 year olds. Youths accounted for approximately three in ten persons accused in motor vehicle theft in 2008.

Auto theft also creates immense public safety risks. As a representative from the Winnipeg Police Association testified before the Senate committee, auto theft has had tragic consequences in many parts of Canada, including Winnipeg. Mr. Sutherland, the president of the association, listed for the committee a few examples of the Winnipegers who have been killed or seriously injured by stolen vehicles since 2007.

In 2007, a jogger in Winnipeg was seriously injured by a car thief who deliberately targeted joggers by hitting them with his car door as he drove past. Two other individuals were killed in Winnipeg in 2007. A woman was killed after her van was hit by a stolen vehicle and a cyclist was killed after being struck by a stolen car driven by a repeat offender. In 2008, a cab driver was killed after his vehicle was struck by a stolen vehicle. In 2009, a man was killed when his Subaru was struck by a vehicle that was being driven by a repeat offender.

There have been other cases in Canada. In 2007, two teenagers were killed in Toronto when a stolen vehicle smashed into their taxi. That same year a York Regional Police officer was killed trying to stop the theft of an air bag. In 2004 in Nova Scotia, a young woman was killed when a stolen car driven by a repeat auto theft offender smashed into her car.

The bill proposes that the distinct offence of theft of a motor vehicle be added to the Criminal Code. It would be a hybrid offence with a maximum penalty of 10 years imprisonment on indictment and 18 years imprisonment on summary conviction. There also would be a mandatory minimum penalty of six months imprisonment for a third or subsequent conviction when the prosecutor proceeds by indictment. This penalty is a balanced approach to repeat offences of a serious nature.

Canadians have repeatedly told us that they want appropriate penalties for repeat offenders and we believe this legislation moves us in the right direction.

Bill S-9 is also proposing to create an offence for wholly or partially altering, obliterating or removing a vehicle identification number, or VIN, on a motor vehicle. Under the new amendments, anyone convicted of tampering with a VIN could face imprisonment for a term of up to five years on indictment or six months, or a fine of not more than $2,000 or both on summary conviction.

Both the VIN tampering offence and the distinct motor vehicle theft offence would offer benefits to the criminal justice system not offered by the current offence used to cover these activities, "possession of property obtained by crime" found in section 354 of the Criminal Code. A conviction for either of these offences would clearly and more accurately document a person's involvement in an organized vehicle theft ring as part of the criminal record. This, in turn, would help police and crown prosecutors to deal appropriately with these people in subsequent investigations and prosecutions.

The House will note that the VIN tampering offence contains an express exception in subsection 353.1(3) to ensure that those individuals who must remove or alter a VIN in the course of legitimate auto repairs, maintenance or modification are not captured under the ambit of this offence.

● (1610)

A question was raised in the Senate committee on why this express exception is required when subsection 353.1(1) also contains a lawful excuse defence. I will take a moment to explain how the provision works.

A VIN is not located only on the dashboard of a motor vehicle. It can also be found in numerous locations such as the door, the engine block, the door frame, and on the steering wheel or steering column, to name but a few. These VINs will be affected and possibly removed entirely when parts are changed or repaired following accidents or in the course of regular maintenance or modification. It is clearly necessary that any definition of VIN tampering not apply to the numerous law-abiding Canadians who could technically fall within the scope of the definition of the offence while engaged in repairing or modifying vehicles.

The inclusion of the lawful excuse clause by itself would be insufficient to protect innocent Canadians from being charged under the provision. The lawful excuse defence is meant to apply only under those limited circumstances in which a specific defence cannot be envisioned by Parliament, even though it is acknowledged that there could be situations in which some lawful excuse could exist.

Lawful excuse is a flexible concept designed to provide an accused who bears the onus with access to justifications that, depending on the nature of the offence and the circumstances in which it was committed, may be appropriate in particular cases, although these cases will usually be rare. With some offences, it is impossible to envisage every situation that can amount to a lawful excuse for a particular offence. Whether there was a lawful excuse for certain offences is a determination that must be made on the basis of all the circumstances presented in evidence.

However, when Parliament can identify circumstances that are clearly blameless in nature but that would otherwise fall within the scope of a broadly phrased criminal offence, it should be incumbent upon Parliament to expressly set out such circumstances in the law. This way there is no uncertainty on the part of the individuals who engage in that conduct and no uncertainty on the part of the police or prosecutors about the lawfulness of the conduct.

This is why we have the express exception in the proposed VIN tampering provision. Without specifying the exceptions, there is a real risk that individuals engaged in conduct that Parliament does not wish to criminalize will be caught up in the criminal process. The exceptions complete the definition of what the offences seek to capture.

Bill S-9 also proposes to create offences to address trafficking and property obtained by crime. The proposed trafficking offences are intended to target the entire length of the marketing chain that processes the proceeds of theft and other crimes like fraud.

One form of trafficking in property obtained by crime is the movement of stolen automobiles and their parts. This is where organized crime is most involved in auto theft, either through car-theft rings, chop shops, or re-VINing a car for the sophisticated international rings that smuggle stolen luxury cars to foreign locations.

Currently, section 354 of the Criminal Code, the general offence of possession of property obtained by crime, which carries a maximum of 10 years imprisonment for property valued over $5,000, is the principal Criminal Code offence used to address trafficking and property obtained by crime. This possession offence does not adequately capture the full range of activities involved in trafficking.

Both proposed offences have higher penalties than the existing offence of possession of property obtained by crime. If the value of the item trafficked exceeds $5,000, anyone convicted of this offence could face imprisonment for up to 14 years. If the value does not exceed $5,000, it would be a hybrid offence and subject to imprisonment for up to five years on indictment or up to six months on summary conviction.

In the auto theft example, the trafficking offences would capture all of the players in a chop-shop operation, whereas the offence of possession of property obtained by crime would apply only to those in possession of property such as stolen cars or car parts. In order to avoid detection and reduce the probability of multiple counts in the event of an arrest, chop shops have very little inventory at any given time. It is to be noted, however, that the trafficking offences address dealings involving all property obtained by crime, not just the results of auto theft and chop-shop operations.

I am pleased that the trafficking offences also provide the Canada Border Services Agency with the legislative tools necessary to allow them to detain property, including stolen cars about to be exported from Canada, in order to determine whether they are stolen and to allow the relevant police agency to recover them and take the appropriate action.

Bill S-9 is a comprehensive piece of legislation that addresses many of the activities that organized crime undertakes in relation to auto theft and other forms of property crime.

● (1615)

Bill S-9 has been studied in-depth by the Senate and in the last session by the House of Commons in its previous form as Bill C-26.

Bill S-9 is unchanged in any material respect from Bill C-26, and, in my opinion, there is no reason to delay bringing this bill into law. I would urge all hon. members to support this bill in its early passage.

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, the bill, and the member in his explanation, touches on organized crime and trafficking of parts. We all accept that this is an extremely serious issue. He has also talked about the theft of cars and the harm that can be done to innocent bystanders. He cited examples of that.

In respect of the sophistication of the technology, the member mentioned the VIN number. With some of the high-end vehicles, investigations have found that the GPS systems designed to give locations in the event of a theft can be compromised by the sophisticated technology that the legislation is aimed at preventing.

Does this bill also look at the level of technology used for illegal purposes? People who work at dealerships and have access to the VIN numbers could become accessories to theft on a large scale. Does the legislation anticipate that level of sophistication? Is the member satisfied that the recommended approach in the legislation will act as a deterrent to those who may be interested in pursuing theft at that level?

Mr. Bob Dechert: Mr. Speaker, GPS technology is now available, and in the future it will make it a lot more difficult to steal vehicles. We look forward to the dissemination of this technology in new vehicles across Canada.

The problem is that a lot of vehicles on the road today do not have that technology, and this will be the case for many years. We need to update the Criminal Code to follow the current practice of organized crime, auto-theft rings, and chop-shop operations.

The VIN tampering provisions that the member refers to will make it an offence to alter, obliterate, or remove a vehicle identification number. This provision would also contain an express exception to ensure that legal activity, such as legitimate motor vehicle repair and maintenance, is not captured by this proposed offence.

The punishment for this offence would be a five-year maximum term of imprisonment on indictment, and a six-month maximum term of imprisonment or $5,000 fine on summary conviction.

● (1620)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, in the interest of historical accuracy, we should note that this bill finds its origins in a high-level delegation that came to Ottawa from the province of Manitoba in 2007. The delegation included Gary Doer, the Premier, and his minister of justice; the mayors of Winnipeg, Brandon, and Thompson; the chiefs of police of Winnipeg, Brandon, and Thompson; and a very special person, a victim that my colleague made reference to, Kelly Van Camp, a personal friend of mine. She was a victim of what they called, "bowling for joggers", where these thieves were running down joggers deliberately with stolen cars. The victims suffered terrible injuries as a result.

They came to Ottawa asking four things. I note that three of them are in this bill. First, car theft should be a stand-alone offence. It is an offence in the Criminal Code to steal a cow, yet it is not an offence to steal a car. That should be corrected. Second, tampering with VINs should be criminalized. Third, additional authority for Canadian Border Service Agency personnel to intervene should be covered.

The fourth thing is something we fail to find: amending the Young Offenders Act so that police can detain young car thieves during the night until their first court appearance, instead of turning them back out on the street where they can steal another car before the night is over. This is something these key actors from Manitoba asked the federal government for.

Why did the government not do this?

Mr. Bob Dechert: Mr. Speaker, the hon. member raises a valid point. In fact, the requirement that he is referring to is included in Bill C-4, which is currently before this House. It contains an amendment to change the Youth Criminal Justice Act in connection with pretrial detention.

If the member takes a look at Bill C-4, he will find it there. This is the appropriate place for it, because it is an amendment to the Youth Criminal Justice Act.

He also makes the point that Winnipeg has seen a lot of organized auto theft. When the justice committee visited Winnipeg this past spring, we heard from many witnesses, including the chief of police, about the problem of organized auto theft in Winnipeg, which is putting many good citizens of Winnipeg at risk.

I thank the hon. member for raising that in the House. I think it is important. This is why the government is proposing this bill today.

Mr. James Lunney (Nanaimo—Alberni, CPC): Mr. Speaker, the member from Winnipeg noted the number of car thefts in Winnipeg and the terrible consequences of them. I want to put a B.C. context on this for the member who brought forward this motion, the member for Mississauga—Erindale.

In 2009, thefts of vehicles in British Columbia jumped 71% from the previous year, according to the Insurance Corporation of British Columbia.

The member mentioned in his speech a number of consequences, including increased insurance costs for all Canadians, and costs to individuals injured as a result of the horrendous driving practices of car thieves. In our area, a stolen vehicle was driven out on a railway trestle over a big ravine and the thieves set the vehicle on fire, causing tens of thousands of dollars in damage to the trestle.

I wonder if the member would comment from his experience, because he is very experienced in this file, on the public costs incurred in addition to the costs of the vehicles and the insurance.

Mr. Bob Dechert: Mr. Speaker, there is a terrible cost associated with endangering human lives. Vehicles are often stolen by young offenders, who will take the cars on a joyride. I think it was the member for Winnipeg Centre who mentioned the tragic case of the jogger who was killed. There was actually some kind of a competition among auto thieves, I believe, to see if they could hit joggers. That is one thing that happens often.

Another thing that often happens is that police in hot pursuit of a stolen vehicle can be involved in accidents.

These are some of the tragic and negative consequences to the public, in addition to the costs of the loss of the vehicles.

● (1625)

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Speaker, I have a question regarding the government's agenda on justice and its crime bills.

Yesterday, in the city of Toronto, there was a celebrated case about a storekeeper who tried to defend his own property and now finds himself before the courts on a whole series of charges. Some of them have been dropped, but it still appears that the victim is being victimized twice.

I presented a private member's bill that would amend section 494 of the Criminal Code, and one of my colleagues from the NDP did the same thing last week.

The hon. member across made a promise last year to the individuals involved that the government would present such legislation.

I wonder why the government will not follow through on any of the promises that it made with respect to the justice agenda.

While I am on my feet, perhaps the parliamentary secretary can also explain why the government called for a standing vote on its own crime agenda when it had the support of the entire House on the bill. Why would it require a vote when everyone already agrees on legitimate things, even before prorogation? I just wonder where the sincerity lies.

Mr. Bob Dechert: Mr. Speaker, I am aware of the hon. member's private member's bill and the one that has been presented by the member for Trinity—Spadina.

Just to correct the record, I promised, personally, to present a private member's bill. Unfortunately, before I was able to do so, I was appointed as a parliamentary secretary and the hon. member will know that I no longer have the right to put forward private members' bills in my current capacity.

The member for Trinity—Spadina is putting forward a bill that is very similar to the one that I had drafted. We have discussed it. And I very much look forward to the debate on both of these bills in the House.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, it is my pleasure to rise on Bill S-9, the tackling auto theft and property crime act.

I rise today to speak to this bill, an act I am pleased to see yet again in this place. I hope it will not follow its ill-fated identical twins, Bill C-58 and Bill C-26, which we mourn today. They were killed on the order paper by the poll-obsessed Conservative Party for the sake of political expediency. This is another well-intentioned piece of legislation and another piece of legislation where good intentions are late and not enough.

Let us be clear, as vice-chair of the justice committee, I and the Liberal Party promise that we will support this bill going to committee and being expeditiously dealt with at that committee.

The system within this bill will fail to keep Canadians safe and secure in their property without a commitment to enforcement, not headlines and hype but money and manpower, boots on the street, a dedication to putting Canadians' safety first, above hyperbole, above how our parties are faring or may fare in the polls.

Standing up and acting for Canadians, which I believe is a slogan of one of the parties here, standing up for Canadians, means taking concrete action. On this side, we have committed to taking what action we can to protect Canadians and encourage government to fund the police forces that can put laws like this, albeit very lately enacted, into action.

That means making the best of a flawed bill like this, sending it to committee, studying it, amending it, recognizing the good and singling out the bad, but nothing that this bill or the justice committee can do will affect the deficit of police forces and money to police forces across this country.

I want to reiterate the point that my friend, the NDP member for Winnipeg Centre made in having us remember what could be called the good law firm of Doer, Chomiak and Katz, and of course those were the Manitoba premier and minister of justice and the mayor of Winnipeg. The Manitobans came to town and asked for four things.

Now it is over four years since they came, and this bill addresses three of those items. The last item was in fact a request towards the realization that gangs, and youth gangs in particular, were being used in Winnipeg as the pawns, the effectors, of organized crime thefts of vehicles. The Youth Criminal Justice Act as it existed then and as it exists now allows for an accused youth to be let out of remand, to be not remanded, pending trial and in between offences.

Now this was precisely the situation that led the province of Nova Scotia, on my coast, to commission Justice Merlin Nunn to study the issue of youth criminal justice legislation and to make recommendations in what is now known as the Nunn commission report.

One of those glaring recommendations was to amend the Youth Criminal Justice Act in the smallest way, with the fewest words to absolve our communities of this problem, the problem of youths being let go from remand, being let out of the custody of the court pending a determination of their issues. Remand is something that keeps a person who is accused of a serious offence in custody pending the determination of their issue, if there are grounds.

In many cases there are grounds for adults, and adult offenders are remanded or kept in custody. It is not so in the Youth Criminal Justice Act. It was that fact that in the Nunn commission case study gave rise to its need. It was not the case and it had disastrous consequences.

As I said Doer, Chomiak and Katz came to Ottawa wanting that simple amendment more than four and a half years ago. They have not, as my NDP colleague mentioned, received that simple amendment.

● (1630)

People might ask why a simple wording amendment to a fairly large and complicated act, which would not have met with any resistance from this side, was not done. It is because, like everything the government does, it has to be presented in a political fashion. Politics has to be played with the Criminal Code. It has to be played in the realm of criminal justice.

When everybody agreed on an amendment to the Youth Criminal Justice Act that would have given Manitobans the fourth item they wanted, the Conservative government added a phrase that was of debate. The point is that there was unanimous agreement on the amendment, but it had to add another element of denunciation and deterrence, which is alive with debate in the country, and spoiled it. It spoiled the idea that very quickly and very simply, for the benefit of the people in Nova Scotia, Alberta, Manitoba and all the provinces in Canada, it could have had this amendment that everybody wanted. No doubt this has wreaked havoc across this country and has resulted in further actions by youths not in remand, joyriding and stealing cars, as adjuncts of gang activity in cities such as Winnipeg, Manitoba, and Abbotsford, British Colombia, and have made Canadians less safe than when the Conservative government was elected.

Shame on the Conservative government for not acting quickly on that fourth request from the Manitoba delegation.

Any night between 5:00 and 7:30, depending upon where one lives, newscasts will show the Conservative government as friends of the police, as friends of victims, but it does very little in action for police forces across the country. Police forces have been requesting funding. Police forces have not received the man hours, the boots on the streets that they require.

With respect to auto theft, members may say that more police officials will not necessarily lead to a decrease in auto theft. *The Toronto Star* reported in July 2009, three years or so into the mandate of the government, that the provincial auto theft team, a joint task force involving the OPP, the Insurance Bureau of Canada and local police forces, was going through a restructuring that would see a further decrease in the number of officers investigating auto theft in the GTA.

This is Canada's largest city. Now we know that the government has money to throw around in Canada's largest city on various security measures for a very short-term project, but it does not have the money to flow through the provinces to keep the provincial auto theft team properly staffed. If I were the mayor of Toronto or running for election as mayor of Toronto, I would be kind of steamed at the federal government for not putting its resources in policing.

Police forces are indeed the front line of how to prevent auto theft. I recall, as part of our study on organized crime, that in Winnipeg we met with a number of police officials who were very surgical in how they were going to approach the problem of auto theft in their community, and they were very successful. They were not successful with laws, necessarily. They did not rely upon the after-the-fact retribution or punishment that is replete in the Criminal Code. They relied upon intelligence, savvy and resources, and they successfully reduced the level of auto theft in Winnipeg. That was a matter of resources, of money.

While we might sit here as parliamentarians all agreeing to what is in this bill, we as parliamentarians have a deficit with the public in suggesting that this bill was brought forward in a timely basis and that it will have the effect of completely eradicating auto theft or even reducing auto theft in the short term. In other words, we have gone to the shelf and we have seen what is on the shelf. We are going to grab what is on the shelf, but it is not enough to feed the issue that is burning, in this case, auto theft across this country.

Let us examine some of the elements of this bill.

● (1635)

It includes mandatory minimums. We can have a long debate on whether mandatory minimums work. Some of the bad in this bill includes the provisions for mandatory minimums in sentencing. We have been at this experiment of increased mandatory minimums for five years. I look forward at committee to seeing whether the mandatory minimum increase experiment is working. In this case it is a six-month mandatory sentence for third and subsequent auto theft offences. These mandatory minimums are less severe than the Conservatives have brought forward in the past, but as always they impinge on judicial discretion in sentencing. It is why the Canadian Bar Association has expressed opposition to mandatory minimums.

This is a continuing trend with the government. As in many other justice bills, the Conservatives seek to strip judges of their authority. There is lack of overall respect for judges. On this side, for probably the umpteenth time I am here suggesting that we have one of the best judiciary systems in the world. We should be very proud that we do not have the kind of capricious justice that takes place in almost every other country but Canada. As the government is always saying, we should celebrate our strength. We should celebrate the fact that we have a great judiciary.

I was here yesterday in this place making the same case on white collar crime. This is a bill that would not have incurred much opposition had it been brought forward earlier. It is a bill that we should have brought to the Canadian public earlier, and it is a bill that might have prevented other white collar crimes or frauds having taken place in the time it took us, I will say, to get to this.

Of course the reason we did not get to it is we have been having elections every couple of years. The government prorogued Parliament, and I hope the public understands that if a piece of legislation that is ready to go, could be almost all the way there, has not been signed by the Governor General it is not law. If it is not proclaimed, it is not law. So it can be right up to the eleventh hour and all the work has been done on it with respect to amendments and committee reports and witnesses coming before the committee, and all the speeches in the House, and if we have prorogation the bill dies. All that work goes down the drain and we start the process over again.

That is why we have this subject today in Bill S-9 which is really the same bill as C-53 and Bill C-26 before it. It seems that the government is okay with wasting this chamber's precious time on failed ideology and simplistic conceptions of crime prevention. Conservatives feel that a sentence, something to amend the Criminal Code, will really work with respect to crime prevention. It is not the case. Crime prevention starts at an early age with respect to an offender. It starts in the communities and the police forces when they have to be properly equipped and resourced to combat crime.

The second element of the bill, which we applaud, is the separating of the offence of auto theft. One of the positive aspects is the creation of the new separate discrete offence of auto theft. It provides for a far more appropriate range of sentencing options than could be found in previous legislation. The summary conviction aspect of it has a maximum penalty of 18 months, which tripled the existing summary conviction and average summary conviction limit of 6 months. It shows strength. It takes account of the realization that auto theft is a major and numerously copied crime in all communities in Canada. It is a response to the delegation from Winnipeg and from the various articles from decades before in the larger cities in Canada.

The indictable conviction has a maximum term of 10 years regardless of the value of the vehicle. In case the House is curious, I can inform it that the most stolen vehicle in Canada is the Honda Civic. So everyone who has a Honda Civic, please take note. Lock it up.

There is no minimum sentence for summary convictions, and the type of prosecution is up to the crown attorney, creating a broader spectrum of options. That hybrid aspect, as the parliamentary secretary mentioned, is a very good and flexible way to deal with the different types of auto theft. It is an improvement on the previous legislation. However, I have to put my two cents in that if the government believed in discretion with respect to how a crown attorney or crown prosecutor might proceed, it should give a little more leniency toward the idea of judicial discretion, as we were saying just a minute ago about mandatory minimums.

● (1640)

The aspect of giving more powers to the Canadian Border Services Agency is another positive change. The Canadian Border Services Agency will be empowered, if this legislation passes, to stop, search and seize goods believed to have been obtained criminally. At present, the CBSA may only stop, search and seize goods whose importation or exportation was prohibited by an act of Parliament. There is no provision for the seizure of goods, the possession of which is prohibited by law. Therefore, this is a very good enhancement to the authority of CBSA.

Perhaps what is most modern about the bill is the respect that it gives to vehicle identification numbers.

[*Translation*]

We believe it is useful to add measures concerning vehicle identification numbers and we would like to discuss this measure in committee. That is the kind of innovative measure that could help combat the problem of auto theft in Canada.

[*English*]

The obliteration of VIN numbers is a low-risk, high-profit tactic of organized criminal gangs. This provision should help crack down on organized criminal activity, a main source of auto theft in Canada. By denying criminal gangs access to a primary source of funding, the currency of gangs, we can inhibit them from developing their activities elsewhere.

The possession of property: to be in possession of a stolen car:

[*Translation*]

The provision concerning the possession of stolen vehicles is interesting and also merits discussion. That is another measure that could prove to be a useful tool for police forces. We need to be innovative in order to combat criminals who steal vehicles, who themselves are becoming increasingly sophisticated.

● (1645)

[*English*]

The measure is the first half of a clause meant to combat the trafficking in stolen goods following the actual theft. By cracking down on those in possession of stolen property, the disincentive from purchasing property one suspects or knows to be stolen is created. By restricting, therefore, the ability of criminals to fence or sell their stolen goods, their capacity to easily make money is reduced, their risk level goes up and their profit goes down as consumers choose to forgo the risk in inherent in the slightly cheaper, ill-obtained good from their legitimate cousins.

Trafficking in stolen property initially is buttressed and improved in, let us call it Bill C-26-Bill C-58-Bill S-9. We wholly support this aspect. The penalty for trafficking or fencing in stolen goods can be severe: up to 14 years in prison. It is an example of an effective provision that leaves the judicial determination through discretion of giving a sentence that severe in the most severe case of auto theft, trafficking or being in possession, and we support it.

In this case, the Winnipeg and Manitoba officials support this law and the stakeholder reaction has been very supportive of the bill, although half-heartedly. The support is that. yes, this is a good bill, but Professor Rick Linden, University of Manitoba, at the heart of the auto theft activity in this country, noted that the bill was a good step forward but that significant reductions in crime would only occur if we also invest significant resources in police tactics, numbers and in implementing other evidence-based prevention programs.

That is where I would like to conclude. As I stated, we could have had and should have had this bill long ago. It is only one step and only a minor step forward in the battle against car theft in this country. We need to get boots on the street and respect and resource municipalities, communities and police forces who will use, as Professor Linden says, smart tactics and other evidence-based prevention programs. There is something new for the government.

With that, I am happy to conclude and say that we support the bill going to committee. In fact, I have every indication that we will deal with the bill by the end of the year and get it onto the books as a minor step forward.

The Deputy Speaker: Before opening the floor to questions and comments, it is my duty pursuant to Standing Order 38 to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Davenport, transportation.

Mr. Bob Dechert (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, I did note several points in my colleague's speech about the need for more resources for our police forces across Canada. He failed to leave out a salient fact. I know he is a student of the history of politics so he will remember that shortly after coming to power in 2006, this government provided over $2 billion for additional police resources across Canada, which has been used in my city and many other cities across Canada to great effect.

I wonder if he could comment on what support the former Liberal government provided to municipal and provincial police forces across Canada in its 13 years in government prior to 2006.

Mr. Brian Murphy: Mr. Speaker, I sense we are straying a bit from Bill S-9 on this but I am happy to engage in debate with my colleague.

I was not here during the previous Liberal government so I do not know first-hand. Oh, I do remember. When I was mayor of a city and a member of FCMs finance committee, I remember the Liberal government. I remember Jean Chrétien and Paul Martin developing the first infrastructure program and the first gas tax that benefited communities and cities across this country. They did much better than what the Conservative government has done in its almost half decade. I was there. I was a consumer. I know the Liberals did the best job of any government in recent history.

Mr. Bob Dechert: How much? How much for police?

The Deputy Speaker: Order, please. It is customary to ask one question at a time and to give one answer at a time. I would ask all members to listen to their colleagues when they are responding to a question or comment.

The hon. member for Algoma—Manitoulin—Kapuskasing.

● (1650)

Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP): Mr. Speaker, I agree with my colleague that the bill should have been passed a while ago but because of the games that the Conservative government keeps playing, it has not been passed.

There are basically three different types of auto theft: first, joyriding; second, theft perpetrated by an individual who steals a vehicle for the purpose of committing another crime; and third, and the one that has significantly increased, is theft for profit by organized crime.

Does my colleague feel that this legislation is aimed more at auto theft as it relates to the trafficking of automobiles by organized crime, or is it more a problem of automobiles being stolen by individuals or gangs for joyriding?

Mr. Brian Murphy: Mr. Speaker, joyriding is already covered by the code. The specificity of this offence with respect to auto theft and the specificity with respect to the inclusion of vehicle identification numbers clearly takes it toward penalizing the people who steal cars for financial gain.

As I have mentioned, stolen cars are becoming the currency of organized gang activities in Canada and, like any business, organized crime can be cut off at the knees by taking away its profit source. It is the same with respect to drug production, particularly on the west coast, or the trafficking in guns or trafficking in human beings, which we have talked about in the House. Those are the currencies of organized crime and any bill that can cut down on those currencies would be a good thing.

What I said in my remarks is that the police, who these laws actually affect, are not being properly resourced.

This bill is a couple of years too late just because politics had to be played.

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, the member for Moncton—Riverview—Dieppe is such a thoughtful person and has assessed this bill well.

This bill is a reiteration of Bill C-58 and Bill C-26, both of which died on the order paper due to prorogation. The Conservatives promised big things but never kept their promises. They promised a law and order agenda.

Why, with families facing economic hardship and people not being able to make ends meet, the government is not focusing on the economy? Why is it reintroducing and recycling all its justice agenda which should have been done long ago?

Mr. Brian Murphy: Mr. Speaker, I certainly agree with the hon. member. Our job here is to give thoughtful recommendations, comments and persuasive arguments to the government in the House and move bills on to committee, as I said we will do, in order to deal with them in committee and get bills through that there are no real objections to.

We have not really object to making auto theft harder to do in this country. We have not really objected to making white collar crime a harder thing to effect in this country. We think child Internet pornography is an awful thing. We would like all of these bills moved along to committee and made law. However, we wanted that probably three or four years ago.

We need to stop the politics and get on with the more serious aspects that affect this chamber and this country, which is where society and the economy are going. Right now we are talking about justice bills and we need to move them along, improve them and get them passed.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I am pleased to speak to this bill, but we have a problem at the outset. I am going to say something important, and the members opposite should listen, because if they do not, they are going to make the same mistake again.

Currently, in committee in the room next door, we are trying to finish studying Bill C-4. Some members will say that that has nothing to do with Bill S-9. I am coming to that. Because of the government, we are still waiting for a report on Bill C-4 that should have been tabled on June 16. We have been waiting for three and a half months for this report so that we can finish studying this young offenders bill. The government says that we are dragging our feet. I have good news and bad news for the government. The good news is that we are not the ones dragging our feet. The bad news is that they are the ones dragging their feet. The same is true of Bill S-9. The first iteration of this bill was introduced on April 14, 2008—not last week, not in April 2010 or April 2009, but on April 14, 2008. All the parties said they were prepared to study this bill quickly in committee, as I am saying today.

The problem is that they are introducing so many silly justice bills, so many populist bills as they see it, that we can no longer work. As we speak, the Standing Committee on Justice and Human Rights has already received four bills to study, and the session only resumed on September 20. Does the government think we are going to have the time to consider Bill S-9? Still, the government should not take us for idiots. That is the problem with the Conservative Party, the problem with this government. It thinks it can ram bills through. It is wrong.

Getting back to this bill, I have some trouble calling it S-9 because they tried to pass it through the Senate before bringing it here. It is not moving any more quickly because the problem is that part of the work had already been done on Bill C-26. The committee had already heard from representatives of the Insurance Bureau of Canada and Statistics Canada. It is the party in power, not us, that is delaying the work. I hope that the public will remember this because auto theft is an important issue. Everyone in Quebec and across Canada is asking us to do something. We certainly have no objection. It is an interesting bill. It is a bill that should have been introduced well before Bill C-4, and well before a number of other bills, given that we were probably going to move more quickly on it.

We do not have recent statistics, but just in terms of auto theft—addressed by Bill S-9 before us today—there was a small drop in 2007. However, auto theft remains one of the most common offences in Canada and is committed in particular by youth between the ages of 15 and 18. In 2007, they were responsible for three solved auto thefts in ten. That same year, 146,000 vehicle thefts were reported to police, an average of 400 thefts per day. I imagine that I will be asked about the statistics for 2008, 2009 and 2010. We do not have them. I believe we should have them soon. It is possible that we may not get all the information because the census will not be taken. However, with the Insurance Bureau of Canada, as well as Statistics Canada and the police stations, we should have a good idea and we believe the numbers will be similar. Unfortunately, there will be around 140,000 vehicles stolen per year.

● (1655)

That is a huge number and it is far too high. We need to eliminate this scourge.

We in the Bloc Québécois think that Bill S-9 is not a bad bill. We agree that it should be studied quickly in committee, as was the case with Bill C-22. Perhaps we will set some other bills aside in order to pass Bill C-22 on child pornography. Perhaps the same thing could happen with Bill S-9, but for that to happen, it has to come to us in committee. It seems as though the Conservatives have other bills like this. In fact, we have been told that we will spend the whole week discussing justice bills. We have to be able to work at some point.

I have been looking at what is being done with the bill. I am sorry to say it this bluntly, but there are three types of motor vehicle theft. Three out of ten vehicles are stolen by youth. We call it theft, but the young people take what are known as joy rides. In French we call them *des promenades de joie*. I know that it is likely not the best term, but no better terms come to mind. They take a vehicle from somewhere and drive around town. They take a vehicle that was "forgotten" at the corner store, with the keys in the ignition, lights on, motor running. They take it for a ride and leave it somewhere else. This type of crime happens a lot with youth.

Where it becomes a bit more dangerous—and this is happening in Manitoba—is when someone takes off with a vehicle and kills someone. Unfortunately, this type of offence happened recently in Abitibi-Témiscamingue when a young man took a motor vehicle from Rouyn-Noranda to Val-d'Or. He stole the vehicle in Rouyn-Noranda and caused an accident that seriously injured two people. This is extremely dangerous and something must be done.

I am not saying that the motor vehicle thefts I just mentioned are not serious. They certainly should be punished, but there are worse kinds. There are several different types of motor vehicle thefts, and there are essentially two main methods. One of them involves stripping the vehicle for parts.

I will read a list. I do not know if my Conservative colleagues have these models, but if they do, they should be careful, because they are the most likely to be stolen: 1999 Honda Civic—this one is a bit old, but it gets stripped for parts; 2000 Honda Civic; Subaru Impreza; Acura Integra; Dodge Grand Caravan or Plymouth Voyager; 1994 Dodge Grand Caravan or Plymouth Voyager with all-wheel-drive; 1998 Acura Integra; Audi TT Quattro and Dodge Shadow or Plymouth Sundance. These vehicles were among the 10 most commonly stolen vehicles in 2006, and I do not think much has changed since then.

We need to take action quickly. These vehicles are generally stripped for parts, and are rarely exported. They are exported, but not much. This is where organized crime comes in. These individuals place orders for certain types of motor vehicles, which are then stripped for parts. The thief is one thing. Yes, he is a criminal, but the ones who place the orders are the worst ones. These types of orders are generally made through organized crime groups. So we must find a way to punish them.

● (1700)

Bill S-9 does contain some interesting elements. We believe we can improve it through further study in committee. It seems to me that we all agree that we need to improve this bill and that we need to find ways to prevent criminals from taking vehicles apart. We need to reduce the incidence of auto theft. We need to create an offence for tampering with an identification number. When certain vehicles are taken apart, some very important parts disappear, such as the engine, the body and the doors, if they do not have a VIN. As we heard in committee, if the thief is really organized, a vehicle like a 1999 Honda Civic, for example, can be taken apart in half an hour. Now that is organized crime. We must absolutely find a way to make it impossible to take vehicles apart.

We also heard in committee that there are small electronic chips placed in secret locations in certain vehicles, and when those vehicles are stolen or taken illegally, they can be found with a certain kind of GPS. We did not take our study any further, which is why we want the bill to be examined in committee. Perhaps we could find a way to encourage manufacturers to install this kind of electronic chip in several specific locations in vehicles without necessarily forcing them to do so. This would allow authorities to find these vehicles or parts quickly, as soon as the theft is reported. We began receiving this information when we started studying the bill.

Today we must absolutely find ways to prevent this crime. To do so, we have to work with Industry Canada. The Criminal Code is not enough. It is used to punish individuals who steal and dismantle automobiles. We will probably invite the departments involved to work on prevention, which is the best way to avoid this type of theft. If someone knows there is an alarm system set up, they might be less likely to commit a break-and-enter. We want to look at the bill from that angle in committee. Even though we are on the Standing Committee on Justice and Human Rights, it is nonetheless important to find ways to prevent crime.

There are some major offences. However, at least there are no minimum prison sentences. That is a step in the right direction. If the bill passes, then we will amend the Criminal Code to ensure that there are maximum prison sentences for trafficking in property obtained by crime. This did not exist before. The bill will create the offence of trafficking in property obtained by crime, specifically parts from stolen vehicles. The offence of possession of stolen goods exists in the Criminal Code, but when a vehicle is dismantled into parts and there is nothing left but the car door, generally speaking, if there is no identification number or electronic chip linked to a GPS, the door cannot be linked to the vehicle stolen a few weeks or months before. The offence that will be created will concern trafficking in property obtained by crime. That is how the parts will be linked to the vehicle. Circumstantial evidence will show that the vehicle was dismantled into separate parts and that some parts were sold to this or that individual.

To traffic will mean to sell, give, transfer, transport, export from Canada, import into Canada, send, deliver or deal with in any other way, or to offer to do any of those acts.

● (1705)

This bill will help border services officers conduct searches. It will tighten the noose around criminals who tend to steal vehicles to resell them quickly or, more importantly, to alter them. We think this is a worthwhile bill, and we will have to come up with ways to put an end to this scourge.

Criminals tend to take the easy route. Why do young people steal cars? Generally, car thefts take place outside a corner store, when the car owner leaves the key in the ignition and steps inside for some milk. How many tens of thousands of thefts sadly result in penalties that may seem light to a young person, but that can have an impact if the offender commits other crimes later?

We support this bill, which we have to say is worthwhile, even though it should have been introduced much sooner. I do not understand the government. We have been waiting for this bill since April 2008, but it seems to have been forgotten when Parliament was prorogued.

Vehicle theft is an easy crime that is often committed by young people. We must find ways to prevent people from falsifying the vehicle identification number or VIN.

The question was put to Criminal Intelligence Service Canada, and this was its reply:

> The Insurance Crime Prevention Bureau has identified an increase in four main fraud techniques that are used by organized crime to steal vehicles. These include: the illegal transfer of Vehicle Identification Numbers (VINs) from wrecked vehicles to similar ones that have been stolen; a legitimate VIN is used to change the legal identity of a stolen vehicle of the same make, model, and colour, a process called "twinning".

Let us consider the example just given. The VIN from a wrecked Honda Civic 1998 can be used for a stolen Honda Civic 1999. This is where we are being asked to take action.

In closing, we want to study this bill quickly. We can work on it in the Standing Committee on Justice and Human Rights, but on the whole, it is a worthwhile bill that the insurance companies and police forces have been calling for. I do not believe that any member of this House will be against having this bill studied quickly in committee.

● (1710)

Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP): Mr. Speaker, I appreciate my colleague's comments. He spoke about prevention and could probably say more about it. I agree with him that the bill should have been introduced and passed some time ago. It should obviously be sent to committee so that the necessary changes can be made to ensure that there are no Charter problems with it.

I would like to hear what he has to say about the resources that will be needed to enforce this legislation, especially the people at the frontier. Maybe he can say a bit about these officials.

● (1715)

Mr. Marc Lemay: Mr. Speaker, I think that when my colleague speaks of the frontier—

Ms. Carol Hughes: The border.

Mr. Marc Lemay: She means the border. I understood she meant the border. My colleague is quite right, but what I mean is that we know this bill is coming. We know we will study it and probably try to pass it quickly.

Everybody wants this bill, so we will not rag the puck, as they say. We will try to get it passed as quickly as possible. However, a system could be set up now, a computer system. Another possibility is to strongly encourage vehicle manufacturers to install a chip system right away, as I mentioned. They could start installing them on vehicles now. Why do we always have to wait for a law in order to act? It seems to me that insurance companies could put on the pressure. Given the tens of millions of dollars they spend compensating people whose cars are stolen, maybe they have some solutions. In fact, they do. The solutions already exist. Their representatives came and told us in committee.

Since I have the Minister of Industry across from me, maybe he could strongly encourage companies to protect themselves against these thefts by putting chips in vehicles starting now. That would save some time once the bill is implemented.

[*English*]

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, my colleague has talked about the sophistication that now accompanies auto theft rings and about the twinning of VIN numbers. I think he said that CSIS was providing an analysis as to how security codes could be placed in a vehicle and how the law could support that kind of approach.

I will ask him a question similar to the one I asked the last speaker. It is at an even higher level than that. It is not just the question of chips. Auto theft now takes place at a level where the circuits and systems are analyzed and stolen, fed to a ring of thieves that steal the car without having to break a window or anything else. They simply know the codes to unlock the doors, to start the ignition and overcome the GPS capabilities the chips have or any other level of technology at this point. Law enforcement has pointed that out.

Could the member comment on whether the committee could look at it at that level? I have not heard anyone touch on that level of sophistication. The law does not seem to come to grips with that. Perhaps the committee could look at it, call witnesses and take the kind of remedial action that would be required.

[*Translation*]

Mr. Marc Lemay: Mr. Speaker, that is an interesting question. I would like to consider it when the bill comes before the committee. However, I also believe that this suggestion regarding the design and construction of vehicles should be made to the Standing Committee on Industry, Science and Technology. The Standing Committee on Justice and Human Rights is dealing more with which Criminal Code section to amend in order to prevent the offence of trafficking in property obtained by crime. This committee is more specific to the Criminal Code than the industry committee might be in this matter.

I find my colleague's suggestion very interesting. However, with due respect—I am not trying to ignore it—I believe it should be brought before the Standing Committee on Industry, Science and Technology because it involves design and application, and the newest cars on the road.

The system mentioned by my colleague is very interesting. That is what attracts thieves. However, we will be looking for ways to punish crime.

● (1720)

[*English*]

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, briefly, at the closing of this debate, it is offence to the sensibilities of all democrats, or should be, to read that the title of the bill is Bill S-9, which means it originates in the unelected, undemocratic Senate instead of in the House of Commons, where people are elected by the people of Quebec and the people of Canada to put forward legislation.

I want to know my colleague's views. Does he not find it an affront to democracy in general that it is the unelected, undemocratic Senate that is driving these bills into the House of Commons? If these bills have merit, they should be generated in the freely elected democratic institution, and that is the House of Commons.

[*Translation*]

Mr. Marc Lemay: Mr. Speaker, I believe that my colleague knows the Bloc Québécois's position on the Senate. The only option is to abolish it. But we are not there yet.

If the government thought that it would be quicker to go through the Senate, it was wrong. It is trying to do the same thing with Bill S-4 on aboriginal matrimonial rights. The Conservatives may be able to get any bill they like passed in the Senate, where they have the majority, but there are still 12 members of this House on the Standing Committee on Justice and Human Rights, which meets twice a week. They cannot make anything up. They are trying to hurry us, but they will have to wait a bit.

I personally thought this bill would be introduced right away. It is the type of bill we all agree on. The same goes for Bill C-22 on child pornography. Everyone agreed on Bill S-9. I do not understand why it is being introduced through the Senate. I agree with my colleague, and as we like to say, enough is enough. Let us just leave it at that.

I find the government is trying to push things through the Senate where it thinks things will move more quickly because it has a majority and the Senate sits in June and July. When a bill arrives in the Standing Committee on Justice and Human Rights or in the House, it does not move any more quickly. We have been waiting for this bill since April 2008, two years and six months ago. It is time to act. We could have come to an agreement with the House leaders. These are bills we all agree on. Let us proceed more quickly than planned.

[*English*]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I was intrigued by the member's comments about the microchips that could be installed in the cars. Does he have a cost associated with that? I recall a few years ago the Insurance Bureau of Canada had some statistics on immobilizers and that they could install them in cars at the factory for, I believe in those days, $30 to $100 extra for each car. The car manufacturers refused to do it.

[*Translation*]

Mr. Marc Lemay: Mr. Speaker, I will give the same answer I gave my Liberal Party colleague. I believe this is Industry Canada's responsibility and that of the car manufacturing industry.

I was not here, so it is easy for me to talk about it. When the government decided to make headlights mandatory, it was done. As soon as people start their cars, the lights come on. That has been mandatory since 1998, if my memory serves correctly. The funny thing is, when we want something, we can make it happen. Industry Canada needs to take action, and since the minister is here, I know he is listening to me.

[*English*]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I am very pleased to speak to Bill S-9. I want to follow up on an issue the Bloc member dealt with in terms of the microchip solution.

I had pointed out that a number of years ago Manitoba was looking into making immobilizers mandatory. In fact, in the beginning Manitoba made them optional. There was a reduction in the insurance premium for people who voluntarily installed immobilizers in their cars. Guess what? Absolutely nobody took the offer. There were maybe 100 people in the whole province who did. It was only when the provincial government took the bull by the horns and made immobilizers mandatory and free that we started to see results.

We saw a huge reduction over the first year or so. In fact, auto theft was down to the point where there was one day in March a year ago where there were no auto thefts. As a matter of fact, the problem has changed to one where people have been having difficulty finding cars to steal and lately they have been commandeering taxis. That has become a problem that Manitoba is dealing with. The taxi drivers are looking at options involving shields and further protection because recently quite a number of taxis have been commandeered.

At the time we were looking at the immobilizer program there were some statistics available from the Insurance Bureau of Canada. Those insurance statistics would represent all the provinces outside of Manitoba, Saskatchewan, and British Columbia, as they all have government-run programs.

I believe the studies at the time showed that if the big car companies were mandated by the government to install these immobilizers it could have been done 10 years ago at a cost of $30 for installation in each car. I may be wrong on the amount of $30, and it could have been $40 or $50, but it did not cost a lot to install an immobilizer in each car. We would have nipped the auto theft problem in the bud in the beginning and it would have cost a fraction of what it has cost society overall. However, the car companies refused to do that.

People then would have to put in after-market immobilizers. We all know that after-market immobilizers often do not work with the car's electrical system. Also, the engineering department of Ford, for example, refused to honour the warranties if the owners had put in after-market immobilizers. The car owners were caught. They wanted to do the right thing, but if they put in an after-market immobilizer, it would cause problems with the warranty on their new car, so there was a bit of a standoff. It is no surprise that very few people put in after-market immobilizers which, by the way, were very expensive.

The government had a responsibility here. In those days it was probably still a Liberal government because it was a few years ago. The government has to look at the Insurance Bureau of Canada statistics and it should be proactive. It should be looking for a solution and not waiting for the problem to mushroom to the extent that it has.

● (1725)

I am not sure whether it was during the last days of the Liberal government, but I think it may have been the Conservative government that actually mandated immobilizers in all new cars in Canada as of a certain date three or four years ago. That was a very positive thing to do. Within a 10-year period, which is the time it will take for all the older cars to be removed from the road, the problem should cure itself. That is quite a long time. Certainly, if the microchips are going to help solve this problem or do more to curb the problem, then we should be looking at them as well.

In Manitoba there are people who joyride in cars. In Toronto and Montreal, it involves more organized crime in high-end vehicles.

Madam Speaker, I understand that my time is up for today.

PRIVATE MEMBERS' BUSINESS

● (1730)

[*Translation*]

LAKE OF THE WOODS AND RAINY RIVER BASINS

The House resumed from June 2 consideration of the motion.

Mr. Gerard Kennedy (Parkdale—High Park, Lib.): Madam Speaker, I would like to inform you that I will be sharing my time with the member for Lac-Saint-Louis.

[*English*]

It is a pleasure to speak about the Lake of the Woods and Rainy River system, as someone who was born in Manitoba. I note that the member who proposed this motion talked about it as one of the purest water systems. I come from another one, which is one of the largest clear-water lakes—

The Acting Speaker (Ms. Denise Savoie): Order, please. The hon. member asked to share his time and during this period of private members' business, there must be unanimous consent.

Does the member have unanimous consent?

Some hon. members: Agreed.

Mr. Gerard Kennedy: Madam Speaker, I appreciate the enthusiasm that came from the members opposite.

The Lake of the Woods is a national treasure. It is appreciated by, as they are called locally, the 'Tobans, who come from Manitoba and utilize it as perhaps their primary source. They also draw water from the region, so it has health implications.

We are debating a private member's motion, and as for all hon. members who bring forward a motion in all sincerity, we sympathize with the member opposite for not having the government act unilaterally. In other words, the government could make its own reference to the International Joint Commission. The IJC was established some time ago. It is a functional mechanism with stronger agreements over bodies of water such as the Great Lakes and so on. It just so happens that under pollution control, we do not yet have the Lake of the Woods referenced there.

Perhaps there are members opposite or other members who are privy to it and could explain why there has not been a bit more urgency on the part of the government, if that possibility indeed exists. The only question we have on this side is why we cannot get into something a bit sooner than it would take for this particular motion to move forward.

It would seem that phosphorus levels in the lake are of a concern and are influencing algae growth of a type that would actually be hazardous to a whole range of the opportunities that the lake provides, be it the local economy in terms of walleye fishing and so on, or the recreational opportunities not just for visitors from Manitoba but obviously for local Ontarians and people who live in the area. It is mainly summer tourism, but there is winter tourism as well and the reputation that could come should some of the concerns that many people have start to develop.

Of course, as people may realize, this is a transborder concern because the phosphorus is likely coming from fertilizers upriver on the American side. A joint reference is required. Often in these cases, as we saw for example with some of the Red River disputes, there is government action, where the government actually stands up and says that it has a concern, that it has some of the science. If I am not mistaken, the Ontario government has provided some of the science already, so that those concerns could be substantiated. The government could simply sit down diplomatically with our American counterparts and see this happen as part of the IJC moving forward.

The other concern we have in terms of an explanation why this might be a bit dilatory or not the fastest way to get the action that the tourism operators and the sustainability folks, who I understand are working hard on the ground in the Lake of the Woods area, would like is the prospect of having resources. That is something that can only come from the executive branch which is currently held by the party opposite. In other words, will the IJC get the resources it needs to be convincing on this point? Will that be part of the reference?

It is not part of the motion. We understand the limitations of private members' motions, but we certainly would like to see going forward that this be something that brings real relief and not just something that goes on and on. People are used to government processes sometimes that do not deliver the actual outcomes they are looking for. In terms of the variety of groups, cottage owners and people who are permanent residents, people who are involved in the ecology of the area, such as hunters, fishers and so on, are all saying that they want to get this going.

We certainly support this motion moving forward, but for the consideration of the members on the government side and the proposer of the motion who sits there as well, why could we not use some other measures to get this to go forward, for the very same reasons that he has articulated, and which other members of different caucuses in this House have already reflected in terms of their contributions?

I look forward, as the environment critic, to seeing this move forward in the best way possible. If this motion is the only device we have, we will certainly support moving it forward.

● (1735)

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Madam Speaker, I thank the member for splitting his time with me.

The motion is commendable, and I would like to congratulate the hon. member who brought it forth.

However, before I get into the specifics of the motion and the substantial aspects of it, I would like to mention that this motion raises another issue that is important to discuss, that is, the need for a national water strategy.

There is a problem. There is a vacuum at the national level when it comes to water policy. This summer, when the first ministers met in August, at the end of their meeting, the Premier of Quebec acted as their spokesperson and said that the first ministers had decided to take some more aggressive measures on climate change and freshwater management. The Premier of Quebec cited the lack of a national water strategy, as well as the lack of federal leadership on water, as the reasons that these new measures needed to be pursued. The lack of federal leadership necessitates action at other levels.

Recently, this theme was also taken up after the Commissioner of the Environment in Ontario tabled his report, in which he underscored the ongoing problems that exist in the Great Lakes. In reaction to the publication of that report, another commentator said it would help the Great Lakes if we had a national water strategy.

Now, when we talk about a national water strategy, or any kind of water strategy, we need to consider the concept of integrated watershed management.

I agree that this is an important concept. However, it is a high-level concept and one that is very general in nature. I think the formation of a national water strategy needs some specific pillars and would benefit from discussions on bulk water exports, water as a human right, waste water treatment, management and protection of the St. Lawrence River and the Great Lakes, and the oil sands and water. It should also deal with the pollution of Lake Winnipeg and the other problems that Lake Winnipeg is having. And of course, a national water strategy should deal with the IJC and whether the IJC has enough resources to do the work that is expected of it.

Is the Government of Canada and the Government of the United States offering the IJC enough to support to allow it to look at issues like Lake Winnipeg or the Lake of the Woods in a more comprehensive manner?

I think a national water strategy should deal with the Lake of the Woods. The Lake of the Woods sub-basin is the most important of the Winnipeg River drainage areas. It contributes half of the flow of the Winnipeg River.

The Winnipeg River drainage basin, in turn, is the most significant of Lake Winnipeg's sub-basins. In fact, it contributes 45% of Lake Winnipeg's total inflow; it contributes, unfortunately, 25% of the nitrogen loadings of Lake Winnipeg; and it contributes 12% of the phosphorous loadings of Lake Winnipeg.

So we can see that the Lake of the Woods, beyond being a beautiful area for cottagers and tourists, plays an important role in the health of the larger watershed and, more specifically, in the health of Lake Winnipeg.

The motion is important because, at the moment, while the IJC is looking at water pollution and water levels in the Rainy River, and looking at water levels in Lake of the Woods, it is not, for the time being, looking at water quality in the Lake of the Woods. So it is important to raise this point and to put pressure on the Conservative government to deal with the IJC and the United States in getting the issue of water quality in the Lake of the Woods on the agenda.

● (1740)

The fact that this motion was raised at all means that the federal government is not doing its job. I congratulate the hon. member for bringing in this motion, and hopefully the Conservative government will give some attention to the issue.

Mr. John Rafferty (Thunder Bay—Rainy River, NDP): Madam Speaker, I am very pleased to rise to speak on this motion for a number of reasons that will become self-evident. It is important to take care of the water quality in the Rainy River basin and in Lake of the Woods. As I try to do every time I stand in the House, I talk about my riding of Thunder Bay—Rainy River and what a fabulous place it is and invite everyone in the House to come and visit. The Minister of Industry is certainly welcome, as well as my friends from Perth—Wellington and Winnipeg. They are all welcome to come and see the fabulous waterways and water systems in my riding. My riding is 500 kilometres from Thunder Bay on one end and it ends at Lake of the Woods, so I have a particular interest in the motion.

It is interesting that Lake of the Woods is perhaps the only transnational body of water that is not protected by the International Joint Commission. The motion asks for that to happen and I think that is a good thing. As we go down Highway 11 in my riding, a sign says, "Time Zone Change". Right after that sign, there is a sign that says, "From this point forward, all streams flow north". So Rainy Lake, Rainy River, and Lake of the Woods all eventually end up in Hudson Bay and the Arctic Ocean, part of our great planetary ocean system, so it is important that we protect the water. This is an opportunity to have it monitored and to enhance the water quality of Lake of the Woods.

This initiative is particularly interesting because it is really a grassroots initiative, and we in the NDP are very pleased about this. Local residents, cottage owners, owners of small businesses, tourist outfitters, environmental groups and first nations all have been part of the Lake of the Woods ecosystem and the efforts to ensure that the water is clean. The big problem is phosphates and algae blooms. These grassroots groups have been working on this for more than a decade. This will see the responsibility, or at least part of the responsibility, go to the International Joint Commission to help ensure and enhance the water quality in the Rainy River basin and in Lake of the Woods, so we are very happy about that.

The International Joint Commission is probably the body that is best suited to govern Lake of the Woods water quality, but a reference is needed. This motion, should the government decide to act on it, will be a way to make that happen. There are many reasons that I will not go into, of course, to protect the environment and particularly the water environment, and many people in my riding have spent a lifetime protecting the water systems that eventually end up in the Arctic Ocean.

I would be remiss if I did not mention a sitting MPP, Howard Hampton, who has been instrumental in ensuring that the Rainy River basin remains a playground for tourists and probably some of the best fishing in this country. It is through efforts of people such as Howard Hampton and other grassroots organizations that this part of Canada has been made such a fabulous part.

Let me talk very briefly about a report that came out in June of last year. It was released by the International Joint Commission and it examined the links between human health and water-related issues in Lake of the Woods and the Rainy River basin. The report noted that Environment Canada had identified 15 ongoing threats related to source water and aquatic ecosystem health. That includes the following: nutrient loading, industrial waste water discharges, municipal waste water effluents, algal toxins and taste and odour problems, pesticides, agricultural and forestry land use impacts, natural sources of trace element contaminants, impacts of dams and diversions and climate change, as well as acidification.

● (1745)

So we know there are problems in this waterway, which by the way, in most parts of this waterway, as we are paddling our canoe we could dip our cup in and have a drink of water. Yet all these things are still present there.

Over the last couple of years especially, the groundwork has really been done by volunteers to talk about this, to bring it to the fore, and to have this motion brought forward.

I would like to thank my friend and neighbour to the north of me, in the Kenora riding, for bringing this motion forward. As we know, this motion is non-binding.

I would like to ask the government to ensure that it acts on this motion. It can do it quickly. I think it is a big step forward, not just for the people of my riding or the people in Kenora but for people all along the water system, all the way to Hudson Bay.

Mr. Blaine Calkins (Wetaskiwin, CPC): Madam Speaker, it is with great pleasure that I rise in the House today to speak to Motion No. 519, and to also, at your indulgence, congratulate my colleague, the member of Parliament for Kenora, who in his short time here since the election of 2008 has done an absolutely fantastic job, not only here in his work as a parliamentarian but obviously back in his riding representing his constituents. My congratulations go out to him.

It is my pleasure to stand in the House today and recognize the important role that individual Canadians and their communities play in the protection of our most valuable and most vital water resources. Canada would be a poorer place indeed without the dedication demonstrated by committed Canadians to improving their natural environment. This is especially true of those communities in the Lake of the Woods basin and the people who live and work along the lake's shores.

I would like to bring to the attention of the hon. members present in the chamber here today the dedicated effort of the Lake of the Woods Water Sustainability Foundation and the public support for this initiative that exists in the Lake of the Woods basin.

The Lake of the Woods Water Sustainability Foundation is a registered charity established in 2005 by a broadly based community of stakeholders committed to protecting and restoring the water quality of Lake of the Woods. They are committed to working with the Government of Canada and provincial agencies to develop a long-term sustainability plan for the watershed. They have also worked to develop binational community and government support for cooperative action to support and sustain the lake.

The foundation has been advocating for more than five years for an International Joint Commission reference on water pollution in Lake of the Woods. There is strong local support for such a reference. In fact, communities throughout the basin have already asked for this. Municipal council resolutions have been passed and transmitted to their respective provincial and federal legislators.

Let me give some examples. The Council of the City of Kenora passed a resolution endorsing a request to the Government of Canada to refer the question of Lake of the Woods water quality to the International Joint Commission. The township of Sioux Narrows-Nestor Falls, Ontario wrote that because the maintenance of good water quality in Lake of the Woods is of vital importance to the social and economic sustainable continuance of the township, it also supports a request to the government to refer the matter to the International Joint Commission.

In addition, the Northwestern Ontario Tourism Association has expressed support for a reference on this matter, as has the Lake of the Woods District Property Owners Association. In each case, concern over the future of clean drinking water for their communities has brought them forward to voice their support.

We have heard them loud and clear. Contrary to what the member for Lac-Saint-Louis just tried to say in this chamber, on June 17, 2010, our government heeded their requests and those requests were answered when the Governments of Canada and the U.S. issued letters of reference to the International Joint Commission to review and provide recommendations on the binational management of the international waters of Lake of the Woods and the Rainy River system.

Co-operative science networks have also been establish between our two countries over the past several years with stakeholder groups in the Lake Winnipeg basin area, including scientific collaboration with the Lake of the Woods Water Sustainability Foundation. The foundation was approved for funding under the federal Lake Winnipeg basin stewardship fund for a project to develop a water quality modelling project for Lake of the Woods.

Through this project, the foundation will collaborate with other partners from government and academia to assist decision-making for managing phosphorus in the lake and in its watershed.

A multi-agency working arrangement was established in 2009 to foster trans-jurisdictional coordination and collaboration on science and management activities to enhance and restore water quality in the basin.

Members of this working arrangement include Environment Canada, the U.S. Environmental Protection Agency, provincial and state agencies from Ontario, Manitoba and Minnesota, academics and stakeholders from the basin on both sides of the border.

In moving forward, the federal government will do its part to build upon the spirit of co-operation and collaboration that currently exists. Long-term sustainable management of the basin is dependent on establishing a decision-making body that is inclusive and responsive to the concerns of the local population. Our existing binational management framework needs to be reviewed in order to better govern water quality issues in the lake.

The June 17 reference builds on these existing efforts. The International Joint Commission has assigned the International Lake of the Woods and Rainy River Watershed Task Force to conduct the review of existing binational management in the basin and provide recommendations for two purposes: first, to recommend potential structures and mechanisms to enhance binational management; and then to identify priority issues or activities to be addressed by or through such mechanisms. The task force met in the Lake of the Woods basin in late August to begin this important task.

● (1750)

The reference will be conducted in line with the International Joint Commission's international watershed initiative. This will promote communication, collaboration and coordination among stakeholders in the basin, using an integrated ecosystem approach.

The International Joint Commission is ideally suited to review the governance arrangements in the basin. The commission is already present in the basin and has a history of working well with the communities there.

The task force is working in consultation with governments at all levels, as well as first nations and tribes on both sides of the border, and is setting up a citizens advisory group to ensure stakeholder participation in its review and recommendations. Following the task force's recommendations to the International Joint Commission in June of 2011, the commission will perform public consultations in order to directly receive the views of ordinary folks who live in the basin before reporting to governments in December of 2011.

A review of the governance arrangements in the basin, including the role of the International Joint Commission, is a necessary first step to establishing the longer-term sustainability plan that the local communities desire. Each element of the existing governance arrangements will be carefully reviewed. I look forward, as a member of the governing party, to receiving the recommendations of the commission on this matter.

As a former conservation officer, fisheries technician and a person who has studied fisheries and aquatic sciences, I am very pleased not only with the motion brought forward by my colleague from Kenora, but with all the efforts we are making to clean up our waters and create marine and freshwater conservation areas so we can have continued good ecological and environmental integrity to maintain water as a strategic and important necessity of life for future generations to come. I look forward to hearing more from my colleagues as this debate continues.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, I, too, would like to congratulate the member for Kenora for his efforts on Motion No. 519. I would like to read it to the House. It states:

> That, in the opinion of the House, in order to ensure the long-term ecological and economic vitality of the Lake of the Woods and Rainy River Basin, the governments of Canada and the United States should continue to foster trans-jurisdictional coordination and collaboration on science and management activities to enhance and restore water quality in the Lake of the Woods and Rainy River Basin, by referring the matter of Lake of the Woods water quality to the International Joint Commission for examination, reporting, and recommendations regarding the binational management of the international waters of the Lake of the Woods and Rainy River system and the International Joint Commission's potential role in this watershed, in line with the International Watersheds Initiative.

As previous members have pointed out, this system is the only system so far not under the auspices of the IJC. Mr. Comuzzi is now the chair of the Canadian section of the IJC and I understand that things will move along to solve this problem.

Manitoba has a situation involving Devils Lake in North Dakota. We have been working for many years to try to get the IJC, under the boundary waters agreement treaty, to deal with the issue. Unfortunately, one side cannot refer the problem to the IJC. It has to be a joint recommendation.

It bodes well when both American and Canadian jurisdictions see things in the same light and recognize this as a long-term problem that will only get worse. The problem needs to be solved now.

I think back many years to when we spoke about what happened to the buffalo herd over the years and how indiscriminate hunting killed the herd off. We were able to solve the problem to the point where the herd was brought back.

If we work together with the Americans, in the this case of the IJC, and with the provinces, we can solve any problems and bring the environment back to where it was.

Many members will recall the 1960s when the government was forced to close down the fishery on the English-Wabigoon River system. Many tourist camps relied on American tourists and Japanese tourists, who came to that area regularly.

It was discovered that Minamata disease was caused mercury poisoning. Mercury was being dumped into the river by the pulp plant, I believe, in Dryden. This poisoned the fish as well as the people who ate the fish.

It does not take a genius to figure out the long-term effects of mercury poisoning. When I spoke to the member for Kenora, he told me that the river had been cleaned up and was now pristine. There is no mercury in the fish anymore. It is great that we solved the problem, but the fact is a large number of tourists, locals and native guides ate the fish.

This did not happen overnight. Did Minimata disease develop in the fish over a period of 5, 10, or 20 years? Did it develop from the time the pulp plant started dumping mercury into the water? We will have to do some studies in the next 20 or 30 years to see how many people have died prematurely of cancers and so on caused by Minimata disease.

● (1755)

At the end of the day, the pulp mill is out of business or has been converted to some other use. What did we gain through that whole exercise? We provided jobs for a number of people for a number of years in the pulp mill, but who paid for the costs of the cleanup? If we look at the environmental costs added together with the medical costs, the total cost will potentially overwhelm the economic benefits we received from the lifetime of that plant.

A member tells me today that mercury is no longer used in the process. It took Minamata disease and the recognition that dumping mercury into a river system could be a problem. Now science has figured out a way to still run its pulp plants without using mercury. I suppose the problem has been solved. The fact is mercury probably should not have been used in the first place.

If we move forward from the 1960s into our current environment, we have new problems. We have the same problems here as those that exist in Lake Winnipeg in Manitoba. We have the problem with algae and phosphorous to the point where this past summer Manitoba passed legislation that people were not allowed to use phosphorous and certain types of detergents, which cause the lakes to have all these algae blooms. That adversely harms the aquatic life, not to mention the fact of the property values of the cottagers and the people who use the lakes. We are polluting our own environment by allowing this to continue.

We have some big changes that are controversial in Manitoba. For example, the hog farmers and producers are not happy with some of the rules to keep the fertilizers and pesticides out of the rivers. They want to know where they will go. The pesticides get into the rivers and they end up going upstream into Lake Winnipeg.

I understand a lot of farmers are in the Rainy River district and their farming activities are contributing to the problems we are trying to deal with here.

We will have to look at a comprehensive approach to this, because this is not an isolated problem. We can see this problem mirrored and reflected all over the country. We have to look at a global approach, involving the federal, provincial and municipal governments, to rethink how we deal with our environment. I am very pleased to know that certain cities, and I believe Winnipeg is included, across Canada have in recent years passed rules dealing with pesticides.

We used to think nothing of dumping this stuff on our lawns to kill the dandelions. By the way, we used to make wine with the dandelions back in the 1960s. We got to the point where we tried to have lawns that were perfectly green. Just to prevent one dandelion from growing, people were pouring all these chemicals over the yards and thinking nothing of it.

The chickens have come home to roost. The recognition by mainstream population is that we should not do stuff like that. There are substitutes for these chemicals, which people can use to keep their lawns green.

I am optimistic overall that we will be able to solve these problems. I do not know why we have to let them develop for so long and why it takes so long to recognize the problem. If we look back, we see it is just common sense. Who would think that somehow we would not have a problem dumping mercury into a river year after year?

● (1800)

The Acting Speaker (Ms. Denise Savoie): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Ms. Denise Savoie): The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

The Acting Speaker (Ms. Denise Savoie): I declare the motion carried.

(Motion agreed to)

● (1805)

Mr. Chris Warkentin: Madam Speaker, I rise on a point of order. I am wondering if we might find unanimous consent in this place to do something that cannot be done anywhere else, and that is move the clock forward to see it as 6:30 p.m.

The Acting Speaker (Ms. Denise Savoie): Is there consent to see the clock as 6:30 p.m.?

Some hon. members: Agreed.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

Adjournment Proceedings

[*English*]

TRANSPORTATION

Mr. Mario Silva (Davenport, Lib.): Madam Speaker, before I ask the hon. parliamentary secretary my question, let me take this opportunity to congratulate the Republic of Portugal on its 100th anniversary.

It was on this day, October 5, 1910, that the First Portuguese Republic was introduced, led by Teofilo Braga and then Manuel De Arriaga, both from the Azores where I was born.

As a proud Canadian and on behalf of my constituents and Canadians of Portuguese descent across the country, I wish to congratulate the country of my birth on its centennial.

On May 11, I raised a question for the Minister of Transport regarding the need to electrify trains that will soon be running through my riding of Davenport.

The current plan is to operate up to 400 diesel trains per day through these neighbourhoods. Residents of my riding are concerned by these developments, and they have told me at every opportunity just how concerned they are about the health and quality of life impact of having so many diesel trains operating so close to their homes and businesses. Clearly these concerns are legitimate and must be addressed.

They have told me that they are worried about the environmental impact of hundreds of additional diesel trains running close to their homes and parks along the Georgetown corridor.

They are also concerned that the lack of commitment by the federal government on electrification is more evidence of the fact that Canada does not have a long-term plan to support public transit in our cities.

I share these concerns. I too live in the Davenport community, and my constituents and I will continue to press the government on this issue until it makes a commitment to support safe, affordable and environmentally friendly public transit in our cities.

Since the spring of 2009, I have been working with my constituents and area community leaders in repeated efforts to deal with agencies involved in this project. We have raised matters such as the excessive noise of construction crews pile-driving all day long and how diesel trains will affect the health of our neighbourhoods.

Over the course of the last number of months, I have spoken and written to officials of the Canadian Transportation Agency, Metrolinx and provincial ministers and departments to try to come to acceptable solutions for affected residents.

Now that the noise issues have been resolved for the most part, it is imperative that we deal with the kind of trains that will operate along the Georgetown line. Postponing this decision is not a solution. In fact it is the problem.

What Torontonians and all Canadians deserve is a plan with a vision, a long-range infrastructure plan, and now is the time to make the needed commitment so that these rail lines will be electrified.

Waiting 25 years, all the while using unproven diesel train technology, is not only short-sighted but it is poor public policy. Delaying electrification only increases costs in the long term, and during this period the health impacts on residents are simply unacceptable.

Electric trains are a proven commodity in most major European and Asian cities in both urban transit and regional rail links like the Georgetown line. This is a technology that has been used for years in these parts of the world.

People in my community and communities across the region are deeply concerned about this issue, and I am too. It is inconceivable that we not take this opportunity to do the right thing and bring forward electrified trains for this project now, not at a some future undetermined date.

I was proud to sign the clean train coalition's pledge along with other politicians across the federal, provincial and municipal levels of government because now is the time to electrify this line.

I will continue advocating for the residents of my community with all levels of government involved in the funding of this project to ensure that electrification of the corridor is implemented now.

What specifically is the government prepared to do to assist public agencies and the Government of Ontario to ensure that the rail line project uses electrified trains now?

● (1810)

Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC): Madam Speaker, the electrification study being undertaken by MetroLinx regarding whether, and under what conditions, the GO system would convert to electrified trains is due to be completed either late this year or early next year. It is important to wait for the results of this before entering into any discussions with the Government of Ontario and local municipalities regarding their priorities for transportation system investments.

As the House knows, we continue to work with our partners at both the provincial level and the municipal level in getting things done. Obviously, in this particular case, the provincial government has jurisdiction in relation to most of the decisions.

To wait for the report, to me, seems to be the most logical way to proceed, recognizing that it is those levels of government, both the municipalities and the province, that are accountable for knowing their systems and are best able to speak to the systems' most pressing needs. As the member has brought forward some of those needs, I am glad he has been meeting with the provincial government and the other government members in the province of Ontario because, of course, that is their jurisdiction.

I want to be very clear. This Conservative government has responded to local transit needs by partnering with the Ontario government and the municipalities, including the City of Toronto which has received a lot of federal funding because of its large population and we recognize it is in need. These investments by the Conservative government have been identified by the provincial government and the municipal governments as essential transit projects and that is why this government has invested in them.

In addition to these numerous projects in the greater Toronto area, we have also committed up to $600 million for rapid transit in Ottawa. We have listened closely to the local government in Ottawa and it has identified this need as well.

Also, we have invested $265 million for the Waterloo region rapid transit, which was also identified by the province and again by the municipal government.

When this government talks about infrastructure funding with our provincial counterparts, we make an effort to meet the identified priorities at a local and provincial level because, of course, those levels of government are closer to the people and can better identify their priorities. That means working directly with our partners in areas like transit where the jurisdiction, as I mentioned, is at the provincial and municipal levels, and it means listening, which of course we do. As they identify their key priorities on a continuous basis, this government will continue to listen and act on those priorities.

Mr. Mario Silva: Madam Speaker, while the parliamentary secretary mentioned that the province was mainly responsible for the administration of this project, the federal government is a major source of funding for this project because they are partners. The federal government must take a leadership role and actively demand electrified trains along this corridor.

Our party has long made public transit a cornerstone of our vision for cities, a position that has been echoed by many organizations, including the Chamber of Commerce which has advocated for a national transit strategy to assist our municipalities.

Will the federal government adopt a national vision for our public transit and will it ensure that safe, environmentally friendly public transportation is a priority for projects like the one in Toronto?

Mr. Brian Jean: Madam Speaker, I would remind the member that his party was in government for 13 years just a short time ago and never in those 13 years has any provincial or municipal government seen the level of infrastructure funding that this federal government has provided in partnering with the city of Toronto, the Province of Ontario and all provinces and territories in this great country. Never has there been an historical level like this, not even close, since the second world war.

It was through mechanisms like the building Canada fund and the Canada strategic infrastructure fund, which finances large scale projects, including public transit projects, as well as through ongoing and permanent transfers that this government made permanent to municipal governments through the gas tax fund, it was this government, not that government, that made those permanent so that municipalities would know long term what their money would be and what money would be flowing in from the federal government so they could make long-term investment solutions. It was this government that did that. This government has reached a level of investment in transportation and public transit projects that is unprecedented in modern times.

We are proud of our record. We look forward to that member and the Liberal Party joining us in future endeavours to support the people of this great country.

● (1815)

[*Translation*]

The Acting Speaker (Ms. Denise Savoie): The motion to adjourn the House is now deemed to have been adopted. The House stands adjourned until tomorrow at 2 p.m. pursuant to Standing Order 24(1).

(The House adjourned at 6:15 p.m.)

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