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OFFICIAL REPORT
(HANSARD)

Tuesday, December 7, 2010

—

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, December 7, 2010

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

• (1000)

[*English*]

COMMISSIONER OF THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

The Speaker: I have the honour to lay upon the table, pursuant to subsection 23(5) of the Auditor General Act, the report of the Commissioner of the Environment and Sustainable Development to the House of Commons for the year 2010, with an addendum on environmental petitions from January 1 to June 30, 2010.

[*Translation*]

This document is referred permanently to the Standing Committee on the Environment and Sustainable Development.

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[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, pursuant to Standing Order 36(8) I have the honour to table, in both official languages, the government's response to 11 petitions.

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INTERPARLIAMENTARY DELEGATIONS

Hon. Bryon Wilfert (Richmond Hill, Lib.): Mr. Speaker, pursuant to Standing Order 34(1) I have the honour to present to the House, in both official languages, the report of the Canadian delegation of the Canada-China Legislative Association and the Canada-Japan Inter-Parliamentary Group respecting its participation in the 18th annual meeting of the Asia-Pacific Parliamentary Forum held in the Republic of Singapore January 17-22, 2010.

[*Translation*]

COMMITTEES OF THE HOUSE

GOVERNMENT OPERATIONS AND ESTIMATES

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the seventh report of the Standing Committee on Government Operations and Estimates in relation to the Supplementary Estimates (B) 2010-2011.

[*English*]

CITIZENSHIP AND IMMIGRATION

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, I have the honour to present, in both official languages, the sixth report of the Standing Committee on Citizenship and Immigration in relation to the supplementary estimates (B), 2010-11, Votes 1b, 5b and 10b under Citizenship and Immigration.

HEALTH

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, I have the honour to present, in both official languages, the 11th report of the Standing Committee on Health in relation to the supplementary estimates (B), 2010-11.

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• (1005)

BUSINESS OF SUPPLY

Hon. Gordon O'Connor (Minister of State and Chief Government Whip, CPC): Mr. Speaker, I would like to designate Thursday, December 9, as the last allotted day for this supply period.

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SAFER RAILWAYS ACT

Hon. Gordon O'Connor (Minister of State and Chief Government Whip, CPC): Mr. Speaker, there have been consultations and I think you would find unanimous consent for the following motion. I move:

That, notwithstanding any Standing Order or usual practices of the House, no member may speak for more than 10 minutes on the second reading motion of Bill C-33, An Act to amend the Railway Safety Act and to make consequential amendments to the Canada Transportation Act.

The Speaker: Does the hon. chief government whip have the unanimous consent of the House to propose this motion?

Some hon. members: Agreed.

Routine Proceedings

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

Some hon. members: Agreed.

(Motion agreed to)

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CRIMINAL CODE

Hon. Gordon O'Connor (Minister of State and Chief Government Whip, CPC): Mr. Speaker, my next motion is as follows. I move:

That, notwithstanding any Standing Order or usual practices of the House, a member from each recognized party may speak for not more than 20 minutes on the second reading motion of C-30, An Act to amend the Criminal Code, after which Bill C-30 shall be deemed to have been read a second time and referred to a committee of the whole, deemed considered in committee of the whole, deemed reported without amendment, deemed concurred in at the report stage and deemed read a third time and passed.

The Speaker: Does the hon. chief government whip have the unanimous consent of the House to propose this motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

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PETITIONS

VALE INCO

Ms. Niki Ashton (Churchill, NDP): Mr. Speaker, it is an honour to bring forward the voices of the people of Thompson and northern Manitoba. Today, I would like to present petitions on their behalf calling for the federal government to stand up for Canadians and Canadian jobs.

On November 17, Vale announced devastating news that it was planning to shut down the smelter and refinery in Thompson. This announcement means the loss of over 600 jobs and will have a devastating impact on the community, the northern region and our province of Manitoba.

The people of Thompson are saying that the federal government must stand up for them. Not only did the government allow the foreign takeover by Vale, it also gave it a loan of \$1 billion just over a month ago, this just weeks before such devastating news.

The people of Thompson and Manitoba are asking that the federal government look to the Canadian people and work with all stakeholders to save the 600 jobs and the Thompson Vale smelter and refinery.

HOUSING

Hon. Bryon Wilfert (Richmond Hill, Lib.): Madam Speaker, pursuant to Standing Order 36, I have the pleasure to present a petition in support of a national housing strategy from constituents of my riding and the surrounding areas.

The petitioners call for an increased federal role in housing through investments, not for profit housing, housing for the homeless, access to housing for those with different needs, including seniors and persons with disabilities, and sustainable and environmentally sound design standards.

The petitioners would like the government to create a national housing strategy as soon as possible.

AFGHANISTAN

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, I have a petition signed by dozens of Canadians who are demanding that Canada's military involvement in Afghanistan come to an end.

In May 2008, Parliament passed a resolution to withdraw Canadian Forces by July 2011. The Prime Minister, with agreement from the Liberal Party, broke his oft-repeated promise to honour the parliamentary motion and, furthermore, refuses to put to a parliamentary vote in the House.

Committing 1,000 soldiers to a training mission still presents a danger to our troops and an unnecessary expense when our country is faced with a \$56 billion deficit. The military mission has cost Canadians about \$18 billion so far, money that could have been used to improve health care and seniors' pensions right here in Canada.

Polls show that a clear majority of Canadians do not want Canada's military presence to continue after the scheduled removal date of July 2011.

Therefore, the petitioners call upon the Prime Minister to honour the will of Parliament and bring the troops home now.

[Translation]

AIR CANADA

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Madam Speaker, I am pleased to table a petition signed by several hundred workers who belong to local 1751 of the International Association of Machinists and Aerospace Workers, as well as other Air Canada employees. They are concerned about the future survival of Air Canada's operational and overhaul centres in Montreal, Mississauga and Winnipeg following their sale to Aveos, which owns a growing maintenance centre in El Salvador. They are worried that their jobs will be outsourced to El Salvador. They are therefore asking the government to ensure full compliance with the 1988 Air Canada Public Participation Act.

●(1010)

[English]

DIESEL TRAINS

Ms. Olivia Chow (Trinity—Spadina, NDP): Madam Speaker, I have two petitions.

My first petition concerns Metrolinx and the use of diesel trains. A plan to establish a rail link from Pearson Airport to Union Station in downtown Toronto would result in an eight-fold expansion of diesel rail traffic, from 50 to over 400 trains per day in the Georgetown corridor, which cuts through west end neighbourhoods, in Parkdale High Park and in my neighbourhood.

This expansion would make this the busiest diesel rail corridor on the planet. Exhaust from diesel locomotives is a known danger to public health and has been linked to cardiovascular disease, respiratory diseases, cancers and premature death. Diesel exhaust poses an especially potent danger to children and the elderly. Diesel trains are harmful to the environment and contribute to climate change. They are also heavy, loud and are disruptive to neighbourhoods and the local quality of life. Over 250,000 people live within one kilometre of this line.

Therefore, the petitioners are calling upon Parliament to ensure that the rail expansion in the Georgetown south rail corridor, including the air rail link be electrified from the outset and that there be no further expenditure on diesel technology.

HOUSING

Ms. Olivia Chow (Trinity—Spadina, NDP): Madam Speaker, the second petition is in support of the New Democrat's private member's Bill C-304, An Act to ensure secure, adequate, accessible and affordable housing for Canadians.

The petitioners support a national housing strategy that will, in consultation with first nations, harmonize the work of all levels of government to ensure secure, adequate, accessible and affordable housing for all Canadians.

The petitioners are calling for an increased federal role in housing through investment in not for profit housing, housing for the homeless, access to housing for those with different needs, including seniors and persons with disabilities, and sustainable and environmentally sound design standards for new housing that go beyond the one-time stimulus investment contained in this year's budget.

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QUESTIONS ON THE ORDER PAPER

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Madam Speaker, the following questions will be answered today: Nos. 503 and 504.

[Text]

Question No. 503—**Mrs. Lise Zarac:**

With regard to the construction of a school in Attawapiskat: (a) what is the status of the project to build a new school on the reserve; (b) when was the last time Attawapiskat had a permanent school facility; and (c) what are the government's reasons for delaying the construction of a new facility?

Hon. John Duncan (Minister of Indian Affairs and Northern Development, Federal Interlocutor for Métis and Non-Status Indians and Minister of the Canadian Northern Economic Development Agency, CPC): Mr. Speaker, in response to (a), Indian and Northern Affairs Canada, INAC, has scheduled a new elementary school for Attawapiskat First Nation in the Ontario region's first nation infrastructure investment plan.

INAC and the first nation have developed a five-year national workplan, with three key phases: a school capital planning study update phase, to which \$200,000 has been allocated in the 2010-11 fiscal year, December 2009 to February 2011; a detailed planning and design phase, March 2012 to September 2013; a construction

phase, September 2013 to August 2015. Costs and timelines are subject to change.

The first nation, in partnership with INAC, manages all aspects of this project, including tendering and selecting contractors and overseeing implementation.

In response to (b), the Attawapiskat First Nation Education Authority, by way of a band council resolution, closed the community's elementary school on May 11, 2000, due to health and safety concerns related to fuel contamination. INAC provided a total of \$3.26 million in funding to Attawapiskat First Nation over fiscal years 2000-01 and 2001-02 for the purchase, mobilization, and installation of seven duplex classroom structures, providing 14 classrooms. The project was completed in October 2001. Additionally, in the 2006-07 and 2007-08 fiscal years, INAC provided a total of \$1.841 million for the construction of an addition to the existing secondary school in Attawapiskat First Nation.

In response to (c), new school projects are evaluated based on a priority ranking framework which includes variety of criteria, including: health and safety; overcrowding; new curriculum requirements; the number of students transferred from provincial schools; and, available funds.

In 2009 the project rated highly enough based upon this framework and criteria to be able to move forward.

Question No. 504—**Mrs. Lise Zarac:**

With regard to NGOs funded by the Canadian International Development Agency, what is the total amount of money spent on family planning and maternal health for (i) the current fiscal year, (ii) the last five fiscal years?

Hon. Bev Oda (Minister of International Cooperation, CPC): Mr. Speaker, in response to (i), up to November 2, 2010, for fiscal year 2010-11, the Canadian International Development Agency, CIDA, has disbursed \$1.75 million to Canadian and foreign non-governmental organizations, NGOs, for maternal and reproductive health, and family planning. Please note that the final disbursement figures for this fiscal year will not be available until sometime after March 2011. As such, there will be additional disbursements linked to the Muskoka initiative announced at the 2010 G8 summit.

In response to (ii), the following table details CIDA disbursements to Canadian and foreign NGOs for maternal and reproductive health, and family planning for the last five fiscal years. The figures are in millions.

Fiscal Year	Total Disbursements
2005-06	12.78
2006-07	9.10
2007-08	11.00
2008-09	11.55
2009-10	7.65

CIDA is focused on delivering programs designed to improve the availability and accessibility of critical health care services to women and children. Maternal health is an area that has been a significant focus of Canadian development efforts, and for which Canada has a strong history of support.

Government Orders

[English]

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Madam Speaker, if Questions Nos. 495 and 496 could be made orders for returns, these returns would be tabled immediately.

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

Some hon. members: Agreed.

[Text]

Question No. 495—**Mr. Brian Masse:**

With regard to the Federal Economic Development Agency for Southern Ontario (FedDev Ontario): (a) is the Agency subject to the ongoing strategic review and, if so, what is the purpose of this review of FedDev Ontario; (b) how much project funding was allocated by riding in the Ontario region (i) during fiscal year 2009-2010, (ii) to date during the current fiscal year; (c) under the government's Economic Action Plan, how much funding was allocated to FedDev Ontario and how many projects did FedDev Ontario fund using this money; (d) what are the funding and full-time equivalent projections for FedDev Ontario for each of the fiscal years 2011-2012 and 2012-2013; (e) how much core and project funding has been allocated to each Community Development Agency in Ontario (i) during fiscal year 2009-2010, (ii) to date during the current fiscal year; (f) how much funding was allocated to support operations of the FedDev Ontario office in Ottawa during each of the fiscal years 2009-2010 and 2010-2011; (g) how many staff were assigned to work in Ottawa's office (i) during fiscal year 2009-2010, (ii) to date during the current fiscal year; and (h) what programs and initiatives will sunset in 2010-2011 and what new programs will be launched in 2011-2012?

(Return tabled)

Question No. 496—**Hon. John McCallum:**

With regard to the Canadian Mortgage and Housing Corporation's Economic Action Plan funding for affordable housing, for every project funded: (a) what is the project's name; (b) where is the project located; (c) from what program did the project's funding come; (d) what was the project's federal funding component, broken down by (i) grant or contribution, (ii) interest-free loan, (iii) repayable loan, (iv) non-repayable loan with conditions; (e) what amount of funding came from organizations or governments other than the federal government; (f) what was the amount actually spent; and (g) what is or was the expiry date of the funding?

(Return tabled)

[English]

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

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

Some hon. members: Agreed.

GOVERNMENT ORDERS

[English]

IMMIGRATION AND REFUGEE PROTECTION ACT

Hon. Rob Nicholson (for the Minister of Citizenship, Immigration and Multiculturalism) moved that Bill C-35, An Act to amend the Immigration and Refugee Protection Act, be read the third time and passed.

Mr. Rick Dykstra (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC): Madam Speaker, as Parlia-

mentary Secretary to the Minister of Citizenship, Immigration and Multiculturalism, I am pleased to rise today to commence third reading of Bill C-35, An Act to amend the Immigration and Refugee Protection Act.

This important piece of legislation would strengthen the rules governing those who charge a fee for immigration advice and representation. I hope at the end of the day that all hon. members will support the bill.

Over the past four years, this government has proposed and implemented initiatives and policies that clearly demonstrate a commitment to innovation and to improvement. Hon. members will recall that we modernized our immigration system by bringing flexibility to the way we select immigrants while tackling the backlog. We had to fix our immigration system or else the number of people waiting to come here would have swelled to over 1.5 million by 2012.

To improve Canada's asylum system, the minister introduced earlier this year the balanced refugee reform act. Its implementation will mean faster protection for those who genuinely need it and fast removals of bogus refugees who simply do not.

Now it is time to address the lack of public confidence in the regulation of immigration consultants. We all know that people anxious to immigrate to Canada can fall victim to unscrupulous immigration representatives who charge exorbitant fees and may promise would-be immigrants high-paying jobs or guaranteed, fast-tracked visas.

We have all heard or read about their unscrupulous and deceitful schemes such as encouraging prospective immigrants to lie on their applications, to concoct bogus stories about persecution while making refugee claims or to enter into sham marriages with Canadian citizens and permanent residents. In their quest for personal gain these unscrupulous representatives have displayed a wanton disregard for our immigration rules, bilked numerous people out of their hard-earned dollars and left countless lives in tatters along the way. These crooked immigration representatives are a menace, posing a costly threat not only to their victims but also to the integrity and fairness of our system.

Bill C-35 would amend the Immigration and Refugee Protection Act so that only members in good standing of a law society of a province, the Chambre des notaires du Québec or a body designated by the minister may represent or advise for a fee, or offer to do so at any stage of a proceeding or application.

Under the current legislation, the involvement of representatives in the pre-application or pre-submission period is beyond the scope of the law. Well, I am happy to say that Bill C-35 fixes that. By our casting a wider net, unauthorized individuals who provide paid advice or representation at any stage would be subject to a fine and/or imprisonment. This includes undeclared ghost consultants who operate in the shadows and conceal their involvement in an application or proceeding.

Government Orders

Further, there are currently no mechanisms in law that give the Minister of Citizenship, Immigration and Multiculturalism the authority to oversee the governing body regulating immigration consultants. The bill would provide the minister with the power by regulation to designate a body to govern immigration consultants and provide the Governor in Council the ability to establish measures to enhance the government's oversight of that designated body.

Citizenship and Immigration Canada is currently limited in its ability to disclose to the relevant governing body information on individuals providing unethical or unprofessional representation or advice. The bill would allow CIC to disclose such information to those responsible for governing or investigating that conduct, so we can work together to crack down on crooked consultants. An investigation could be undertaken more readily by the appropriate governing body and, where appropriate, disciplinary action pursued.

As we all know, governing bodies are responsible for taking disciplinary action against their members in cases of misconduct. This includes the revocation of membership. The governing body for immigration consultants can, like other bodies, investigate the conduct of its members where there is a concern that a member has breached a term of his or her membership. Provincial law societies use a similar process to look into complaints concerning their own members.

●(1015)

This bill is a comprehensive proposal to provide protection for vulnerable would-be immigrants by imposing serious criminal sanctions on unscrupulous representatives, enhancing oversight of the governing body for immigration consultants and improving information-sharing tools.

Since its introduction, Bill C-35 has received positive feedback from stakeholders, the media and Canadians, all of whom believe that this change was long overdue.

Throughout the Standing Committee on Citizenship and Immigration study of Bill C-35, the minister and government committee members listened to the concerns raised and, accordingly, have adjusted the bill in a way that we believe can only strengthen it. That is what I said. We adjusted the bill accordingly during our consultations at committee.

For example, the government proposed the recognition of paralegals regulated by a law society. By recognizing the ability of law societies to govern their members in the public interest, such recognition could help protect would-be immigrants.

In response to concerns raised in good faith by parliamentarians, we also agreed to a number of amendments that reflect their input, resulting in language that, I believe, has strengthened this bill.

These amendments create a package that would realize our goal of cracking down on unscrupulous immigration representatives who exploit prospective would-be immigrants.

The offence provision found in Bill C-35 has been amended to capture both direct and indirect representation and advice. Penalties have been toughened by increasing the maximum fine for the

offence of providing unauthorized immigration advice from \$50,000 to \$100,000; and summary convictions from \$10,000 to \$20,000.

The statute of limitations for summary conviction has also been increased to 10 years, offering investigators ample time to properly and fully investigate various offences committed under the act and lay charges before the time period passes.

In addition, for greater clarity, the government proposed a compromise amendment, which would respect Quebec's jurisdiction while maintaining federal authority over the regulation of immigration consultants.

The intention of this provision is to recognize that the province's act respecting immigration to Quebec applies to immigration consultants who, for consideration, advise or represent a person who files an application with the Quebec minister or government.

This amendment is not intended to capture immigration consultants who are advising or representing a person with regard to processes or requirements only under the Immigration and Refugee Protection Act, where these processes or requirements do not relate to Quebec legislation.

The proposed reforms follow the launch in 2009 of a public information campaign with information on the web in Canada, at missions abroad and through the media, explaining to Canadians how our immigration system works.

At the same time that Bill C-35 moves through the legislative process, a public selection process has been undertaken, under current authority, to identify a governing body for recognition as the regulator of immigration consultants.

In 2008 and 2009, reports of the standing committee pointed to a lack of public confidence in the body currently governing immigration consultants. This lack of public confidence poses a significant and immediate threat to the immigration program and its process.

Public comments on the selection process were solicited in June. This was followed by a call for submissions, as published in the *Canada Gazette* on August 28.

This open and transparent process is being undertaken in order to ensure that the body governing immigration consultants can effectively regulate its members, thus ensuring public confidence in the integrity of our immigration program.

A selection committee, composed of officials from the Department of Citizenship and Immigration, other federal government organizations and external experts, will examine all of the completed submissions against the criteria listed in the call for submissions that I spoke of earlier.

The selection committee will provide the Minister of Citizenship, Immigration and Multiculturalism with a recommendation as to which organizations, if any, has or have demonstrated the necessary organizational competencies.

Any and all potential and interested candidates are welcome to apply, including the Canadian Society of Immigration Consultants.

Government Orders

●(1020)

This ongoing public selection process, together with the legislative changes proposed in Bill C-35, ensure the most efficient and the most effective approach to strengthening the regulation of immigration consultants, immediately and in the future. However, as we know all too well, there are large numbers of immigration consultants who operate beyond our borders.

The problem we are trying to address is large in scale and it is international in scope. The value of coming to Canada is so great in the minds of so many that they are often willing to pay their life savings in cash, and beyond, to unscrupulous representatives with the false promise of obtaining visas to visit or to move to Canada. That is why, when the minister met in September with some of our international partners, he underscored the need for combined action to thwart fraud and various forms of exploitation by unscrupulous immigration representatives.

The commission of fraud under Canada's immigration program is a crime that threatens the integrity of our immigration system, raises security concerns, wastes tax dollars, is unfair to those who do follow the rules and adds to the processing time for legitimate applications. We are fortunate that Canada's visa officers are extremely vigilant in preventing the exploitation of victims, but every fake document and false story we find slows down the entire system and diverts our resources away from legitimate applications. That is because our fraud deterrents and verification efforts, while effective, require much more time and resources than routine processing of applications.

Members can see why we are determined to crack down on immigration fraud or misrepresentation by unscrupulous immigration representatives. These unscrupulous representatives victimize people who dream of immigrating to this country. With no motive but greed, these profiteers take advantage of would-be immigrants and tempt them with a bogus bill of goods.

Needless to say, the underhanded schemes of unscrupulous representatives undermine the integrity and the fairness of Canada's immigration system. It is imperative that we tackle the threat they pose and this bill would allow us to do just that. The changes we propose would strengthen the rules governing those who provide immigration advice and representation for a fee, or offer to do so, and it would improve the way in which immigration consultants are regulated.

These changes are also in line with amendments we have proposed to the Citizenship Act to regulate citizenship consultants, which is Bill C-37 and will be coming to this House for second reading very shortly.

For far too long, unscrupulous immigration representatives have preyed upon the hopes and the dreams of would-be immigrants to our country. This disreputable conduct has brought shame to their profession and has abused our immigration system.

As was the case with Bill C-11, the Balanced Refugee Reform Act, the spirit of compromise and co-operation surrounding this bill has again been remarkable. I should speak to that briefly.

The fact is that one of the things Canadians have asked this government to do, and have asked all parties in this House to do, is to do our best to work together, to not be seen as always opposing the position of each other for political gain or to embarrass each other, because at the end of the day, legislation that passes through this House must be good for Canadians. It must be effective and efficient in terms of the new law that it sets, the new standard that it sets, in legislation.

I have to say, having been a member, as a parliamentary secretary, of the citizenship and immigration committee since the 40th general election, it is in fact a testament to the group of people who have sat on that committee and the group of people who sit on the committee now that indeed, while we do have our political flare-ups and we do have our disagreements, we have in fact, with Bill C-11 and Bill C-35, found a way to work together.

I certainly want to credit my critic who, while being on the job for a little less than a year, has in fact taken up the challenge that his predecessor put in front of him in terms of ensuring that, if we are going to work on issues of citizenship, on issues of immigration and on issues of multiculturalism and because the laws of the country sit before that committee, we must work together on behalf of Canadians to move that legislation forward.

●(1025)

The citizenship and immigration committee certainly has set an example of the spirit of compromise. It is a testament that legislation requires the support not just of the government but of a number of individuals in order to get it through the House.

Bill C-35 is a testament to the compromise the government is prepared to make without surrendering its values or the importance of the legislation the government puts before the House. The government recognizes that in the spirit of compromise, in some cases, the amendments actually strengthen the legislation. Bill C-35 is stronger now than it was before it went to committee. I compliment the Minister of Citizenship and Immigration who understands the need to listen, respond and act when legislation is moving forward.

I think the vote on third reading of Bill C-35 will show the support throughout the House for this piece of legislation. This legislation stands for those people who come to this country to become Canadians because of the history and traditions that make Canada a great country. Many people want to become Canadian citizens.

It is important to note that this legislation is for prospective Canadians. It is not just for those who are already Canadian citizens. That speaks volumes to where we are going as a country in terms of the immigrants coming here to build better lives for themselves and to contribute to the Canadian way of life. This bill does a great job in terms of representing that direction.

It is my hope that the spirit of compromise and co-operation as seen during the committee's study of Bill C-35 will ensure the bill's passage in the House.

I want to note the tireless efforts of the Minister of Citizenship, Immigration and Multiculturalism. Many in the House know of his hard work.

Government Orders

I also want to compliment all of the members of the committee, in particular my colleagues who sit on the government side. All five of them put in hours and hours of effort to ensure that this bill would move forward and carry.

I want to thank the chairman of the committee who at times had to rule with an iron fist. At times, he had to ensure that even the parliamentary secretary kept his cool during the hearings. In fact, I moved a motion to challenge the chair. I lost that vote as the opposition members actually sided with the chairman, but I certainly respected his decision in that regard.

Despite the workings of some of the issues that arose, the chairman did an excellent job in guiding the committee through some difficult negotiations and discussions on the bill. He ensured that witnesses, members of the public from across the country, who wanted the opportunity to participate and speak to the bill in terms of what was good or in need of change were allowed to do so.

At the end of the day, we have a piece of legislation before this House of which all of us regardless of political stripe can be proud. The government will do its best to ensure that Bill C-35 is implemented quickly once it receives royal assent.

To conclude, I wish to thank the people who work at Citizenship and Immigration Canada. They did an amazing job in ensuring that this bill met all of the standards this government wanted it to meet.

• (1030)

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Madam Speaker, the hon. member was congratulating an awful lot of people. At this stage, I would just say the bill still has a way to go, and it has to go to the other place, which is acquiring a reputation for not dealing very well with House bills.

In any event, I draw his attention to section 91. As the member knows, there are many social service referral agencies in almost all of our cities that assist with immigration settlement and all manner of issues involving new Canadians. They are a valuable resource. Many of them have the capacity to provide some immigration advice to individuals who come into their office for their referral or advice.

Section 91 very clearly prohibits the giving of advice for direct or indirect consideration. Many of the people in these agencies work full time and are paid for their work. I am just wondering if the parliamentary secretary can describe to us how people who are currently doing that work in these agencies across Canada will be exempted or protected from prosecution under the Immigration Act, given the wording that is in the bill, or is there some other policy that will assist them?

• (1035)

Mr. Rick Dykstra: Madam Speaker, I will quickly comment on the hon. member's reference to what will happen in the Senate. I know he is speaking from a great deal of experience based on the Liberal majority that used to exist in the Senate, in terms of holding up legislation. I can assure him that we take a different approach on this side of the House. When it comes to legislation in the Senate, I have a feeling the leadership of the Conservative Party of Canada in the Senate will take a slightly different approach than the Liberal Party did.

I will respond to the member's question, which is a very good one. One of the things that is included in the bill certainly will allow friends and immediate family of a potential applicant to assist that individual without fear of any type of persecution in terms of legislation, because the bill allows individuals who are close friends or family members of the applicant to assist the applicant.

In terms of the overall plan, this legislation is at third reading because we need to ensure that those who are involved in the business of assisting vulnerable applicants and immigrants or those seeking asylum are in good standing with the new regulatory body. They will have to register.

There will be a period of time in which we will have to implement the legislation into law. Those organizations should belong to the regulatory body, thereby allowing individuals in those organizations to continue to assist those who are looking for assistance in that regard.

Ms. Olivia Chow (Trinity—Spadina, NDP): Madam Speaker, I want to thank the member for his good words on how we worked together.

Yes, this piece of legislation is long overdue. However, what is most needed after the law has been passed is the enforcement and implementation of the act.

Perhaps the member could describe to us what steps would take place, once a new organization has been chosen to regulate immigration consultants. If there are consultants who are violating the Immigration Act, what kind of steps and which department would lead the crackdown on the unscrupulous immigration consultants?

Mr. Rick Dykstra: Madam Speaker, I thank the member for Trinity—Spadina for her efforts on committee. I may not have always agreed with the issues or the particular amendments that she put forward, but she did participate in a vigorous way to ensure this bill would move forward.

The member spoke to the issue of regulation and how the implementation of the regulatory body would work. She pursued this issue throughout our committee hearings and our work on Bill C-35.

I can assure the member that the regulatory body will have the responsibility for ensuring that all consultants will have to receive its approval to act in this country. They will be governed by the regulatory body.

In terms of the practice of law, under the current legislation it is extremely difficult to charge and convict anyone acting as a ghost consultant or a consultant who has been unscrupulous with a client. This legislation would allow the Minister of Citizenship, Immigration and Multiculturalism to take the lead on the regulatory body, which would report directly to him. The bill would allow our ministry of justice to enforce legislation if a conviction was sought or a conviction was earned.

• (1040)

Mr. Ed Fast (Abbotsford, CPC): Madam Speaker, I commend the parliamentary secretary on his good work in collaborating with the opposition parties to bring forward a bill that has broad support. The parliamentary secretary did not dwell on the collaboration that occurred across Canada.

Government Orders

I had the opportunity to host a meeting for the Minister of Citizenship, Immigration and Multiculturalism in Vancouver. The topic was sham marriages and immigration consultants who were defrauding their clients, misleading them and misrepresenting the law.

I would ask my colleague from St. Catharines about the collaboration that took place across Canada. Was he involved in some of that? Could he tell us the degree to which the immigration minister was involved in seeking the views of Canadians across this great country of ours?

Mr. Rick Dykstra: Madam Speaker, I appreciate the involvement of the member for Abbotsford in this process. Many government members, such as my colleague from Abbotsford, participated in round table discussions leading up to the introduction of Bill C-35.

My colleague touched on a very important point. We bring forward legislation in this place in order to provide good government for a number of different reasons. One of the most important reasons, and one of the reasons that has pushed this legislation forward and has allowed all of us in the House to work together, is that Canadians absolutely believe that this legislation is the right thing to do. Countless groups have told us this is the direction to take, that this is where we should go. That is why we are here today.

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Madam Speaker, I have listened to the debate and the questions and answers and I have to ask myself one question, and I know it is a question that every Canadian is asking. If the government is so sure about all of these criminal acts that are being perpetrated by corrupt individuals, then it must know who they are. If the government knows who they are, why has it not applied the full force of the criminal law against every single one of them?

If the government cannot answer that question, what assurances can the government give to the people of Canada that it will be more successful in prosecuting criminals if we pass this legislation?

Mr. Rick Dykstra: Madam Speaker, that is an interesting question coming from a member who was a former minister of immigration.

The current legislation does not contain the necessary teeth to pursue unscrupulous consultants who hurt people who want to come to this country and become Canadians. This legislation would do that. It would give the regulatory body, which currently does not have the authority, the power to ensure that consultants are not allowed to practise if they are unscrupulous. From a justice perspective, having this legislation in place would allow us to pursue these individuals or organizations to the fullest extent of the law. As I mentioned in my speech, fines and imprisonment will await individuals who are unfair to those who want to come to this country.

[*Translation*]

Mr. Justin Trudeau (Papineau, Lib.): Madam Speaker, I am pleased to rise today to speak to Bill C-35 at third reading. Everyone knows that our country was built on immigration. People came from all over the world to try to build a new life. In some ways, it was easier to come to Canada in the past. There was certainly less paperwork 100 or even 50 years ago. Now, the process is complicated and strict. We want to ensure that the people we

welcome into Canada are the best and that they have a lot to offer to help build a good, strong society.

• (1045)

[*English*]

That is why it is so disheartening to have seen that, for so many years, there have been immigration consultants who have been taking advantage of vulnerable people who want to improve their lives, who want to travel across the seas to start a new life and instead end up defrauded and taken advantage of by unscrupulous consultants.

That is why the bill and various projects around cracking down on unscrupulous consultants have come through various committee studies and we finally arrive at this point where we are bringing forward a framework for the minister to pick a new, and hopefully more effective, governing body around immigration consultants.

As my hon. colleague mentioned, this was a model of cooperation among all parliamentarians. There was a clear desire on behalf of Canadians to see Parliament work together to create a more robust structure that was going to care for these vulnerable people, people looking for help in a very big decision and process, that of coming to Canada.

We agreed in principle across the House that something needed to be done. On this side, we are still a little bit worried that the establishment of the recommendation from the immigration committee upon which Bill C-35 was built, which talked about creating a stand-alone regulator, was not entirely followed and is instead still just done through regulations.

However, I think the intent of the bill is clear and the effectiveness of what we have in place will move forward to protecting Canadians.

The essential part of the bill is that it gives more power to go after people who are consulting and offering advice at the earliest stages of an application process. The larger scope of the bill will allow us to protect people even before they have submitted a firm application, which was an important loophole to close.

On the other issues we brought forward as amendments, the Liberal Party was pleased to present the amendment that actually doubled the fines to \$20,000 for a summary conviction, and up to \$100,000 from \$50,000 for anyone convicted of being an unregistered immigration consultant.

There was an excellent discussion in committee around the role and the responsibilities of immigration consultants in Quebec.

[*Translation*]

We concluded that, without taking anything away from the federal government's power, any immigration consultant working in the province of Quebec who wants to recommend an immigration opportunity in Quebec must be familiar with the immigration system in that province. The primacy of the federal government in this area is maintained, but we recognize that in Quebec, it is extremely important to be able to speak French to interact with the Quebec government. In addition, the consultant must be familiar with the particularities of the process in Quebec to be able to give good advice to those who would like to become citizens of this country.

Government Orders

[English]

We also managed to get rid of the short title. In consultations, it came back time and time again from consultants that they were actually offended and felt that naming the bill around the problem, which is the crooked consultants, actually demeaned and belittled the work of legitimate consultants. So we depoliticized the short title of the bill, which was a victory.

In general, the bill puts forward more powers of accountability for, and better relationships between, the minister's office and the eventual regulator. It provides for the sharing of information.

Unfortunately, one of the concerns we have, which is beyond the scope of this bill, is that in our mind there are still not enough resources for the Canada Border Services Agency and the RCMP to go after those who are not registered consultants and are still operating as, as we call them, ghost consultants, without being qualified or being able to guarantee that they are offering proper services to these vulnerable people who want to emigrate to Canada.

Ultimately, Bill C-35 is just an initial step in allowing the minister to create a new governing body for immigration consultants. It provides a very general framework. It provides a few important key issues. However, push is going to come to shove in the coming months when the government and the minister actually settle on who is going to be the next governing body for immigration consultants.

We have to make sure that we do not just end up with the same problems once again. We have to make sure that there is going to be a strong governance framework around this new consultant body. We have to make sure, if we stick with the same organization that will be articulated in a new way, that the same problems do not come back. We have to make sure that if we have a new and completely different governing body than the one existing right now, we do not fall into the same old traps and have the same ineffectiveness and problems that we have right now.

That is going to be where the opposition parties will watch closely what the government and the minister do and hopefully will engage and help shape the decision in such a way that people will truly be protected by this set of regulations governing immigration consultants.

The members of the committee worked together. We had differences and concerns that were hammered out. It was, as the parliamentary secretary has said, a model of co-operation and of trying to do right by Canadians on this important issue. It is something that I was very pleased to be able to be part of, and it is something that I know we can be proud of as parliamentarians, that on important issues, from time to time, we are able to work together.

I think the spirit of collegiality and co-operation is important and I certainly hope it extends to other bills and other issues on which we can find agreement in principle and not just tweak in committee but improve in committee, as my hon. colleague has said.

● (1050)

[Translation]

For all of these reasons, the Liberal Party is very happy to support Bill C-35 at third reading. We hope that it will be quickly passed by

the other chamber so that Canadians will be protected when we have our new regulator for immigration consultants.

[English]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, I want to thank the member for his comments on the bill.

As the member knows, most MPs get a lot of immigration cases in their offices. In fact, several offices, including mine, have one person who is practically fully engaged in immigration cases.

I would like to ask the member, since he sat through the committee process, whether he thinks this bill and other bills by the government, at the end of the day, are going to lead to a lessening of immigration cases in our office or maybe even an increase, depending on how they are rolled out and how the acts are actually enforced.

Mr. Justin Trudeau: Madam Speaker, I do not think this particular bill would have a tremendous impact on the number of people going to their members of Parliament for advice, help and knowledge. That is not what this bill would specifically address.

However, what I certainly hope this bill would be able to do is reduce the number of people who come to my office, worried and extremely troubled because they have spent an awful lot of money on someone who made them promises that he or she had no business making and actually gave them extremely bad advice that has hindered them in their process of immigrating to Canada, and sometimes gave them such bad advice that they ended up with a big red *x* that would bar them entirely from ever being able to immigrate to Canada, all because of the work of an unscrupulous immigration consultant.

While I am sure our MPs' offices will still be busy helping people through the process the way our offices are supposed to, as an interface between the federal government and our constituents, I certainly hope that the amount of people who have been hurt, harmed and devastated by unscrupulous immigration consultants would certainly decrease in terms of the cases we see in our offices.

● (1055)

[Translation]

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Madam Speaker, I am very pleased to be speaking about Bill C-35, which we are debating today. We have talked a lot about immigration consultants, which are the focus of this bill.

I want to begin by speaking about the bill's title. Those following the debate since speeches started in the House this morning at about 10:20 a.m. would initially have seen it indicated on their screen that we are talking about the "Cracking Down on Crooked Consultants Act", or the "Loi sévissant contre les consultants véreux" in French.

If they are watching now, they will probably see that we are talking about An Act to amend the Immigration and Refugee Protection Act. This was changed because, likely, at the beginning of the debate the audiovisual team was using the former title of the bill.

Government Orders

In committee, it was decided that the title should be changed to make it more neutral and objective. There are a number of reasons for this decision. Even though we all agree that a bill title has no legal effect and is simply a secondary element in the debate about the substantive clauses and the actual provisions of the bill, the title is still important. On one hand, the title is important from a social point of view because it can affect how people perceive the bill. On the other hand, it is important from a political point of view because it is a tool used by the government to engage in political marketing and even to change the essence and intent of a bill for its own purposes. The government is using this technique more and more.

I will discuss both cases, beginning with the one before us, Bill C-35. It seems to me that the government was using the bill's original title for political purposes. They said they would attack crooked consultants. That sounds like an opinion to me. Opinions have no place in the law. The government should stick to a technical description of what the bill does, which in this case is amend the immigration act to require people who want to practise as immigration consultants and who are not already members of a provincial bar or the *Chambre des notaires du Québec* to be members of a body to be designated by the Minister of Citizenship, Immigration and Multiculturalism. That is what this bill would do.

In practice, will this actually improve the situation and crack down on crooked consultants? That is a matter of opinion. Every member of the House is entitled to an opinion on the subject. I suppose that if the bill receives unanimous support, as it seems to have, that means people pretty much agree. Of course, the 308 members of the House can make mistakes. In the end, history may confirm that we have not. I do not think there should be anything subjective in the title.

If we want voters and the public to respect us, we should be humble enough to resist using bill titles to promote any messages, claims or opinions whatsoever. We must also take into account the potential social impact of an inappropriate title. In this case, they were calling it the cracking down on crooked consultants act.

Imagine consultants telling their clients to trust them because they have been accredited under the cracking down on crooked consultants act. As if. Picture the certificate hanging behind a consultant's desk, stating that the consultant has been accredited under the cracking down on crooked consultants act. That is not what the bill is about. This bill is about consultants who are not crooked. That is why the title of the bill was changed. Personally, I hope that the government will put an end to this practice, which has been observed in several House committees.

• (1100)

It is a ridiculous practice, one that wastes a great deal of parliamentarians' energy. In many cases, the bills do not even accomplish what is stated in the title, and that skews the democratic debate.

Since there is unanimity in the House on Bill C-35, I would like to provide a few other examples. In fact, most of the disagreement in committee was about the title.

There was Bill C-27, the Electronic Commerce Protection Act. Once again, the title was a claim. There was also the Protecting Victims from Sex Offenders Act. That is a matter of opinion; we may

or may not agree that Bill C-34 will actually protect people from sex offenders. Then there is the Justice for Victims of Terrorism Act. I gave examples from different Parliaments, and there are others from the current session. We have bills pertaining to security that are named in memory of a victim whose case has nothing to do with the bill in question.

Getting back to immigration, given that this is the subject of the bill before us today, there is Bill C-49, at second reading. The title, Preventing Human Smugglers from Abusing Canada's Immigration System Act, is an opinion. In fact, most observers, including the opposition members in the House, find that the bill does not in any way deal with smugglers, but rather targets refugees. The title also refers to people who abuse the immigration system. The bill does not refer to the immigration system but to the refugee protection system. The title is completely at odds with the reality and serves as a political marketing tool.

The government has said that people support their bill. It conducted a poll and asked whether people agreed with the law to prevent human smugglers from abusing our immigration system. Everyone is evidently in agreement. The problem is that the bill does not do what the title says.

Clearly, this is a ploy on the government's part. Basically, the government is admitting that it knows very well that it will not be able to sell the contents of its bill to the public. So it is using smoke and mirrors. It is using the title as an intermediary to try and suggest that one of its bills cracks down on crooked consultants and therefore must be a good bill. It has a bill that cracks down on human smugglers, so it is a good bill.

The most pathetic title we have seen in this House was the title of a bill that was something like: an act to stop the trafficking of minors, even though the word "trafficking" was not mentioned once in the entire bill. The bill had a title that referred to the trafficking of minors, even though the bill was not about that.

Clearly, this is a recurring ploy that must stop. I am very pleased that the members of the committee agreed to stop playing the government's game. I hope the government will have the wisdom and good sense to stop playing these ridiculous little games. The parliamentary secretary talked about it and so did my Liberal colleague, the hon. member for Papineau, and I imagine my NDP colleague will also talk about it, since we tend to work very well together on that committee; we respect one another, despite our political differences. If the government wanted to demonstrate its desire to co-operate and its respect for the opposition members, it could start by giving its bills legitimate titles, instead of making these inane attempts to manipulate public opinion.

I realize that was a long digression, but I had to do it. All that being said, I will now talk about the substance of the bill.

Government Orders

•(1105)

Those who want to immigrate to Quebec and Canada, whether we are talking about refugees, economic immigrants, immigrants in the family reunification category, or people who come on humanitarian or other grounds, are often overwhelmed and not sure what to do next. They are unfamiliar with our laws and are a bit distressed by the red tape. We can relate because we cannot keep up with all the bureaucracy, requirements and regulations either. It is hard for us to keep track of our rights. Imagine what it is like for an immigrant.

There is a real and legitimate concern and many of these people seek advice on the immigration application process. The advice they are given is extremely important because it can have a significant impact on the ruling to be made and on the rest of their lives. During this process, many decide to deal with lawyers or notaries. That is what I always recommend when people knock on the door of my riding office.

However, others seek advice and representation from an immigration consultant. The problem is that, unlike notaries or lawyers, immigration consultants are not really regulated. The regulatory body for these consultants, the Canadian Society of Immigration Consultants, does not work at all; it is a colossal failure. This agency has serious governance problems and is run by people who commit flagrant abuses. They take liberties and do not administer the agency in the interest of its members or the general public. In my opinion, the Canadian Society of Immigration Consultants has to be abolished. It is beyond repair because it is fundamentally tainted by personal interests to the detriment of its members and the general public. I hope the minister will see it that way when he designates an agency.

A new organization must therefore be created that will better regulate the occupation. Let us hope that, with the new act, this organization will not encounter the same type of internal management problems and that it will have a much broader sphere of activity. Rather than controlling the relationship between the consultant and the government only from the day the application is filed to the day the application is ultimately accepted or rejected, the new act will cover the entire relationship between the consultant and the client or in other words, from the moment a client contacts a consultant or a consultant offers a potential client his or her services. This is a real improvement. However, the organization designated by the minister must do its work correctly and separate the wheat from the chaff.

We have to admit that there are some good immigration consultants; however, there are others who do not do their work properly at all. When touring the country, we were told that some consultants were abusing their ethnic proximity a little or even a lot. Someone immigrates to a new country where they do not know the system and do not know whom to trust, and then they meet someone from the same ethnic group who has successfully immigrated to Canada. Human nature being what it is, they might have a tendency to trust that person more than someone else.

•(1110)

Many crooked consultants—that is how the minister referred to them at the beginning—will abuse this trust. Sometimes these people do not know French or English, nor do they know the laws. People

may pay a consultant thousands of dollars and that consultant will not even bother to submit their applications. They wonder why they have not heard anything, so they call the constituency office or the department only to be told that their application was never received and no one has ever heard of it. It can take years before they figure this out. There was a similar story on the news yesterday morning: a lady paid thousands of dollars but her application was likely never submitted.

We have taken a step forward. The House can pass laws, but it does not create the regulations. It is not the House that ultimately does the selection. The minister's role in that regard is very important. He must make wise choices and not usurp the will of Parliament, as has happened in the past, particularly in terms of immigration. He must comply with legislation and ensure that there is finally a real regulator that lives up to that title. Competent people are needed in order to ensure that the immigration consultants in Quebec and Canada are competent.

I have one last aside. Throughout this process, I have insisted that we must ensure that immigration consultants in Quebec are familiar with the requirements of the Quebec immigration system, which has its particularities. There is an agreement between Canada and Quebec. This must be recognized. If there are two categories of immigration consultants in Quebec, people who are submitting an application will not know whether their consultant is able to advise them on all of the possible options or just those that fall under either federal or Quebec jurisdiction. I maintain that, in dealing with immigration issues, we must always remember that the situation in Quebec is different and requires special treatment.

I would like to repeat that there is a good deal of collaboration in this committee. If there are interesting bills, we will study them. I do want to share a little frustration that is not the fault of the committee members or our chair, but it is a result of parliamentary procedure, which seriously limits us with respect to amendment possibilities. We could have developed a better bill if we had had more latitude, as parliamentarians, to make amendments that would change the bill's scope and give it a better direction. That is a problem for all parliamentarians. I hope that we will be able to have a look at this issue in the near future.

In the meantime, overall, I think that the bill before us deserves the support of Parliament.

•(1115)

[*English*]

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Madam Speaker, I was very interested in the part of the member's speech that discussed the title of the bill, which in this case was the cracking down on crooked consultants act. Certainly I would not make the blind assumption that all consultants in this case are of a nefarious nature. It is nice to see the Conservatives worked on that. And the member has used the expression "marketing gimmick", which I think is apt and to the point, to describe something I have noticed about the titles we have been using on bills. The fairness at the pumps act is another one; it is a very small collaboration on what the pumps do. It has nothing to do with the actual price of the gas itself.

Government Orders

I would ask the member to comment on that even further and more particularly about the idea of the consultants and the fact that we are requiring increased penalties for the consultants who are doing things of a nefarious nature.

[*Translation*]

Mr. Thierry St-Cyr: Madam Speaker, I will not go into any more detail about titles, which I discussed at length in my speech. On the one hand, I believe it is insulting for other parliamentarians to be given a bill with a title that is nothing more than a base political marketing tool. On the other hand, it is insulting to the public. If the Conservative government sticks with this policy, it will backfire eventually. It might be able to get away with it once, twice, three times, maybe more, but eventually, people will realize that they are being taken for fools.

By giving people bogus titles, thinking that they will believe whatever it says, the government is telling voters that they are not smart enough to understand what a bill is about. Sooner or later, the Conservatives will pay the political price for taking things too far because they will lose what little credibility they have left. I think they should get rid of that policy.

The Liberals proposed an amendment that we supported to make penalties for immigration consultants harsher. In my opinion, however, efforts to deter undesirable activity will produce better results than sentence length. Sentences can be very harsh, but if they are never applied, they will not have a deterrent effect.

[*English*]

Mr. Rick Dykstra (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC): Madam Speaker, when I was listening to the presentation from the member, I wondered how long he was going to prolong the discussion on the title of the bill. In fact, he went on so long that I was afraid he was going to convince another member of the House to stand and ask a question about the title of the bill, which is exactly what happened.

The title of the bill, quite frankly, is something that he may have wanted to spend 15 minutes talking about, but let us face it, what Canadians are concerned about is the content of a bill and its implementation. When the discussion came up about whether the bill was going to change its name, there was no problem from this government as to whether the bill was going to be in its present form or whether it was going to change. We accepted it with no problem. What is more important is the content of the bill, what it is about, who it speaks for, who it speaks against, what it will mean in terms of legislation.

My question may be a little longer than the answer we are going to need from the member. I would like to know, after we have gone through this process at committee, worked together and got this bill in its present form, if he and his party are going to stand on third reading and support this bill, get it through this House and get it off to the Senate. Yes or no?

[*Translation*]

Mr. Thierry St-Cyr: Madam Speaker, of course, as I said during my speech, I will support this bill. I hope the Senate will study it very quickly. Anytime we manage to pass a bill unanimously in the House, it would be very inappropriate for the Senate to drag its feet and not pass it very quickly.

Now, since I received a second question on the title, I realize that the subject cannot be so innocent after all, because the parliamentary secretary asked a question about that. As I explained very clearly in my presentation, I used the opportunity to talk about it specifically because it was unanimous and there were not really any contentious issues left.

I completely agree with him on one point. What is important is the content of the bill, not the title. That is precisely why I asked the government to stop giving its bills bogus titles, which, in some cases, have nothing to do with the content of the bill.

As the parliamentary secretary said, if it is the content of the bill that matters, they should give their bills titles that reflect the content of the bill, instead of using political diversion tactics.

• (1120)

[*English*]

Ms. Olivia Chow (Trinity—Spadina, NDP): Madam Speaker, I want to ask specifically about the clause that deals with the situation in Quebec.

As the member knows, in Quebec there is the Quebec immigration law and then there is the federal immigration law. Right now the bill that is in front of us will have two types of immigration consultants, those who are legislated by the federal government and another type who are legislated by a provincial government, the Quebec government.

Originally I supported an exemption so that immigration consultants practising in Quebec would have one licensing body rather than two, however that did not pass, and as a result, immigrants getting services in Quebec might be slightly confused.

Perhaps the member can talk about whether that is acceptable or not.

[*Translation*]

Mr. Thierry St-Cyr: Madam Speaker, the Bloc Québécois did propose an amendment to delegate all this responsibility to the Government of Quebec. I believed that it was fair and reasonable and that it was not a sovereigntist vision because the Government of Quebec already has responsibilities that are delegated under the Canada-Quebec agreement. Therefore, in reality, the immigration system is different in Quebec than in the rest of Canada. I thought it was normal that this responsibility be delegated in its entirety to Quebec. By the way, this would have allowed the Government of Quebec to choose the Canadian organization or, if it so desired, to use another organization. For example, it could have created a professional body, and so forth. That was the spirit of the recommendation in the committee's report, which was adopted in 2008, if my memory serves me well. The Liberals supported us for a while. As we approached the vote, their support faded away, as is often the case. In the end, they once again abandoned Quebec and decided to support the government.

Government Orders

I would have liked our amendment to be adopted. That said, what is most important is that there not be two categories of consultants in Quebec. In that regard, the battle must still be waged. In addition to the issues of jurisdiction, we must always be mindful of the interests of consumers. When a consumer goes to an immigration consultant in Quebec, he wants the consultant to be able to advise him about all immigration possibilities, whether they come under the Government of Quebec or the Government of Canada.

Having said that, in general, after studying the entire bill and analyzing the arguments for and against, the Bloc Québécois will support this bill. That is an indication that it believes that there are more arguments for the bill than against. The Bloc hopes that the bill will be passed quickly by the Senate. There will be a necessary delay. One of the reasons why we agreed to have the bill fast-tracked through the House is because every day that Parliament delays implementing it, people continue to be potential victims of unscrupulous consultants.

• (1125)

[*English*]

Ms. Olivia Chow (Trinity—Spadina, NDP): Madam Speaker, all government services should be fast, fair and efficient. That should always include immigration services. People who use the service often do not necessarily know immigration laws very well and sometimes have language difficulties. That is why, ultimately, immigration regulations and laws should be transparent. They should be easy to understand. The decision-making process should be very clear and not appear to be arbitrary. Until then, a lot of immigrants will require some assistance. Some will have to go to immigration consultants or lawyers. We hope most will find they do not have the need to do so.

For the past many years, immigration consultants have not been regulated. The former Liberal government brought forward a bill a few years ago and set up a regulatory body. However, the regulatory body was not given the power to regulate properly. As a result, people could set up shop and call themselves immigration consultants without much knowledge of immigration laws or regulations. They could practise, but they did not need to be regulated and they were not breaking any law.

There are 2,000 immigration consultants who are licensed through one body and then there are another 2,000 immigration consultants practising who are not licensed. No one could really tell whether one group was better than the other group, or that any immigration consultants were breaking the laws.

In the last five years, only two or three people have been charged by the government for fraudulent behaviour. However, most people who have dealt with immigrants, whether at immigration offices or constituency offices of members of Parliament, have heard many horrifying experiences, where potential immigrants have been told that their applications have been submitted, but they have not. As a result, their brothers or sisters have grown too old to be considered under family class, or applications are completed in a way that is wrong. Many thousands of dollars later, because their applications have not been completed correctly, the potential immigrants have lost the opportunity to come to Canada or Canadians have been unable to bring their relatives to be united with them in Canada.

There are also other even more extreme cases where immigration consultants have taught people how lie and pretend to be refugees, clogging up the refugee system so genuine refugees have to wait for a long time before their cases are heard.

There are also cases where genuine refugees complete their application forms incorrectly. Some of them experienced torture overseas, but they were unable to describe it in a way that was satisfactory because of the wrong advice they received from consultants. As a result, some faced deportation, while others lost a lot of money.

This terrible experience suffered by potential immigrants is not new. In the early eighties, I was an assistant to a member of Parliament, New Democrat Dan Heap. At that time, I worked with the *Globe and Mail* with Victor Malarek, an investigative journalist. We visited a few unscrupulous immigration consultants and were able to document all types of behaviour that was fraudulent.

• (1130)

In the eighties and nineties there was a huge uproar in the communities. People were saying that these consultants had to be regulated, yet through these years, it was never done properly.

I hope, with Bill C-35, we will finally get it done properly. I hope the minister will ensure that there is speedy implementation of the bill, that the regulator will be picked and that it will operate in a democratic, fair and open manner. I also hope the regulator will have the power to legislate and regulate all immigration consultants. If people choose to practise as immigration consultants, they will be unable to do so, if they proceed without the licensing of this body. It will be a criminal offence to do so.

Beyond that, legislation is just one piece of the puzzle. The other piece includes education of both Canadians and potential immigrants overseas. The third piece is enforcement of the law. Even after a regulator has been established and licensed, we need to ensure that the Canadian Border Services Agency, the RCMP, sometimes CSIS and immigration officers work together to go after people who act in a fraudulent manner. The regulator needs the power to do this.

The Canadian government also needs to provide the kind of human resources needed in order to ensure those who commit a criminal act will be brought to justice. If not, the legislation will unfortunately not be enforced.

As well, after the regulator has been established, there needs to be regular evaluation. There have to be audits and regular reporting so it is clear for Canadian taxpayers, immigrants, members of Parliament and the general public that this new regulatory body functions in a way that is open, transparent and fair.

Government Orders

I want to spend some time on the detail of the proposed legislation. I have made quite a few amendments to the bill, one of which deals with smugglers, traffickers and immigration consultants who give bad advice. Through this amendment, if people, be they smugglers or consultants, violate the immigration act, enforcement officers will now have 10 years to go after them. In the past, it was only six months. Therefore, it is much tougher and there will be more fines if convictions take place. Smugglers will face life sentences and/or \$1 million in fines if they are convicted. The punishment to those who give bad advice, cheat or victimize refugees and immigrants is very steep, and that is a good change.

● (1135)

Another change is the minister will have the power to revoke a regulator's licence. If a regulator is not performing the duty it is supposed to perform, the minister will have the power to take its licence away, especially if it is not delivering good service.

Other changes that I have been assured will be implemented are as follows.

There is the provision that would require immigrants seeking immigration status of any kind or renewing status in Canada to disclose the use of a representative. This would enable immigration officers to check whether a representative was licensed or not.

An administrative change would be a published list of people who had been convicted or removed from the list of approved immigration consultants. This list would be published on the Citizenship and Immigration website. Potential overseas immigrants would be able to see which consultants were licensed, which ones had their licences revoked or had been fined or convicted.

There would be a one-stop shop kind of hotline for the public to report fraud with a lead team to investigate the tips from complaints on unscrupulous immigration consultants. Often it is very confusing for immigrants, especially if their language capacity is not perfect. They may not know whether they should go to the local police, the RCMP, the immigration officer, or CBSA and they may get bounced around. At the end of the day, an immigrant may get frustrated and not file a complaint. Then the immigration consultant would continue to exploit other people. With the hotline and information published on the website of CIC, the public will know how to report fraud.

Another area where there is agreement is on some companies operating in Beijing or New Delhi. A company in India will be advised that it cannot provide substantive immigration advice. It is assisting immigrants to process claims, but it should not act as consultants or lawyers. It is not its task and really should not be its function.

At the end of day, after these agreements, there were still a few changes I would have made, but they were never included in Bill C-35.

I would have preferred to have seen overseas employment recruiters included in the bill so they could be licensed as well. If they ended up behaving in a way that was unacceptable, then they could be charged.

I hoped that if potential immigrants were given terrible advice, they would have a chance to reapply if the immigration consultant was convicted. Also, the immigrant's removal from Canada would be stayed until the immigration consultant went to court and was convicted.

● (1140)

Sometimes, whether they are smugglers, traffickers or crooked consultants, they give bad advice and the victims end up being deported from Canada and are not given the chance to either report the fraud or testify in court. The smugglers, traffickers or crooked consultants end up getting away without being convicted in court and they end up preying on other people.

A stay of removal until the criminals are convicted is really important so the victims are protected. If not, others, unfortunately, will be victimized by these criminals.

Unfortunately, that did not get into Bill C-35. This bill also deals with the same section of the law that deals with traffickers and smugglers. I would prefer it if we could reverse the onus so that the smugglers would have to prove that they are innocent. However, that was not acceptable.

All in all, at the end of the day, Bill C-35 is a bill that I and the New Democratic Party of Canada support because it would provide a legislative framework to ensure that all immigration consultants practising in Canada must be licensed and it would tighten up the law so that hopefully there will be fewer immigrants being cheated and having their life destroyed by these crooks.

I hope there will be sufficient resources to ensure the enforcement of this bill so that in a few years from now we will not be coming back to the House yet one more time to try to fix this issue.

Ultimately, maybe five or ten years from now, if the industry has matured in a way to be able to set up an independent non-share corporation so that the body can be self-regulating and the minister or the Government of Canada would no longer have to regulate, that would be the way to go. Just like the Canadian Bar Association, the Law Society or other professional bodies of engineers or accountants, this immigration consultant industry would be able to independently regulate itself.

I have been persuaded that the time is not right yet. Eventually that would be the goal for this industry to practice, as an independent non-share corporation. In the meantime, I hope the minister will be wise and will pick the right kind of regulator that will be able to deliver the service in a most efficient, open and transparent manner.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Madam Speaker, one of the issues for me that stood out in this is the amount of concern with the regulations and the Immigration and Refugee Protection Act.

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It talked about many of the stakeholders being concerned about the decision to change the regulatory body through regulation under the IRPA rather than through stand-alone legislation. The new body would still not have the same power to sanction immigration consultants who are not members nor have appropriate enforcement measurement powers, which is always the ongoing concern here with legislation that requires a tougher stand than what we currently have, no matter what type of malfeasance it is.

I would like to get the hon. member's reaction to the boards and stakeholder reactions. The Canadian Bar Association said that it would prefer that individuals offering immigration advice for remuneration be required to be a member of the Law Society but, if consultants are to be permitted, it is concerned that draft legislation does not give the regulatory body sufficient teeth or provide sufficient governance, accountability and protection.

I would like to get the hon. member's reaction on that, as well as on the ability to enforce this.

• (1145)

Ms. Olivia Chow: Madam Speaker, it is not surprising that the Canadian Bar Association would prefer anyone practising immigration law to be a lawyer. However, our amendment says that paralegals would be able to practice immigration law without being regulated by this body. That is a compromise.

I do not agree completely with the Canadian Bar Association that everyone giving advice on immigration matters needs to be a lawyer. There are very competent consultants who understand the law. They are able to fill in applications and give advice but they are not able to represent their clients in federal court, for example. If we are talking about legal matters in a court of law, then it would still be up to lawyers and not immigration consultants.

As to why this body would not be an independent corporation, I have been persuaded that it will take some time. If we look at the history of the Canadian Bar Association, it took quite a few years for the Canadian Bar Association to be formed. This immigration consultant industry is still relatively new. It would be helpful for the government to ensure that everyone practising is doing so in a way that is acceptable under Canadian law. Ultimately, when the industry matures to the extent that it can, an independent, non-share corporation can be established. The body could form itself. If the body is ready in two years from now, it will be able to regulate all immigration consultants. That day may come but we do not know when.

In the meantime, it is important that we have this regulation and this legislation in front of us.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, I congratulate the hon. member for Trinity—Spadina for making some important amendments to this bill. It proves that she works well on the committee and is able to get a lot of positive improvements made to bills that she works on.

One of her amendments would increase the time that the government can go after smugglers and traffickers from a paltry six months to ten years. That really toughens up the legislation and makes us not only tough on crime but also smart on crime. I give her full credit for that.

She also got an amendment to allow the minister to revoke the regulator, which was important. She also got an amendment to require the disclosure of the use of representatives. She got an amendment to allow the publishing of a list of disciplined consultants. This is important for people when choosing a consultant. She also managed to get a hotline to report fraud. The member for Trinity—Spadina managed to make substantial amendments to the bill.

One amendment that she was unable to get through, which was equally important, was the inclusion of overseas employment recruiters. Two or three years ago, we had a situation in Manitoba involving an operator who is still in business. This situation presented a lot of problems. The individual was going overseas and bringing people from Germany to Canada under overseas employment contracts. He was constantly getting complaints from people who he brought over because he was taking advantage of their situation.

Would the member like to further comment on the fact that she was unable to get accepted what I think would have been an important amendment to this bill?

• (1150)

Ms. Olivia Chow: Madam Speaker, after committee members debated my amendment, they were able to tighten up some of the wording so that the intent now is that if people are giving advice overseas and they stand to gain something financially and are not performing their duties in the public interest, there would be a possibility of punishment.

I have a lot of experience in this area. I have seen cases where people were told that they had to pay \$10,000 to employment recruiters overseas but when they arrived in Canada they discovered that the companies they were to work for were having financial difficulties. Sometimes they discovered that there were no jobs or that the jobs were paying half the amount they were promised. They ended up having to pay back the recruiters, which meant that they had to work for a year or so without getting much salary and since they pay enormous amounts of money to the recruiters.

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, in subclause 91(5), there is an exception that would be provided by regulation. It states:

The Minister may, by regulation, designate a body whose members in good standing may represent or advise a person for consideration — or offer to do so — in connection with a proceeding or application under this Act.

What other organizations, other than those that are exempt, have been given as examples of those that will not be covered by the act before us?

Ms. Olivia Chow: Madam Speaker, paralegals, for example, are already licensed by the provincial government. They will be exempt because there are already regulations that govern them and it is not necessary to licence those people.

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, I want to speak to Bill C-35 because it affects all hon. members in the conduct of their work. It is probably one of the more sensitive and the more difficult areas. It deals with constituents who have matters dealing with immigration and even refugee issues.

Government Orders

Recently I have had a number of cases where people received bad information. They either did not provide true, full, plain and accurate information on a form or in representations, or there were some contradictions, and it was basically because of these so-called experts or advisers, many of whom are just people who are part of a particular community and say they have been through this before and know how to do it. It is a real tragedy when that happens, while someone with all the details on the table will be able to successfully complete an application, be considered and in fact be able to proceed with whatever proceeding is going on, or even with regard to things such as appeals.

This problem has been going on for so long that we have finally come to a bill that says, in proposed subsection 91(1):

Subject to this section, no person shall knowingly, directly or indirectly, represent or advise a person, for direct or indirect consideration — or offer to do so — in connection with a proceeding or application under this Act.

It is interesting that the words “directly or indirectly” were put in there, I assume for greater certainty, but even the reference in this subsection, “or offer to do so”. Even to offer to provide advice for money is an offence unless it is persons who are designated as not contravening because they are either lawyers, members of a law society, including paralegals, or members in good standing of a body designated under subsection 91(5).

I previously asked the question of the member for Trinity—Spadina with regard to subsection 91(5) and said I would like an example of someone who might be designated by the minister. She gave the example of a paralegal, which actually is already in subsection 91(2). So I still do not have that. I hope someone is going to be able to expand on that, because when it gives the minister, under regulations, the authority to designate a body whose members in good standing may represent or advise a person for consideration, or offer to do so, in connection with the act, that means that notwithstanding anything else that is in the bill, the regulation is going to provide presumably a list of others who may be designated.

As I have often said in this place, bills that come before us are tabled and at first reading they get a bill number, we have second reading debate on the document, and if it is passed, it goes to committee where we have witnesses and amendments can be proposed. Once it passes through committee, it will come back to this place, where we can amend the bill with report stage motions, particularly from members who are not otherwise engaged in the process of the committee work, and also where the committee had not considered any such suggestions already. Now we are at third reading, and after all of this and we are going to vote on the bill in a very short time, we still do not know what the regulations will say. That is always my question.

• (1155)

If we look at legislation and ask when does it come into force and it says it comes into force on a date fixed by Governor in Council, that basically means that even though we may pass it and it goes through the Senate and all the legislative steps, it does not come into force until the regulations are drafted and promulgated and in fact are gazetted. That basically means nobody knows when it will happen, and there are other areas in which regulations have to be made.

My concern is that we have been having a debate on a bill that would do something and we have provided within the bill those who will not be committing an offence, but we have this regulation that would also exempt others at the discretion of the minister. I do not know whether that includes the YMCA or other social service agencies, something such as that, that may deal with the public.

The wording here is kind of interesting. Even to offer to provide service for direct or indirect compensation or benefit would constitute an offence under this.

I used to do the audit of a number of agencies, such as the Malton Community Council and immigration consulting services of Peel. These are organizations that do not fall under the legal ambit. I assume that the Canadian Society of Immigration Consultants itself may in fact be providing services to people. I do not know whether they are going to be included as well.

It leaves us in the situation, which we have been in so many other cases, where the legislation in its intent is clear, but the details with regard to the principal persons who would be authorized or who have been, as put here, committing an offence or a contravention of the section are still unknown. We still do not know who these others are.

That little hole means that until this bill becomes law and the regulations are there, people are going to continue to do this. This is a problem in terms of people providing bad advice, which has very serious consequences on the lives of people who may very well find themselves taken out of Canada and sent back to the country from which they came, for any proceeding under this act, for people who are giving information.

I think every member of Parliament in this place could give an example of where individuals had relied on bad advice from people who represented themselves as knowing how the system worked. Once a person's file gets that little black mark on the top corner, the flag, that means that not only is that person's situation jaundiced and possibly dead, but it may also mean that other family members would be involved. People desperately want to do it right. They want to become Canadians. They want to be in Canada, and they rely on someone who unscrupulously provides them with information that is not correct, either because they are not properly trained or up to date on the law, or in fact maybe they simply want to get money from people who trust them. This happens far too often.

I am not sure whether bills such as this ought not to be also accompanied by a commitment by the government to educate the public. We can pass laws here every day, but if people do not realize that there is a serious concern about unscrupulous people out there who are giving bad advice and charging a lot of money for it, I wonder when the government is going to tell people that they can go to their members of Parliament first.

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•(1200)

There are experienced people in the constituency offices of members of Parliament, who have been through the process many times. They have seen some of the ugly stories where people have blown it because they relied on those who were not properly informed about the law or the processes, the number of people who have been told not to disclose the fact that they have a child who is staying with somebody back home somewhere, and they are told that will be taken care of later. Something such as that would be a terrible blow to anybody's chances of being successful in an appeal or whatever it might be.

We get these situations. It was probably the first critical issue that I dealt with when I became a member of Parliament some 17 years ago, to have people come and see me who already find themselves with some problem and not understanding why they have to provide this, that or the other thing, or they are being questioned why something was not done and they do not know what to do now. Sometimes, at that point, it is too late.

It goes also to the fact that when members of Parliament get elected and come to this place, most members do not realize that their offices are going to become, for all intents and purposes, consultancies for immigration, refugee, citizenship and visa issues. It is a very complicated area, yet the House provides absolutely no orientation on it. Basically we have to survive and just struggle as much as we can. But experienced members have experienced staff and they can do very helpful work. If people are not confident there, they still certainly can go and get other advice, but even something as simple as making a mistake on an application can in fact jeopardize the success of any action that might be taken by a person covered under this act .

We need to spend some time, because most members will know that even if our offices were to contact citizenship and immigration, often there are difficulties even getting quick answers on certain things. There are often long delays in getting responses to requests for the status of certain things. The saddest day in a constituency office is undoubtedly when we have bad news for people because mistakes were made when they relied on others.

I hope that this is a good step and that the regulations will in fact be appropriate and not leave a little window open for those who may want to take advantage of it, because there are several regulations here. We will have to wait until they are promulgated to see what the government has in mind, but I would caution people and encourage the government, once this bill is passed, to publicly announce this bill and what it does and to encourage people not to be too quick to rely on the advice of those who are not properly trained or knowledgeable about the laws of Canada. They do change, and it can make a difference to a person's entire life.

•(1205)

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

Some hon. members: Question.

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

Some hon. members: Agreed.

The Speaker: I declare the motion carried.

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

* * *

PROTECTING VICTIMS FROM SEX OFFENDERS ACT

The House proceeded to the consideration of Bill S-2, An Act to amend the Criminal Code and other Acts, as reported (without amendment) from the committee.

The Deputy Speaker: There being no motions at report stage, the House will now proceed, without debate, to the putting of the question on the motion to concur in the bill at report stage.

Hon. Gary Lunn (for the Minister of Public Safety) moved that the bill be concurred in.

(Motion agreed to)

The Deputy Speaker: When shall the bill be read the third time? By leave, now?

Some hon. members: Agreed.

Hon. Gary Lunn (for the Minister of Public Safety) moved that Bill S-2, An Act to amend the Criminal Code and other Acts, be read the third time and passed.

Mr. Dave MacKenzie (Parliamentary Secretary to the Minister of Public Safety, CPC): Mr. Speaker, I am very pleased to have this opportunity to speak at the third reading of Bill S-2.

The significance of this bill cannot be overstated. It will help police prevent and investigate sex offences by having access to more complete information about convicted sex offenders. The result is quite simply that we can better protect our children, youth and adults.

Our government is committed to keeping Canadians safe and secure, and the legislation before us today is a crucial step forward in helping us meet that commitment. Most importantly, we want to give police the information and tools they need in order to do their jobs more effectively. This is an issue that affects all Canadians, young and old, in big cities or rural centres. We are all looking for a system that better protects communities against crimes of a sexual nature.

It is obvious from the support this legislation has received from hon. members that this is a priority for all of us. Together we are making a statement that the status quo is no longer acceptable and that the national sex offender registry must be strengthened.

We are saying that we are committed to both preventing sexual crimes and ensuring that police are aware of all convicted sex offenders in our communities so that they can carry out their investigative work more effectively.

Since coming into power in 2006, our government has made it a key priority to protect our citizens. We have acted decisively to crack down on crime and to ensure the safety and security of our neighbourhoods and communities.

In the 2010 Speech from the Throne, we told Canadians we would take action to protect the most vulnerable in our communities, and that is exactly what we will accomplish with Bill S-2.

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The support we have seen for Bill S-2 from all hon. members shows that we all want the same thing: a Canada that is safer for everyone. That is certainly the message we have received from Canadians who have raised important questions about whether certain provisions of the justice system are as effective as they can be.

Canadians have also asked why we have a national sex offender registry that does not include all sex offenders and why we have a registry that, frankly, does not offer greater protection for the most vulnerable among us, our children.

Bill S-2 continues our work to address the concerns of Canadians by amending the Sex Offender Information Registration Act and the Criminal Code to provide Canadians with a national sex offender registry and a national DNA databank that will more effectively offer Canadians that kind of security. It responds to the concerns and recommendations from victims' groups and from our partners in the provinces and territories with whom we have consulted extensively on how we can make the registry truly effective.

The bill also responds to the concerns and recommendations of law enforcement agencies. It includes amendments put forward by both the government and the opposition that further address shortcomings in the existing legislation.

First and foremost, Bill S-2 will ensure that every person convicted of a sexual offence is added to the national sex offender registry automatically and that every person added to the registry will also be required to provide a DNA sample to the national DNA databank.

At present, convicted sex offenders are added to the registry only after an application is made by the Crown. This leaves open the possibility that offenders can challenge the application and, if successful, their names would not be included in the registry.

By making the registration of sex offenders automatically, Bill S-2 eliminates the chance that police may not have knowledge of all convicted sex offenders.

This legislation will also transform the national sex offender registry into a proactive tool for law enforcement agencies. As it exists now, police can access information in the registry only after a sexual crime has been committed in order to help them investigate who may be responsible. This is certainly useful in bringing offenders to justice, but it does little to prevent crime.

With these changes in place, for example, if police see suspicious activity at a community centre, a shopping mall or a school yard, they will be able to access the registry in order to prevent a potential crime of a sexual nature. They will be able to find out whether the person involved is a registered sex offender and obtain other information to assist them in their work.

● (1210)

Since this bill was first introduced in the House, several other amendments have been made to strengthen the legislation. For example, officials will be authorized to include new information in the database, such as a registered sex offender's method of operating in relation to the offence. This would provide police with valuable information regarding how a sex offender carried out his or her crime

and any unique aspects in this regard, which could help them identify potential suspects in a case more quickly and effectively.

Another change is a provision regarding vehicle registration information. I am sure we have all heard or seen reports of threatened or actual sex offences where the police have little to go on beyond a vague description of the vehicle involved, such as a white car with four doors or a dark brown van.

We have also seen how a detailed description of the vehicle used by an offender can lead to a quick arrest. With this change in place, registered sex offenders will be required to report the make, model, year, body type and colour of any vehicle registered in their names and any other vehicles that they may use on a regular basis, such as a company car or truck.

Bill S-2 also includes a provision that would allow travel notifications to police in other jurisdictions when a registered sex offender is travelling through or to their area. This is particularly important with respect to high-risk sex offenders.

This also includes the notification of police in other countries, in keeping with our international responsibility with regard to sex tourism and the protection of our children abroad. In this regard, Bill S-2 also includes provisions to include in the national sex offender registry individuals who have been convicted of sex offences abroad and then returned to Canada. These measures requiring proper sharing of information are significant improvements over the existing legislation. They would further ensure the registry is truly useful in protecting public safety.

Bill S-2 is an important piece of legislation, and the time has come to pass this bill and show Canadians that we are serious about ensuring their safety. This bill would ensure all sex offenders who should be on the national sex offender registry are on the registry, and it would provide police with the information they need to protect our children and other valuable members of our society from sex offences before they occur.

Bill S-2 is a thorough and effective response to legitimate concerns and recommendations that have been expressed by police, by victims' rights groups, by our provincial and territorial partners and by Canadians. I ask all hon. members to unanimously support Bill S-2 and help our government fulfill this pledge to Canadians to protect our most vulnerable from harm.

● (1215)

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, the hon. member and I had an opportunity to work on this bill in committee, and I wonder if he could comment on something that is regrettable and I hope does not happen again. I am looking for him to confirm that we will not see this happen again.

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We in committee had the opportunity to hear from a good number of witnesses who came from all over the place to give testimony, particularly with respect to Christopher's Law and how we need to better model that example from Ontario federally. The committee had agreed to make time on the calendar to do a statutory review of the sex offender registry, where this had come from.

Committee members were obviously greatly disappointed that, mere weeks before we were about to publish our report with our recommendations from all of that work, the government tabled its bill and pre-empted that. In fact, if the government had just waited a little to hear about the work the committee had done, many of the changes the member is referencing would not have had to be changes; they could have been incorporated initially into the bill.

I am wondering if I could have the assurance of the member on behalf of the government that, in the future, if committees are working on reports or undertaking statutory reviews, we could be given the opportunity to at least be listened to before the legislation is tabled.

Mr. Dave MacKenzie: Mr. Speaker, I would like to thank all members of the committee for their hard work on this bill. As I indicated in my speech, there was good co-operation from all members. Some amendments were made to the bill, which I believe strengthen it a great deal, and that was through the co-operation and support of all members of the committee.

In fact, the committee waited far too long to get this bill moving; the government could not wait any longer and the legislation was introduced. However, it did not affect the efficiency of the committee in dealing with it. As I said in my speech, all committee members worked diligently to make sure that this piece of legislation moved forward in its current stage. It is a piece of legislation that all parties can point to as being a good piece of legislation coming out of this session.

[*Translation*]

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, I have a question for my colleague.

When we did the report on the sex offender registry, we heard testimony from two organizations that conduct DNA analysis. If my memory serves me correctly, because it was almost a year ago, one was from Quebec and the other from Ontario. What is more, one of them was run by the RCMP and the other by a Quebec organization.

When we were talking to them, they told us that they still did not have a new budget agreement with the federal government for analyzing DNA samples, that there were delays of up to one year and that, in their opinion, their budget needed to be increased in order to deal with the backlog.

Was an agreement ever reached between these two organizations and the government? Will the budgets be increased? If so, by how much will they be increased?

• (1220)

[*English*]

Mr. Dave MacKenzie: Mr. Speaker, as I previously indicated, there was good co-operation from all members of the committee working together on this.

My colleague is right that there was some discussion about outside bodies requesting additional financing. Those discussions were taking place amongst the two levels of jurisdiction. At this point I am not certain as to what the final outcome was, but we certainly have not heard anything since from the body of which my colleague spoke.

I do not know whether or not those agreements are in place. I am certain that those discussions, if they have not been completed, will be finalized somewhere in the not too distant future.

[*Translation*]

Mrs. Maria Mourani: Mr. Speaker, given that my colleague humbly said that he was not aware of the outcome of this issue, I would appreciate it if he looked into the matter to satisfy my curiosity and to bring everyone up to speed. I would like this information to be presented in the House or in committee so that we know whether an agreement was reached and whether the budgets were increased.

Since my colleague does not know, could he get that information to us?

[*English*]

Mr. Dave MacKenzie: Mr. Speaker, I will endeavour to get the information as soon as I can and will give it to my colleague at a committee meeting.

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, it is a pleasure to rise on this bill. It is a difficult emotional topic. There are probably not many Canadians who do not know somebody or have a family member who has in some way been touched by sexual violence. When it happens to a child, it is particularly heinous.

Obviously governments and parliaments should do everything in their power to go after those who commit the crimes, and in particular enable police, once a crime has happened, to apprehend the person quickly and to remove the young person from danger before something worse happens. When an incident of this nature occurs, the first hours are critical in finding out where the child is. Having an effective sex offender registry that allows police in a timely way to target their search and go after those who might have committed the offence is critically important.

If we look at where the legislation comes from, there was a mandatory review, as I referenced earlier, which required the committee to take a look at the sex offender registry. In undertaking that work, it became very clear to all of us that the federal registry was woefully inadequate, that other jurisdictions provincially had far outpaced us. It was certainly the case in Ontario where Christopher's law had been implemented with great success. It was a model all committee members looked at and on which we asked a lot of questions.

Witnesses came from different parts of Canada and we took the opportunity to hear from them. We were on the verge of releasing a series of recommendations, but that process was pre-empted by the bill being presented. Much to our disappointment, because the bill had been hastily crafted and prematurely presented, a number of the recommendations that we made were missing and had to be injected into the bill.

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I understand that all of us want to move legislation through expeditiously, but so too it is important to have a proper study of legislation to make sure that when we pass something, we get it right. If we respond instantly to a headline and try to craft legislation on the back of a napkin and toss it out the door at a thousand miles an hour, mistakes happen, gaps are left and things get undone.

I think of the pardon legislation, as an example. I remember some four years ago the then public safety minister said in response to a horrible story, "We have got the problem fixed. Don't worry, it is all done". It was only a couple of days after the event. There was no opportunity to study it at committee, to ask questions, to delve into the issue, and of course four years later the government came forward and said that there were problems with the pardon system, that we have to review it, renew it and change it.

There is an unfortunate tendency to ram things through. That process of ramming things through means that mistakes get made and things get left out.

What was egregious about this particular example was that we were literally a week or two away from being able to offer those recommendations, if the government had had the courtesy to wait. It is one thing to be ignored, but it is another thing entirely to not even be heard before we are ignored.

On the whole, this represents good legislation with the changes that have been made and is something which is supportable. However, I do want to comment, because as much as the parliamentary secretary talks about the co-operation in committee, I have to say I was deeply concerned that the member for Saint Boniface and a few other members, on television, when I was debating on panels both inside and outside this place, attacked me for not supporting the sex offender registry.

Where does this stem from? It stems from the fact that I asked questions, if anyone can believe such an outrageous thing. I asked questions about the fact that the list of offences was much longer than what was present in Ontario under Christopher's law. As an example, voyeurism was on the list. There was concern expressed about whether or not voyeurism should be on the list of offences that would put somebody on the sex offender registry. This concern came not only from me, but from police officers who were concerned that if the list was too broad, they would be visiting far too many houses when an incident happened. What they wanted was to have that scoped to make sure the houses they were visiting and the information they had would be directly addressed to people who commit the most serious offences.

• (1225)

The other example was of an indiscretion at an office party. As there was something in this bill about sexual assault, we wanted to make sure that if there was an indiscretion, and certainly somebody should not make unwanted sexual advances at something like an office party, that the individual would not end up on the sex offender registry. When a child goes missing, that would probably not be the first door to knock on to ask questions when there are other people on the list.

In raising these concerns, somehow that morphed both in the House and in television panels into some people saying that I did not

support the sex offender registry. That is incredibly dishonest. Unfortunately, we see it in this House with enormous regularity. The Conservatives seem particularly obsessed with me and my riding. They rise on S.O. 31 statements saying that I love criminals and that I am against support for victims, but nothing could be further from the truth.

What the Conservatives are really saying is that I ask questions and that I do not blindly accept whatever is put in front of me. When anybody criticizes the Conservatives or asks questions, their first instinct is to attack, to try to bite off the person's head, as opposed to maybe listening and considering the fact that the points being raised are worthy of debate and discussion. In passing legislation, debate is an important part of the process that forms good legislation.

As much as I support this legislation as it is currently crafted, I have to express concern more broadly as to where the government is going with respect to its agenda. There are a lot of bills currently before the House. I think this is a good one, but there are many others that are not and it is leading us in a direction that is disturbing.

I came across an article in the *New York Times* that talks about the state of California's prison system. It bears reading excerpts from the article because it speaks to the model the government is chasing. While the rest of the world is running away, the government is chasing after what is happening in California.

The title of the article is "The Crime of Punishment":

In 2005, when a federal court took a snapshot of California's prisons, one inmate was dying each week because the state failed to provide adequate health care. Adequate does not mean state-of-the-art, or even tolerable. It means care meeting "the minimal civilized measure of life's necessities," in the Supreme Court's words, so inmates do not die from rampant staph infections or commit suicide at nearly twice the national average.

These and other horrors have been documented in California's prisons for two decades, and last week they were before the Supreme Court in *Schwarzenegger v. Plata*. It is the most important case in years about prison conditions. The justices should uphold the lower court's remedy for addressing the horrors.

Four years ago, when the number of inmates in California reached more than 160,000, Gov. Arnold Schwarzenegger declared a "state of emergency." The state's prisons, he said, are places "of extreme peril."

Last year, under a federal law focusing on prison conditions, the lower court found that overcrowding was the "primary cause" of gruesome inadequacies in medical and mental health care. The court concluded that the only relief under the law "capable of remedying these constitutional deficiencies" is a "prison release order."

Today, there are almost twice as many inmates in California's 33 prisons as they were designed for. The court ordered the state to reduce that population by around 30 percent. While still leaving it overcrowded, that would free up space, staff and other vital resources for long overdue medical and mental health clinics.

I would add rehabilitation also. Further on, the article continues:

Among experts, as a forthcoming issue of the journal *Criminology & Public Policy* relates, there is a growing belief that less prison and more and better policing will reduce crime. There is almost unanimous condemnation of California-style mass incarceration, which has led to no reduction in serious crime and has turned many inmates into habitual criminals.

America's prison system is now studied largely because of its failure—the result of an expensive approach to criminal justice shaped by fear-driven ideology. California's prisons embody this overwhelming failure.

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The Americans themselves are acknowledging that the path taken by California is a disaster and has led not only to less safe communities but to budgets being completely evaporated. Prisons are sucking like a vacuum from health care, education and infrastructure as they go these mega-prison complexes.

● (1230)

The problems are then compounded in terms of mental health. As we heard from the correctional investigator, the state of mental health in our prisons is deteriorating.

Mr. Brent Rathgeber: Mr. Speaker, on a point of order, I am curious as to whether the member for Ajax—Pickering is ever going to talk about the sex offender registry.

The Deputy Speaker: The hon. member is making a point of relevance. I would encourage the member for Ajax—Pickering to remember that we are at third reading stage of debate and traditionally the Chair is more strict with the rules regarding relevance. I would ask him to bring his remarks to the motion before the House.

Mr. Mark Holland: My remarks are directly relevant to this, Mr. Speaker. I appreciate the member's interest in what I am saying. I appreciate that he is listening. If he had been listening at the beginning of my remarks, he would know that I spent a good deal of time talking about the sex offender registry.

When we are dealing with legislation, it is incredibly important to ensure there is a balance in what we are approaching and how we are going to deal with it. We are dealing with legislation that needs to be passed but we have to consider the ramifications on the other legislation that is on the table.

There is no doubt this bill will have ramifications on people being incarcerated, and it should. It is going to put a strain on our prison system. We have to make sure there is space in those facilities to put the people who belong there. Sex offenders certainly do belong in our prison system.

Chiefs of police across the country have told us that our prisons are replete with the mentally ill. Oftentimes our prisons have no room for dangerous offenders because of the fact that prisons are being used as repositories for the mentally ill. When police encounter somebody who is mentally ill, they have nowhere to send that individual. They have to wait for the person to commit a crime so the person can be put into a prison. Instead of receiving health care and getting better, individuals are put into solitary confinement because there are no resources to deal with them. Being in solitary confinement makes them worse. They are released back onto the streets where, in a worsened condition, they commit a more serious crime.

When considering a bill like this one, we have to ask who populates our prisons and how much space we can make for them.

The government recently announced that it is going to move forward with double-bunking. What impact will that have on conditions in our prison system? In California, prisons are overcrowded and inmates are stacked one on top of the other. We can say we do not care what happens to inmates because they committed a crime, but the problem is that over 90% of them will come out. They are being stuck in overcrowded, unhealthy

conditions where not only their mental health and their exposure to poor behaviour is at issue, but their rate of contracting an infectious disease increases. When over 90% of them come out, this becomes a major public safety problem and a major public health problem.

The government's approach on this issue is very germane to any discussion with respect to who we are incarcerating and who populates our jails.

What is the actual evidence? The government's prison agenda has been repudiated. California's system has been a disaster. The rest of the world is condemning that prison system yet the Conservative government is chasing after it at 100 miles an hour. What is the solution?

If we want to ensure there is room in our prisons for the people who belong there, and if we want to ensure that we have safe communities, then surely we should not be cutting back on crime prevention. Over 70% has been cut from the crime prevention budget. Over 41% has been cut from the victims of crime initiative. This initiative helps break the cycle of victimization.

As we know, unfortunately victims often become offenders, and this relates directly to sex offences. Young people who were traumatized or faced sexual violence in their past deal with that through aggression, through confrontation with our legal system. We hear from police that this is often the cause of some very violent and disturbing behaviour. Programs and services to help deal with victims were not in place.

If we want to deal with sex offences, it is not enough just to have a sex offender registry. We also need to invest in community infrastructure to make sure that victims who go through those experiences are given the support they need to ensure they do not walk down that dark path.

When I talk with the boys and girls clubs, church groups, or others who are involved in providing these kinds of services, I hear that their funding is being cut all over the place. They have to twist themselves into pretzels in order to get access to federal funding. This is egregiously wrong. What is so bad about it is that it is enlarging the pool of crimes that are being committed.

The government is building all of these new prisons while it is cutting from the very things that stop crimes from happening in the first place. This means it is feeding the beast. It is compounding the problem on top of itself.

● (1235)

Then the more the prison population grows, the less money there is for rehabilitation, the less money there is to make sure people get better. We then have to do things like cut the prison farm program, one of the most successful programs, which we had for over 100 years and which was studied by the world for how effective it was at bringing about rehabilitation. Yet it was cut because the Conservatives said they do not have the money. This is the track we are on, where it compounds and takes us to an ever-increasing population that makes us more and more unhealthy.

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Aside from investing in those things, we have to listen to local communities. Instead of sending diktats from Ottawa about how these community groups have to twist themselves to fit into some bizarre federal scheme, we should be asking them through their community safety councils or other such agencies to tell us what their needs are, what can they do to build infrastructure on the ground to break cycles of victimization, to help people who have been victims, to make sure that when a crime happens it does not perpetuate itself, that it breaks cycles of addiction, and we know that in our prison system more than 80% of inmates are facing addiction issues. We should be asking them to deal with mental health concerns, to have them from the bottom up tell us what their communities need, and then Ottawa should be a partner and say here is how we are going to work with them.

As we are looking at ways in which we can go after people who are committing crimes, sexual offences, as I mentioned before particularly against children, the most egregious, is one of the reasons why I am disturbed that we still have not dealt with lawful access provisions that have been in the House for over five years now. In the lobby a few minutes ago I spoke about how this pertains to terrorism. But police have been telling us it also affects child exploitation. Police need the technology, the ability and the legislative authority to be able to chase after these predators and these people who would commit crimes online, to be able to get access to Internet service provider records, to be able to open up BlackBerrys that have encoded information, yet that legislation has been sitting on the table for five years with no movement, no action.

When the government's promise in 2005-06 to put 2,500 more police officers on the streets was not realized, members of the Canadian Police Association called it a betrayal. They said it would impede their ability to enhance public safety and go after some of these individuals. Yet the government is quick to pound its chest and talk about what a great job it has been doing on crime.

If I have an overall narrative here it is that while I support the bill and I believe the bill needs to be done, the government's approach to crime is heading in a very dangerous direction in the way in which it attacks people who raise legitimate concerns and raise alternative suggestions about how we should pursue these ideas. It does so in such a personal, visceral way. It tries to portray that somehow people who disagree with it do not share the same interest in overall public safety. It is dishonest and unbecoming to the House.

• (1240)

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Mr. Speaker, I would like to thank the hon. member for his speech although I am not sure how much of it has to do with Bill S-2, which is the bill before the House.

He commented that he is opposed to throwing people into what he described as overcrowded prisons. If he truly believes that, I am curious as to why he constantly speaks against the government's initiative to build and expand the prison system. Would he prefer that the prisons remain overcrowded, or is his suggestion that we let criminals out and put them back on the streets?

Mr. Mark Holland: Mr. Speaker, I do find it passing strange that the member rises on a point of order to say that I should not be talking about prison overcrowding and then his question to me is

about prison overcrowding. But nonetheless, I welcome the question because here is the problem.

The government's plan is overcrowding plus mega-prisons. It is the whole enchilada and it is exactly what California did. It is the exact model. The incarceration rates were ramped up. There was a time when the rate of incarceration in the United States was only two times that of Canada. That was in 1980. The United States ratcheted that up by about 700%, so their rate of incarceration is about eight to one what Canada's is. Over that same period of time the rate of serious crime though was reduced in both jurisdictions at about the same rate. Canada was a little better. So this strategy was tried.

California built a whole bunch of new prisons. It was not that it stacked prisoners on top of each other. This ideological fear-based policy, which is what this is, it is not based on an ounce of evidence, this policy that is being undertaken that was tried in California means that all of these prisons are built and that is still not enough because it keeps ratcheting up higher. Even with all those new prisons now there is no money for roads, there are potholes everywhere, so now they have to be stacked on top of each other in the newly built facilities. That is where we are headed and that is what is wrong.

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, I think my hon. colleague's remarks are lucid and very helpful to the debate.

I do want to ask him a question about the automatic registration feature of the bill. The member talked, quite correctly, about how important it is for police in that critical one or two hours after a child abduction may have occurred to have immediate access to a databank that is accurate and helpful to them so that they can immediately start targeting sex offenders who may be present in the area.

We heard testimony before the committee that with automatic registration we will end up adding a whole slew of people to that database who probably should not be in that database, with the result that the police will have clogged data. In that critical one or two hours, the police will be searching and visiting people who may not be the appropriate targets of that investigation at the expense of visiting those sex offenders in the area who may be actual legitimate targets.

I am just wondering what his and his party's position is on automatic registration in this bill, particularly when it does not just copy the Ontario model, it actually expands the number of offences in the Criminal Code that are covered by automatic registration, including things like sexual assault, which the member has already pointed out is a hybrid offence and can include certain convictions that are not of the quality and character that would really, truly necessitate inclusion in the sex offender registry.

I would be interested in hearing the hon. member's remarks on that.

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•(1245)

Mr. Mark Holland: Mr. Speaker, I thank the member not only for his question but for the opportunity to work with him on this bill. We have had a very constructive working relationship on this bill and others.

I think the member should get ready for a Standing Order 31 statement attacking him now for loving criminals or for being a criminal hugger, because he would dare ask a question.

The reality, of course, is it is a good question and it is one that needs to be asked and carefully considered. It is one that was raised by the police.

In principle, as we saw its application in Ontario, I certainly favour, as does our party, automatic registration. I think it has worked well in Ontario, and it has been effective.

The member raises a concern that I shared through the proceedings about automatically including some people who might be on the periphery and who were not intended to have been caught by that net, and winding up in a situation where we have a list that is simply too large to be useful.

The examples the member gave, and that I gave in my speech, that we had concerns about are worth mentioning and considering.

The other point that I am concerned about somewhat is the notion of moving discretion away from the judge to the police officer. If there is a commission of voyeurism, as an example, a police officer may be tempted to not pursue charges because they do not feel that the person belongs in the sex offender registry. However, previously they would have gone to court and gotten a lesser charge, and would have been able to establish a history if the person were to then progress from there.

I think that through the course of testimony and through the course of discussion, those concerns were largely resolved in my mind and in the mind of the party. The feeling is that the scoping is significant enough and the wording is clear enough so that that net shall not be that wide.

With respect to those concerns, I have them and have been posing questions about them, however they are not significant enough to warrant not supporting this bill.

[*Translation*]

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, I would like to congratulate the hon. member on his speech. I am letting him know from the outset that my question is indirectly related to the bill. I hope that he will not say, as the Conservatives did, that it is not relevant.

I think that the hon. member would agree that any bill must first ensure that there is a balance between human rights and public safety. I believe that he and his party are concerned about human rights, which are part of their human and political interests.

The member claims to be a human rights advocate and says that he strives to ensure that Conservative bills are not demagogic and that they find a balance between these two elements. After five sessions on the G20 and the G8, why has his party not requested an independent public inquiry on this issue to date? I do not understand.

The relationship between that and Bill S-2 is the human rights aspect.

Mr. Mark Holland: Mr. Speaker, these are two very different issues, but I can still answer the question.

First, with respect to crimes committed against young people, especially sex crimes, we all need to work together and leave politics aside. At the same time, it is very important for us to ask real questions about the bill to ensure that it is good and that it will work.

I am worried about the Conservatives because every time someone asks questions, the Conservatives attack them very personally, saying that this person supports criminals and does not believe what the victims are going through. That is not true.

As for the G20, in my opinion, there is no doubt that we need to force the Conservatives to answer a lot of questions. If we need a public inquiry and if we need to find another way to ask questions and get answers, then I absolutely support that. After our studies of this issue in committee, a number of very serious questions went unanswered.

If someone wants to demonstrate and share his ideas, and the government restricts his freedom and his ability to ask questions, that is very serious. We need to be able to get answers.

•(1250)

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, I wish to inform you that, as you are no doubt aware, the Bloc Québécois will support Bill S-2 on the sex offender registry.

This bill is an exact copy of Bill C-34, as amended by the committee during the last Parliament. We supported Bill C-34 in principle. We heard from witnesses who reinforced our position and we put forward amendments that were agreed to. We also proposed amendments to Bill S-2, but unfortunately, they were defeated because the Liberals supported the Conservatives. We proposed amendments relating to the automatic registration feature that my colleague discussed earlier.

This is another example of how the Bloc Québécois works bill by bill in an effort to be constructive without sinking to the level of grandstanding that we have come to expect from this government.

We believe that we must make tools available to the police that, on the one hand, are effective at preventing and fighting crime and, on the other hand, do not constitute an unjustified and disproportionate breach of fundamental human rights.

As all of my colleagues have said, we all worked well together on this. Bill S-2 seeks to make the sex offender registry more effective and more useful to the police. This is a critical tool for preventing sex crimes and supporting sex crime investigations.

This bill helps strengthen existing legislation on sex offender information registration, which came into force on December 15, 2004. It would enable authorities to include more individuals convicted of sex crimes on the registry and would record more information about those individuals, including DNA.

This bill would also strengthen obligations that apply to individuals listed on the registry, such as those related to moving or being away from their residences for an extended period of time.

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The bill adds new violations requiring registration and, in clause 5, makes some changes in the procedure by which courts will order inclusion in the registry.

In the case of so-called “hands-on” sexual offences, which are generally quite serious, the current regime allows the Crown to decide whether or not to ask the judge to have the person included in the registry. Under the new regime, which will be in place shortly with the passing of this bill, the attorney will no longer have to make the request; it will be a question for the courts to decide upon. It must announce its decision when the sentence is handed down and automatically order the person to comply with the requirements of the law; this is automatic inclusion.

In addition, this new clause abolishes the exemption, or exception, that currently applies when an offender establishes that their inclusion in the registry and the resulting impact on them, including on their privacy or liberty:

...would be grossly disproportionate to the public interest in protecting society...

Consequently, a hands-on sexual offence would result in automatic inclusion in the registry.

One thing is certain: at some point we will have to evaluate how the registry fits into all of this because there will be a lot of names in it. Witnesses told us that when there are a lot of names in the registry, it is less effective.

In terms of DNA samples—and this is somewhat related to the question I asked my Conservative colleague earlier—representatives from the two laboratories that do these tests clearly told us, when we met with them, that investigations are underfunded and that there are delays because it takes time for them to analyze the samples. These delays mean that these crimes sometimes go unsolved.

If it is urgent, they are efficient. But some samples may sit for a year before being analyzed because there are not enough resources.

●(1255)

Not only were they waiting for an agreement with the federal government, but they were also hoping to get more funding. It is all well and good to have legislation in place, but we need to have the means to enforce it. Will any money be invested in this bill? It is important to note that more and more people will be added to this registry, so there will also be more and more requests for DNA analyses.

Coming back to my point, when a direct sexual offence is committed, registration is automatic; however, for other designated crimes, it is up to the crown prosecutor to determine whether or not to apply to the court.

Clause 40 is another interesting point in the bill, because it makes a major change to how the registry can be used. This is very important, because it has to do with the notion of prevention. Under current legislation, the registry can only be used when there are reasonable grounds to believe that a sexual offence has been committed. Bill S-2 allows police to consult the registry for prevention purposes.

Consider the example of Cédrika Provencher, a tragic incident that took place not too far from us. What is interesting about this case is

that the registry could have been consulted, which would have allowed for more effective prevention. However, according to the information we heard, some sex offenders had already been identified in that area, which the police were able to verify. As we know, when a child is kidnapped, it is important to find him or her within the first 24 hours. After 48 hours, the situation becomes even more worrisome, and as time passes, the chances of finding the child diminish considerably.

Clearly, this greater openness to prevention will have to be examined more closely to ensure that it is not used inappropriately. I trust the professionalism of police officers, but the fact remains that sooner or later we must have a closer look at this provision. Personally, I think it is a measure that could save lives.

The bill also proposes another worthwhile amendment. If this bill passes, there will be a correlation among offences that lead to inclusion in the sex offender registry and the sex offender's obligation, as I was saying earlier, to provide a DNA sample to the national DNA data bank. The bill will amend section 487.04 of the Criminal Code, which already requires a judge to order that such a sample be taken when a primary designated offence, a very serious offence, has been committed.

If the bill is so good, then why has it not passed yet? There are a number of answers to that question: first, this government nearly always introduces what at first is an absurd bill, ensuring that everyone is against it and wants to amend it; second, this government has gotten in the habit of putting on a show in the name of public safety; third, this government claims that these things are important and then turns around and prorogues the House, allowing all the bills to die on the order paper.

The opposition is not responsible for this delay. I have seen my colleagues work hard on getting this bill passed and on making worthwhile amendments to make the bill even better. I feel that the blame lies with the government, which unfortunately does not put its money where its mouth is. This is not the first time we have seen the Conservatives do this. I would not be bringing this up if I did not have a number of other examples.

Take for example former bills C-46 and C-47, which have been renamed and brought back to the House. The police have been calling for such legislation for over 10 years to help them conduct investigations, especially when it comes to the producers and consumers of child pornography. One of these bills ended up in the Standing Committee on Justice and Human Rights and the other, in the Standing Committee on Public Safety and National Security. Then, all of a sudden, they disappeared. And then the House was prorogued. I have had to ask why a million times in the House.

●(1300)

Not too long ago, I do not have the exact dates, they reappeared with new names. And we are still not working on them. The government should bring them forward because I would like to start working on them.

Government Orders

This government likes putting on a show in the name of public safety and too often shirks its fiduciary responsibilities with respect to our collective security. We saw this recently with its irresponsible attitude towards the firearms registry, which, despite everything the Conservatives are doing, works relatively well, in spite of their amnesties and their many attempts to secretly abolish it through private members' bills.

I would like to come back to the fact that police forces want another tool to protect our children and to catch producers and consumers of child pornography.

Since 1999, police forces across Canada have been calling for legislation that, within a certain framework—this is not a free-for-all—would require Internet service providers to disclose IP addresses, which identify their clients computers, without being forced to ask for authorization in court, since these authorizations would be given later.

An IP address is like 411, a telephone book where you can find a person's name, address and telephone number. It is the same for a computer. This makes it possible to take action and save lives in an urgent situation.

I am not the only one saying this. On April 22, when he testified before the Standing Committee on Public Safety and National Security, the former federal ombudsman for victims of crime, Mr. Sullivan, who was appointed by this government, said:

...if I were the Prime Minister today the Internet bill would be my absolute priority; it would be number one in the justice reform areas.

Mr. Sullivan gave a good picture of the tragedy the absence of such legislation causes. He said:

The longer we delay these initiatives to give law enforcement the tools, the more kids are going to be abused. I think that makes everybody angry.

That is true. It makes no sense that we do not currently have any regulations like these for the Internet. I can give some examples. In less than 10 years, we have seen a huge increase in the amount of child pornography on the Internet. We have gone from thousands of images to millions of images and videos. Every single image and every single video shows children being abused. I spoke to investigators from the child sexual exploitation unit who told me that the youngest sexual abuse victim they had seen was a two-week-old baby. That is unbelievable.

Imagine my indignation when, rather than passing a bill that would actually make it possible to save lives by giving the police important tools, the members of the House prefer to talk about other things. I would ask my fellow members to excuse me for being emotional but I find this so mind-boggling that I cannot even believe it. I think that a way must be found to let the police do their work and to also protect our children.

It is important to understand, as the Bloc Québécois did during the consideration of the bill that was the original version of Bill S-2, that the government must question and change its behaviour for everyone's benefit. It must do so to protect public safety and preserve Canada's credibility in the eyes of the world, in the eyes of the international community.

It is rather paradoxical that I, a sovereignist, am saying this. I strongly believe that Quebec and Canada are sister countries. So,

when things go wrong in Canada, they cannot help but go wrong for us as well.

• (1305)

Unfortunately, we are still in Canada. Sometimes extraordinary laws are passed that help us to grow; however, there are other laws that diminish us completely both as individuals and as a society.

It is important for the government to understand that human rights are more than mere words. Human rights are fundamental. This institution is based on human rights in general and on the rights of children. The government must show its good faith by ordering a public inquiry on the G20 in Toronto. I asked the Minister of Public Safety and the government several questions and, as I understand it, they have shut the door on this issue.

I have sat on five committees. People came from everywhere to testify. There were organizations as well as individuals who had been arrested and who are no longer facing charges. With what we are hearing, if I were the public safety minister, I would call a public inquiry for the sake of the credibility of Canada and its police. Right now, it is all just suspicion and allegations. People are not crazy. They go on the Internet and see things. Articles are published and we hear statements in committee. It is a disgrace. A public inquiry needs to be called to clean all of this up. If it finds nothing, so be it. At least everyone will be reassured and people will say that some incredible work was done. But that is not what is currently happening; there is nothing but suspicion.

More than 1,000 people were unfairly arrested at the G20, and a tiny minority were incarcerated after charges were laid. It was the largest number of arrests made at a single event in Canada. It brings back bad memories, such as the October crisis in 1970. We have to wonder. I hear my colleagues opposite, who are at a loss. It might help them understand if they realize that the link is human rights. Based on facts that are gradually coming to light, many observers feel it is increasingly probable that respect for human rights was not a concern for the infamous G8 and G20 integrated security unit, which was headed by the RCMP. Everyone is responsible, but no one is responsible. It is as though—

[*English*]

Mr. Brent Rathgeber: Mr. Speaker, I rise on a point of order. Once again, the opposition members seem to be talking about everything except the bill before the House. I would ask that you caveat the member to talk about Bill S-2, which is the bill before the House.

[*Translation*]

The Deputy Speaker: The hon. member for Ahuntsic has two minutes left.

[*English*]

I will remind the member to try to keep to the rules of relevance, especially regarding third reading of a bill, in her final two minutes.

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[Translation]

Mrs. Maria Mourani: Mr. Speaker, speaking of relevance, human rights have been trampled upon. The connection is very clear. Why was Bill S-2 created? Because there was balance, there were amendments and a better bill that should better reflect Canada was created.

At the G20, people were held for unacceptable periods of time in cages with constant bright lighting, with no beds and no covers despite the chilly air conditioning—

● (1310)

[English]

Mr. Derek Lee: Mr. Speaker, I rise on a point of order, which has already been made. No matter how much the member massages the air around her bench, no matter how much she torques her voice, she has strayed off the topic, in my respectful view. I would ask her to please, out of respect for all the members in the House, get back to the issue in the bill. I do not mind listening to members stray a little, but I am here to debate the bill and the member has strayed way off topic, in my opinion.

The Deputy Speaker: I find I agree with the member for Scarborough—Rouge River. I will once again ask the member for Ahuntsic that she respect the rules of relevance in her final minute.

[Translation]

Mrs. Maria Mourani: Thank you, Mr. Speaker. I will. I understand that the member had no problem with his own colleague straying. It did not bother him when his colleague started talking about prisons and whatever, but I get it. He is partisan.

I also understand his position because his party does not want a public inquiry. That is why talking about the G20 makes the members so uncomfortable, especially the members from the Toronto region. They hope to sit on the other side. It would sure be nice for them to get Toronto.

About Bill S-2, I only have a minute, so I will wrap it up quickly. I want to say that when I look at all of this information in terms of values—

The Deputy Speaker: It is time for questions and comments. The hon. member for Bonavista—Gander—Grand Falls—Windsor.

[English]

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, I will certainly talk to the bill and try to be as relevant as I can.

The information in the national registry that can be collected only to enable police services to investigate crimes they have reasonable grounds to suspect are of a sexual nature has been amended. We saw this through Bill C-34. In some of the comments during the committee work on the bill, it was pointed out that something was missing. However, the need for reasonable grounds has been removed from subparagraph 2(2)(c)(i) of the act. As a result, police may collect information for the purpose of preventing and investigating crimes of a sexual nature. During the examination of Bill C-34, no witnesses raised the possibility of any abuse of use resulting from these amendments.

Would the hon. member please comment if these new methods, for which we are casting a wide net in the usage of this registry, especially when it comes to peace officers, concern her, even though those member will pass the bill?

[Translation]

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, as I already said in my speech, if my colleague had been listening, there is no doubt that with this new legislation—and my NDP colleague also mentioned this—registration will be automatic in certain cases. Let us be very clear: there will be a wide range of sex offences that can be included in this registry.

I find it ironic that my Liberal colleague is asking me a question. The Bloc Québécois and the NDP proposed—or at least we supported the NDP's proposal—an amendment that would allow for clear guidelines to be established regarding this issue. However, the member's party and his colleagues voted with the Conservatives. It would have been nice to be able to clarify this automatic registration. According to the witnesses, there is a risk that a great many names will be added to the registry until, unfortunately, it eventually becomes ineffective. Personally, I think we need to examine it a little closer later on. The bill is before us, with all of the amendments that were made. Personally, I think we need to examine the real impact it has later on, after it takes effect. Now if any amendments needed to be made, the time to do so was in committee. It was up to his party to do so, rather than voting against it when the time came.

● (1315)

[English]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, police forces have indicated that the present legislative framework of the national registry does not allow them to prevent crimes of a sexual nature. Response times in the investigation of sex crimes are of critical importance, as the member knows, especially in cases involving child abduction.

The following statistics illustrate the importance of a rapid response and have been mentioned by my colleague from B.C.: 44% of child victims are dead within one hour after abduction; 74% are dead three hours after abduction; and 91% are dead 24 hours after abduction.

Police prefer, where possible, to use the Ontario registry, since it can be used preventively and the fact that there is a substantial gap between the statistics on the national registry usage. For example, the national registry is used 165 times a year, whereas the Ontario registry is used 475 times a day. Clearly it is time for us to look at adopting the provisions of the Ontario registry, and that is in fact what we are doing.

I know the member referred to these statistics as well. Does she have any further comments on this?

Government Orders

[*Translation*]

Mrs. Maria Mourani: Mr. Speaker, I thank my colleague for his question. I completely agree with him. There was a problem with the law and I believe that this bill solves it. Prevention is vital when it comes to child abduction, as he illustrated so well. Finding the child alive or even just finding the child is critical. That may happen within 24 hours. After that, according to police statistics and statements, the ability to find the child alive diminishes and may be almost nil.

Therefore, it is vital that the police be able to consult this registry for preventive purposes. The only thing we will have to eventually look at—which could very well be done in committee—is the effectiveness of the registry. How many names are in the registry? Are there abuses? Has the necessary money been provided for the registry to be effective?

One thing is clear: it is all very well to have the best possible law but, without resources, the registry cannot be effective and will not give results. It could be an exceptional tool when it comes to prevention and saving lives, provided that it is given the required resources. It is very important to assess its effectiveness. If we determine that it is more or less effective, we must determine why and provide the necessary resources for it to function properly. Assessing whether or not something is working does not mean that it is bad; it simply means that we want to improve it.

[*English*]

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, I thank the member for her work on the public safety committee. My question has to do with the statistics of abducted children being murdered: 44% of children are murdered within one hour of being abducted; 74% are dead within three hours; and 91% within 24 hours, all of which points to one inescapable conclusion. Police need immediate access to very accurate information. This leads to my question, which is on automatic registration.

Even though we did not hear from any real law enforcement officials who pushed the need for this, by pushing for automatic registration, we will be adding thousands more people into this database. This will force police to have to search those people in the critical one-hour and three-hour time periods, many of whom, it is uniformly regarded, should not be on the sex offender registry.

Could my hon. colleague comment on whether she thinks automatic registration will make it easier for police to get critical investigations under way that might save children's lives, or does she think automatic registration may impair the police in this regard and make our children less safe?

• (1320)

[*Translation*]

Mrs. Maria Mourani: Mr. Speaker, I want to thank my colleague for his question. We had that very debate in committee. Witnesses told us clearly that the more names on the registry, the greater the risk it will not be as reliable. The problem is that hybrid offences or those more distantly related, such as exhibitionism, are subject to automatic registration. We will have to see whether this works.

Witnesses told us that we risk facing this problem, which is why it is important that we are able, after a year or two, to verify the

effectiveness of such a registry with regard to this new automatic registration.

I cannot really answer the question because we will not know until we verify it. However, I agree with my colleague that witnesses told us that we run the risk of ending up in this situation. Some amendments have been proposed, but they have not been adopted. We are looking ahead. We will pass this bill and enforce it and then we will see what happens. We could assess and change things as needed.

[*English*]

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, I am pleased to stand on behalf of the New Democratic Party of Canada to speak in favour of Bill S-2, which would make many necessary and important changes to the sex offender information registry in this country. Bill S-2 is the reintroduction of Bill C-34 from the last session, including amendments made by committee.

New Democrats support the bill and the concept of reviewing this legislation. We also support hearing from various stakeholders on how to improve the registry, both to improve public safety and to respond to the legitimate concerns of the police forces that work with this registry every day.

Bill C-34 was strengthened by amendments, including New Democrat amendments, to require sex offenders to provide their vehicle information and swiftly report any changes in their personal or work information to the registry. It is important to note that the public safety committee worked well and co-operatively in reviewing this legislation at the time this bill was brought forward, which I will talk about in a moment.

Despite all party support and the co-operative approach by the public safety committee, it has taken a year and a half to get this bill to the stage it is at today. Bill C-34 was introduced in June 2009 under a different minister but it was killed by prorogation. The government, of course, controls the House of Commons' agenda and it did not call the bill for debate until now.

It is relatively concerning and regrettable when we so often see the politicization of crime as an issue in this country. As I always do in my speeches on crime, I call on all members of Parliament to work co-operatively, intelligently and factually so that we can take real measures to make our communities safer, instead of just preying on people's fear and pursuing policies that we know do not work, that we know do not make us safer and that we know are prohibitively expensive.

It is important for Canadians to know that this legislation, when it was introduced some years ago, contained a mandatory review clause so that, within two years of being introduced, the public safety committee, or whichever committee was responsible at the time, would be charged with reviewing how the legislation and the sex offender information registry worked in this country.

Government Orders

That is a wise provision to put into legislation and we should do more of it in this House of Commons. We should periodically review legislation to ensure it is achieving the results that we had hoped it would achieve but otherwise we may not know.

At the time the public safety committee was doing that review, we had heard from many witnesses, had gone through each major section of the bill in tedious detail and had caught a number of items we thought could be improved upon.

As the committee was writing its report to the Minister of Public Safety so he would have the benefit of its hearings and testimony from experts, police officers, government officials, people who work in the criminal justice arena from every angle and others, the government and the minister did not even wait for that report to come out on the mandatory statutory review. Instead, the government hastily and swiftly put this legislation together and introduced it into the House. In examining that fact, I think there is strong evidence that the government was playing politics at that time.

Why would the government not wait for the public safety committee to give its report and have the benefit of all of that study, testimony and co-operative agreement before it then drafted legislation, particularly when it was only weeks away? Why would the government do that other than to play politics with the crime issue?

The other reason that was regrettable is that, as one would expect with legislation drafted in haste for political purposes, the legislation had problems with it. I will give an example.

• (1325)

One of the things we found in the original legislation was that one of the critical pieces of information that a sex offender was not obligated to report to the registry was information about his vehicle, the make, model, colour, licence plate and registration number. As we all know, in some cases, sex offenders will utilize their vehicles as a way of luring children. They will go to playgrounds and try to lure children into their cars by offering them candy or luring them with a pet. This registry did not require sex offenders to report that information to the registry, both for cars they owned or leased. We caught that in committee and the New Democrats put forward an amendment to say that that was information that should be in the registry.

However, because the government and the minister did not wait for the report from our committee, they put legislation before the House that did not have that information in it. That just shows that not only is playing politics bad politically for this country, but it is bad from a public policy point of view and from a legislative point of view.

What is the sex offender registry? It is a national data bank that contains information on certain sex offenders who have been found guilty of designated offences under the Criminal Codes, such as sexual assault, child pornography, child luring and exhibitionism, or who have been declared not criminally responsible on account of a mental disorder but, nevertheless, engage in those activities.

Pursuant to the Criminal Code, it is the Crown that had to initiate the registration process. If a court ruled that the offender should be registered in the national registry, an order was issued requiring the

offender to report to a designated registration office within 15 days following the issuance of the order of the offender's release.

In April 2009, the public safety committee was informed that the national registry contained the names of over 19,000 sex offenders in Canada. The registry was originally designed to help police officers investigate crimes of a sexual nature by giving them access to reliable information of offenders found guilty of crimes of a sexual nature or, again, found not criminally responsible on account of a mental disorder.

The registry has always contained information essential to police investigations, such as the offender's address and telephone number, the nature of the offence committed, the age and gender of the victim, the victim's relationship to the attacker, any aliases that the offender used and a description of any distinguishing marks or tattoos the offender might have.

I want to pause and say that through some good work done by the committee, we added to that list and put in language to the effect that added the person's *modus operandi* or any distinguishing ways that the offender repeatedly carried out his or her offences. That was also helpful information to police officers because they could identify patterns very quickly when they were investigating a potential sexual offence, particularly against children.

It is important to note that the public never has had, and would not have through this legislation now, access to the national registry. Only police officers can access it and only when they are investigating a crime of a sexual nature or, as I will talk about in a minute, when they are working to prevent a crime of a sexual nature.

Querying the national registry allows police officers to identify possible suspects among sex offenders living in a particular area when a crime of a sexual nature is suspected of having been committed, and also as a process, it should be noted, to eliminate certain people from a list of suspects in order to move the investigation in a new direction.

During her appearance before the committee, chief superintendent, Kate Lines, of the Ontario Provincial Police said that the registry:

...saves a lot of time for investigators, who can now move in another direction [...] Taking someone off the list rather than identifying them has great value when investigative time is of the essence.

With that point in mind, the crucial factor in designing the registry and proposing amendments should be ensuring that those who pose a danger to the public are registered, but also equally important, that those who pose no danger are not on the registry because that wastes police time investigating pointless leads in those crucial minutes when lives are at stake.

Here are some statistics that were presented by Ms. Lines to the committee that illustrate the importance of a rapid response in these cases, particularly in cases where there is a potential child abduction. When a child is abducted in this country, Ms. Lines told us that 44% were dead within 1 hour of the kidnapping, 74% were dead within 3 hours and 91% of those children were dead within 24 hours.

Government Orders

•(1330)

What we need to do as parliamentarians is design a properly functioning sex offender registry that can give police accurate and quick access to the registry, and anything that slows down the police in those crucial minutes following a potential or real abduction of a child should be rejected out of hand by parliamentarians.

That brings me to something in the bill that is of concern. It is the use of automatic registration for a long list of offences. I would respectfully argue with the House that is another issue where politics and ideology dominated public policy and fact.

When our committee was studying the bill, we heard evidence from a variety of witnesses and we had debate and dialogue about the very issue of whether we should be going to an automatic registration system in this country. What that means is that automatically, upon conviction of a list of sexual offences, the person's name is put into the sex offender registry. The status quo right now and before the bill is passed is that there is discretion in the system. Right now, an application must be made to the court upon conviction and then the court will or will not order that person to be put on the registry.

The evidence we heard at committee from prosecutors was that sometimes prosecutors forgot to put that application before the court upon obtaining a conviction for a sex offence. Our committee addressed that concern and the New Democrats put forward an amendment to address that concern. The amendment was that immediately upon conviction, without any action required by anybody, the application would be before the court for designation to the sex offender registry. The problem would have been solved.

However, we then wanted to preserve judicial and prosecutorial discretion to ensure that in the odd case where it was not appropriate for a person to be put on the sex offender registry, that the opportunity was there for the court and the prosecutor to decide. Why do we want to have that discretion? Because we do not want to put people on the sex offender registry who should not properly be there because, if we do, we will slow down police officers when they are investigating an important issue. Police officers may end up having to knock on doors, make calls or talk to suspects who really have nothing to do with this kind of offence. That slows them down and it puts children at risk in this country.

The other thing that is important to remember is that, upon conviction of a sex offence, the burden falls on the accused to show why he or she should not be put on the sex offender registry, and that burden is a very heavy one. The accused must convince the court that his or her interest in not being put on the registry outweighs the public's interest in ensuring their safety is protected.

This is what we heard from a government witness about that issue. Mr. Douglas Hoover, who is counsel for the criminal law policy section of the Department of Justice, said:

We've had a number of Court of Appeal decisions on "grossly disproportionate" to confirm that the onus has to be on the offender. He has to step up. He has to prove this to the court's satisfaction. This is a very strict test. I think the Court of Appeal in an Ontario case used the term "in the rarest of circumstances", which is similar to the language in a Nova Scotia Court of Appeal decision on the DNA.

So while there were some early and I guess interesting decisions in the lower courts, we're confident that right now it is working fully as intended,

That was the kind of evidence that our committee heard and the kind of evidence that I am proud to say our committee listened to when we were busy writing our report and when we were telling minister that we did not want to go to a full automatic registration system. We wanted to fix the problem of prosecutors forgetting or neglecting to make the application, which we did, and we wanted to ensure it would be very difficult for an offender to prove to the court that he or she should not be put on the sex offender registry. We could then preserve the rare circumstance where someone should not be put on the registry. We did not want this because we felt sorry for the person convicted of a sex offence. We wanted this because we wanted to ensure the registry was effective and that police officers would not have any extra burden on them when they needed full speed to investigate crimes of a sexual nature.

What happened? The government did not wait for the report and introduces this bill and puts in automatic registration.

•(1335)

Reference has been made to the Ontario model. The Ontario model does have an automatic registration system, but there is an important difference. The list of offences for which a person convicted in Ontario of a sexual offence who gets automatically registered in the provincial sex offender registry is smaller than the one in this bill. This bill has a longer list of sex offences that, quite conceivably, may result in someone being put on the sex offender registry who should not be there.

I want to pause for a moment on the constitutional question. We heard evidence before our committee as well that automatic registration was currently being argued before the courts as to whether it was constitutional. This issue has not been fully settled by the Supreme Court of Canada. In his testimony, Mr. Hoover of the Department of Justice said that if we went automatic, the constitutionality would be an issue. Therefore, that is another reason to be concerned about automatic registration.

I want to also comment on the addition of the word "prevention". Under the current legislation, police departments can access the registry only when they believe a crime has been committed which they reasonably suspect is of a sexual nature.

We heard evidence that it was too tight of a test. Police departments need to have access quicker and they cannot be held down when they want to access the registry. The New Democrats listened to them, we heard that complaint and we acted. It is important that we widen the scope so police departments can access the registry when they need to and not be hamstrung by very tight tests of whether they can get access to the registry.

The New Democrats also put a really reasonable proposal to have a review of this in the next couple of years to see how it was working. By allowing police officers now to search the registry when they might want to prevent a crime is a good thing, because we want the police to be proactive, but we are also not exactly sure how that will be manifested in practice.

Government Orders

Just like it was a good idea to have the review of the sex offender registry by the public safety committee, where we caught many things that needed to be improved, we thought we wanted to do the same thing with this. When it comes to dealing with sex offences, particularly against children, we can take no chances. Parliament should be vigilant at all times, to be constantly reviewing legislation to ensure it is nimble, accurate and effective.

What happened with that amendment? It is not in the legislation to review the bill in two years time, and that is regrettable.

I want to conclude by commenting about what we need to do for victims of sexual abuse. It is a well known fact that a very high percentage of sex offenders were themselves sexually abused as children, not all of them, but a high percentage. Earlier this year Steve Sullivan, the federal ombudsman for victims of crime at the time, testified at our public safety committee. He spoke about the need for the government to fund child advocacy centres in major cities across the country. He said that for two years in a row he had recommended that the government put a very nominal amount, several million dollars, to fund these child advocacy centres so children who were victims of sexual abuse would have a place to go to get immediate help.

Not only is it important to help those children, but it is a proactive way that we can deal very quickly with the pain and suffering of victims of sexual offences so as to maybe interrupt that process where they themselves might grow older and have deviant sexual practices themselves. Therefore, it is good for public safety.

The government ignored those proposals two years in a row, but I am happy to hear that recently the government indicated it might be willing to fund such advocacy centres. I applaud the government for any move it takes on that side. It will have the full support of the New Democrats for every \$1 it puts in to help victims of sexual offences, particularly children.

We support the bill. We have some reservations about automatic registration and about the way the access to the registry in terms of prevention will work out. However, the New Democrats will support the legislation because, at the end of the day, we want to ensure that victims are protected as much as possible.

I urge all parliamentarians to support the New Democrats proposal to come back to this issue in two or three years time so we can review how the bill has worked and see how we can improve it yet again. Once again, we want to ensure we get the legislation right.

The federal registry is less than 10 years old. It is very important that we continue to fine tune it to ensure it achieves the objectives that all parliamentarians and all Canadians want to see, which is to keep our communities safer and to cut down on sex offences in our country.

• (1340)

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I would be very interested in a finding out from the member what the government's timeline and time frame would be on the registry and how long it would be before we could see some real benefits coming out of the legislation.

The fact is we are looking at reviewing the process in a two-year time frame and that is good. Especially with the ground shifting and changing constantly, it is important that we take another look at this right now. However, once again I would like to get his views on how quickly the government will have the legislation implemented.

Mr. Don Davies: Mr. Speaker, I want to make it clear that there is no proposal at this point to review the legislation in any time period. New Democrats are urging that this be done, but is not currently in the legislation.

The question of when the legislation will be in practice and working is a good one. A lot of that depends upon resources.

When we studied Bill S-2 at committee, we heard that it lacked the necessary resources to implement a registry. We heard testimony about the Ontario sex offender registry. Police and victims groups talked about that registry as a model. We heard that the national registry had an operating budget of between \$400,000 and \$600,000 a year. By comparison, the budget for the operation and centralized management of the Ontario model is close to \$4 million per year, not including the expenses incurred by local police departments.

The bill would do nothing to increase resources for the sex offender registry and there is concern that it may download the burden onto already overstretched police forces, which is a continuing problem in our country. We hear from municipalities, in particularly rural areas, that the federal government keeps downloading problems to them without the resources to deal with them.

To answer my colleague's question, a lot of the effectiveness of the bill will depend upon whether the government puts the resources into making it successful, which I urge it to do.

Mr. Jim Maloway: Mr. Speaker, that was my point. The government gets the benefit for passing the legislation but, at the end of the day, it is essentially offloading a considerable portion of the implementation costs to the provinces. We have seen that with some of the other legislation, too. It is fine for the government to introduce its series of crime legislation, but, at the end of the day, it does so without providing full costing and it is downloading a lot of the cost to the provinces. That is unfair to Canadians. On the one hand, they support the legislation, but they do it in a vacuum because they have not been told what the final costs will be.

Once Canadians can attach a cost item to that legislation, then they would have a better idea of how to balance the two and maybe they would not be as excited about the legislation if they realized what the total costs would be.

Once again, we see the government doing the right thing in introducing the legislation and passing it to get the immediate pluses, but then the downstream of it is the funding of the legislation is being passed off to somebody else.

Government Orders

• (1345)

Mr. Don Davies: Mr. Speaker, that is exactly right. Just last week I met with representatives from the Canadian Federation of Municipalities. These are mayors and council members who represent every conceivable municipality and rural area in our country. I met people in my office from New Brunswick, Quebec, Ontario and Saskatchewan. Their message was uniform. They said that their police forces and resources were stretched to the limit. They all talked about the federal government downloading obligations on to their local police forces without the necessary resources to fund them.

I fear we are going to widen the opportunity for police forces to search the sex offender registry. Our court system is going to put many more people on the registry, but it is going to fall to these cities and rural areas to actually implement it.

What happens if there is a phone call to a force in rural Ontario or Saskatchewan about an alleged child abduction? Let us fast forward to a year from now. There may be thousands more names in the registry for the police forces to search, but they will not have the personnel to do it.

It is not enough to play politics with a crime issue. It is not enough to make ourselves look tough, like the government likes to do on crime. What matters is whether we put the bucks behind the obligations.

There is no money in Bill S-2. The minister has not said that he will give federal money to rural areas and municipalities in order to beef up their police forces so they can make use of this new information. Make no mistake, until that is done, the sex offender registry will not be fully utilized and it will not be fully effective until that happens.

Talk is cheap. I call upon the government to not only make these changes, but to put money where its mouth is. The Conservatives talk tough on crime, let us see them spend tough on crime. Let us see them put dollars toward crime. I challenge the government to tell the House how much money it will give to rural and municipal governments to help them carry out these and other obligations that it wants them to carry out.

Mr. Jim Maloway: Mr. Speaker, I wonder whether the committee had the opportunity, through its witness process, to look into these costs. Did any members of committee ask the government to produce financial statistics as to what sort of resourcing it would provide for the legislation?

It is interesting to note that the Ontario registry is being funded to the tune of \$4 million a year, whereas the national registry is being funded with between \$400,000 and \$600,000. That is a big difference. The provincial registry is being accessed in a day a huge number of times more than the national registry is being accessed in a year.

Did the committee make any sort of effort to ascertain the full cost of implementing the legislation?

Mr. Don Davies: Mr. Speaker, the short answer to that question is no. The committee did not have that information satisfactorily before the committee, nor did the minister or the government provide that information. What we do know and what we did discover from a

variety of sources is that the resources for an expanded sex offender information registry have not been provided by the government. One does not have to be a public policy expert to know if that changes are made to the registry that will result in thousands and thousands more names and information being added to the registry, it will need more resources. We would need more people to input that data. We will need more police officers who will actually investigate that data when there is a potential sex offence being committed.

We should remember that the registry is being expanded in two different ways. The access to the registry is being expanded by liberalizing the test as to when police can access it, and we are adding many more people by putting automatic registration of everybody convicted of a broad range of offences into the registry.

Again, like a lot of things with the government, it comes out with the rhetoric but does not put the money there and does not tell Canadians how much money it is going to cost either. We have no idea at this point. The committee has no idea. There has been no evidence by the minister or by any member of the government that says that the effect of these changes is going to cost blank amount of millions of dollars, but what is predictable, is absolutely going to be the case, is that these changes will require millions and millions of dollars coming from somewhere.

The federal government criticizes the Liberals for downloading obligations onto the provinces in the nineties, criticism that is richly deserved because the Liberals did download billions of dollars of costs to the provinces, which caused harm to the provinces to this day. I hope the government is not hypocritical about it, because it is doing the same thing if it transfers these kinds of obligations onto local police forces across the country but then does not provide municipalities and rural areas with the funds to actually carry out those duties.

Once again, if the government is serious about cracking down on sex offenders, if it is serious about improving the sex offender information registry, it must give municipalities and rural areas the funding they require to carry out the very important work that is called for by this legislation. I challenge the Conservatives to do it. The New Democrats will continue to push them until they—

• (1350)

The Deputy Speaker: Resuming debate, the hon. member for Scarborough—Rouge River.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I am pleased to engage in debate on Bill S-2 at the third reading stage. This is actually the first time I have had a chance to look through the bill at any depth or precision.

I have to say at the outset that my party and I support the bill both in principle and in much of its detail. As happens so often here, there may be minor details in a bill that are not to the liking of everyone, but we tend to give our bills marks out of 100 and anything that gets more than 50% or 60% seems to fly. However, in this case I too have some remarks on the bill, out of sensitivity for the area that we are legislating in.

Statements by Members

The principle and thesis are good. We in the Liberal Party believe that more robust state intervention in documenting those who have committed sexual offences in the past would lead to improved police enforcement and greater protection for the general public. It is not just for the protection of children but for the general public.

I can accept that because, with 20/20 hindsight, there have been many public incidents across the country where sexual offenders have moved around and continued to commit offences without detection or at least without being apprehended. Most think that if these people had been properly documented, it would have allowed police to access records that might have allowed them to connect the dots, keep closer tabs and prevent offences of this nature.

One of the most important principles is the one that says inclusion of an offender on the sex offender registry should be based on risk to the public. It should not be seen as punishment. Punishment of a convicted sex offender should be handled by the court and the sentence should be appropriate. I think we all agree on that. However, the sex offender registry is intended to identify risk.

The approach of the government, as other colleagues have pointed out, raises the possibility of over-inclusion, of unnecessarily putting too many individuals in the registry, which may affect the workability of the registry. It essentially has to do with the efficiency with which the registry will be used to protect the public. I will come back to that later in my remarks.

The bill generally focuses on four classes of persons. Most of them, of course, are not controversial. The first one is persons convicted of offences of a sexual nature. The bill goes a long distance toward broadening the scope of those offences, and so there are a lot of different types of persons and offences now being included.

A second category is those who are not found guilty of a criminal offence of this nature but found not criminally responsible by reason of a mental disorder. In that case, there is no conviction but there is an offence. I will come back to that later as well. The third category is under the National Defence Act, for armed forces members who are not governed by the Criminal Code directly but by the National Defence Act.

The last category is individuals who come back to Canada having been convicted of this type of offence internationally. In most cases, they will have applied and been transferred back to Canada under an existing arrangement. The offence, conviction and facts are known, and there is a need to include some of those individuals in Canada's sex offender registry.

● (1355)

As I mentioned, this is not just a registry that lists a name, address and telephone number. The registry actually includes DNA, and here we are getting pretty much definitive identification. People who are required by court order to be included in the registry, or now in this legislation, virtually automatically, have to provide appropriate DNA samples, and that is recorded.

The bottom line, just in the overview of this bill, is that it is intended to enhance public safety and the existing procedures both for the appropriate inclusion of individuals, although the procedures in the bill are virtually automatic and do not directly address the

issue of risk, and for access to the registry by police or appropriate police officers in Canada.

In reading the bill, I have to say I was rather struck by clause 2 of the bill. I am hoping I will have a chance to ask a question of a government member here later. Clause 2, for reasons that have not been explained, does not have anything to do with the sex offender registry, and it actually changes subsection 173(2) of the Criminal Code.

I know some of us will be uncomfortable when I go into this, but currently, subsection 173(2) criminalizes the exposing of genitals to a person who is under the age of 14. That is what the section was. I do not think it was ever explained, and in fact I took a look at the summary of the bill and it does not even mention this. This bill now criminalizes that same act for persons under 16. At first blush, one might ask what the difference is between 14 and 16 for exposing genitals, and I have to say—

The Deputy Speaker: This might be a good spot to interrupt the member's speech. The hon. member will have approximately 13 minutes to conclude his remarks, but it being 2 o'clock, we will move on to statements by members.

STATEMENTS BY MEMBERS

● (1400)

[English]

INTERPROVINCIAL SHIPMENT OF WINE

Mr. Ron Cannan (Kelowna—Lake Country, CPC): Mr. Speaker, it is time to bring Canada's wine laws into the 21st century. From coast to coast we can boast of award-winning wineries, many of them in the Okanagan Valley of my home province of beautiful British Columbia.

Unfortunately, the current law makes it illegal for Canadian vintners to ship that wine directly to consumers out of province. It is hard to believe. That is why I have tabled Motion No. 601 which supports amending the act. With the help of the Minister of Agriculture, as well as the member for Okanagan—Coquihalla, and our Conservative wine caucus, we are working to find a way to allow for a personal exemption for direct consumer purchasing.

Grassroots support is ramping up with a writing campaign, and a new website called FreeMyGrapes.ca. I encourage everyone to visit FreeMyGrapes.ca.

Let us relax this archaic 1928 interprovincial trade barrier and create a win-win for Canadian wine producers and Canadian consumers.

Cheers.

*Statements by Members***COMMENTS BY MEMBER-ELECT FOR VAUGHAN**

Mrs. Michelle Simson (Scarborough Southwest, Lib.): Mr. Speaker, barely four days after his narrow election win, MP-elect Julian Fantino crossed the line by using an offensive analogy—

The Deputy Speaker: Order. I would just remind the hon. member that we are not to use proper names, but ridings or titles.

Mrs. Michelle Simson: —that compared the Liberal Party of Canada, a democratic political party in Canada, to the Nazi regime.

This objectionable analogy has no place in Canadian politics and should be strictly off limits. It is a term of gross slander, and to toss it around as a political epithet both trivializes a terrible moment in history and insults the memory of its real victims.

The poor judgment exhibited by these outrageous remarks demonstrates why the member-elect for Vaughan was largely kept hidden from view during the recent byelection campaign. Unfortunately, like the Prime Minister, the member-elect for Vaughan thinks that he makes the rules and is used to getting his way.

I call on the Prime Minister to publicly denounce the unacceptable comments by the member-elect for Vaughan.

* * *

[Translation]

JEAN-LOUIS LEGAULT

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, I would like to acknowledge the support that Jean-Louis Legault brings to the community of Les Moulins. As founding president of Servtrotech in 1983, which became Daktronics in 2001, Mr. Legault made his mark in the business world. Today, he is putting his expertise to work for his community in CLDs and FIERs—which are regional economic intervention funds—and in Quebec's industrial research association, of which he is the president and CEO.

And while his professional success is impressive, his commitment as a volunteer is even more so. He has already won the National Assembly medal for his social involvement. Mr. Legault invests some of his volunteer time in the Maison Adhémar-Dion, a peaceful place full of empathy, where people are supported in their final days.

My Bloc Québécois colleagues and I want to thank Mr. Legault for his commitment to the region of Les Moulins. We are privileged to be able to count on someone of his stature.

* * *

DESJARDINS MOVEMENT

Mr. Thomas Mulcair (Outremont, NDP): Mr. Speaker, who would have believed that 110 years after Alphonse Desjardins literally sat down at his kitchen table and came up with the idea of a savings and loan co-operative, which he then made a reality, the Desjardins Movement would be awarded the prestigious Bank of the Year 2010—Canada award by British magazine *The Banker*, published by the *Financial Times* of London?

This is a tribute to the Desjardins Movement's financial strength, but it is the credit union's presence in our communities, the fact that its members participate in managing the movement, and its

involvement in sustainable development that made Desjardins so deserving of this award.

[English]

Desjardins Group has just been awarded the title of Canadian bank of the year by the international financial affairs publication, *The Banker*, which is owned by the *Financial Times* of London. This recognition is well deserved for an institution which, for 110 years, has proven the wisdom of the co-operative model.

[Translation]

Congratulations to the Desjardins Movement.

* * *

[English]

GREAT CANADIAN BEAVER RACE AND FESTIVAL

Mr. Patrick Brown (Barrie, CPC): Mr. Speaker, this past fall my riding of Barrie in Ontario was proud to host the first ever Great Canadian Beaver Race and Festival. This was a weekend of festivities all celebrating being Canadian, with a focus on the iconic beaver.

Over the course of the festival, approximately 7,000 people participated. Ten thousand rubber beavers took to the water and floated down the river at Heritage Park. One hundred per cent of the funds raised by the Great Canadian Beaver Race and Festival went to the Rotary Club of Barrie and were used to support over 25 community projects, organizations and local initiatives. In its very first year an astounding \$65,000 was raised.

I am proud to say this race and festival will continue every year. This event is truly a demonstration of people who understand what it means to be part of the community. I would like to give special thanks to the organizers, Krista LaRivière, John Rockburne, Shea Thurlow, Mike Kinsey, Mark Campbell, Gerry Pilon, Steve Thompson and Taylor Quinn, for all their hard work.

* * *

● (1405)

LONG-TERM DISABILITY BENEFITS

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, on March 25, Bill S-216 was introduced in the Senate and despite our best efforts, there it continues to languish.

Bill S-216 represents the last hope for some 400 sick, disabled and dying Canadians. These people worked hard, paid their disability insurance premiums, and now they are being cast to the wolves by a Conservative-dominated Senate that makes Ebenezer Scrooge look like Mother Teresa.

This Christmas more than 400 sick and disabled Canadians will have their medical benefits and primary income slashed without any recourse. Their only crime is they got sick.

Bill S-216 would force Nortel to do the right thing, and despite baseless Conservative claims to the contrary, experts tell us that it would actually streamline the legal process faced by the disabled during bankruptcy.

Statements by Members

The clock is ticking. Why is the Prime Minister refusing to demand his Conservative senators do the right thing? Will the Prime Minister finally stand up and support Bill S-216, or will he continue to say humbug to all of these disabled and dying Canadians?

* * *

ORGAN DONATIONS

Mr. Peter Goldring (Edmonton East, CPC): Mr. Speaker, there is tremendous news from my sister, Suzanne Ross. A proud and accomplished person, she has for years been dialyzing for hours daily, never complaining, always remaining upbeat.

A wonderful anonymous donor gave Sue a gift of freedom, of renewed life normality, a kidney which allows her the fullness of daily being.

This gift, a godsend to my eternally grateful sister, is also a true blessing to her loved ones and friends who have silently prayed for this day of liberation for her.

I thank the medical doctors of today that perform such miracles.

I thank the many who give of their time to engage people to consider such a legacy of continued life, that gift of living life's fullness.

I thank the donors and their families who selflessly contribute this extraordinary gift, most often in moments of deep sadness. May this generosity, this giving of life renewal, be repeated manifold.

* * *

[Translation]

NANCY GUYON

Mr. Roger Pomerleau (Drummond, BQ): Mr. Speaker, Nancy Guyon, Executive Director of the Orchestre symphonique de Drummondville, was recently honoured by the Canada Council in the arts management category. She won the John Hobday Award for established arts managers.

The \$10,000 award will allow her to enhance her professional skills by taking part in a recognized program. Ms. Guyon has registered in an executive MBA program with a specialization in organizational diagnostics at the Université du Québec à Trois-Rivières. This degree will contribute to the enhancement of her management skills in cultural businesses and organizations.

In selecting Ms. Guyon, the jury said, "With her MBA, Ms. Guyon will reinforce her own knowledge and experience as an arts administrator. We believe that this challenging project will be invaluable not only to her career but will also greatly benefit the arts community."

Congratulations to—

The Speaker: The hon. member for Kitchener—Conestoga.

* * *

[English]

YOUTH VIOLENCE PREVENTION

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, in the wake of three recent deaths by suicide among

Waterloo region youth, I salute WAYVE, Working Against Youth Violence Everywhere, which is an innovative violence prevention program founded in response to a brutal murder in 2001.

Students challenge bullying, harassment, racism and discrimination, youth suicide, self-harm, and gang violence. They provide information and support to their peers in classrooms and assemblies, and act as positive role models.

WAYVE is currently active in nine secondary schools and six elementary schools. Over 300 students are leading and more than 10,000 students benefit.

Today WAYVE volunteers across Waterloo region are gathering to share best practices and brainstorm new approaches. I have met with members of the WAYVE team, and they are selfless, motivated and up to the task.

On behalf of Canada's government and the citizens of Kitchener—Conestoga, I thank members of the WAYVE team for their good work. I encourage their continuing efforts and salute their initiative.

* * *

● (1410)

MARK DAILEY

Mrs. Bonnie Crombie (Mississauga—Streetsville, Lib.): Mr. Speaker, the people of Toronto watched Citytv change the pace and the face of the news in Toronto. No journalist is more closely associated with the brash and bold presence of that station than Mark Dailey.

Always the steady anchor in the newsroom with a keen sense of the changing life of the city, we shall associate his name always with the simple expression "Citytv, everywhere".

Mark Dailey was a reporter who was happiest when he was at the centre of the action. He had no ideological or political axe to grind, only to report the news as he saw it.

Tragically, Mark lost his battle with cancer this week at the age of 57, and all of Toronto is the poorer for his loss and the better for his strong character and presence.

All members of Parliament join together in saluting Mark's memory and wishing the best to his family and saying, well done, true and trusty servant of the people, well done. May he rest in peace.

* * *

[Translation]

DESJARDINS GROUP

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Mr. Speaker, I have a passage to read.

You might say you have only a few pennies. I say that is just fine because with pennies we can work wonders.

Those prophetic words by Alphonse Desjardins, seconded by his loving wife Dorimène, eventually led to Canada's largest financial co-operative movement.

This week, we are celebrating the 110th anniversary of the founding of the first *caisse populaire* in Lévis.

Today, the Desjardins Group's fame has spread well beyond its headquarters in Lévis with almost 6 million members and assets worth over \$175 billion. It is not surprising that the British magazine *The Banker* gave the Desjardins Group the prestigious title of "Bank of the Year 2010 - Canada"

As the member for Lévis—Bellechasse, I join my voice to that of all the political parties and all hon. members of the House to offer the members of Desjardins, its staff, its talented president Monique Leroux, and the president of the Lévis branch, that great Lévis citizen Clément Samson, my best wishes and my most sincere congratulations.

* * *

[English]

NEW DEMOCRATIC PARTY OF BRITISH COLUMBIA

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, sadly, Carole James, leader of the B.C. New Democrats, announced her resignation yesterday.

I first came to know Carole when she was running for the leadership of the provincial NDP in 2003. At that time there were just two NDP seats in the provincial legislature as the party had reached its lowest level in three-quarters of a century.

We were all impressed with her energy, her poise and endurance as she tirelessly set to work to rebuild the party. Through her determination, calm and quiet confidence, Carole rallied broad support from the grassroots. She travelled throughout B.C., small towns to big cities, and she brought the party from two seats to three dozen seats and came within a few thousand votes of victory in 2005 and 2009.

We honour Carole as a friend. We thank her for re-establishing a vigorous agenda for social justice with a strong and vibrant NDP presence in every region of British Columbia. We thank her for her dedication to this worthy course.

New Democrats owe her so very much.

* * *

VIOLENCE AGAINST WOMEN

Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC): Mr. Speaker, yesterday we remembered an act of violence against women that shocked the nation and left 14 young women dead.

The scope of those murders was unprecedented. Our statistics remain unacceptable. Girls and young women consistently experience the highest rates of gender-based violence in Canada. Between 1997 and 2006, young women between the ages of 15 and 24 were killed at a rate nearly three times that for all female victims of spousal homicide. Girls also experience higher rates of physical and sexual assault by family members than boys.

Our government has funded initiatives to promote equality and violence-free behaviour in dating relationships and to improve self-esteem, self-confidence and safety. One such project in Quebec is

Statements by Members

receiving funding from Status of Women Canada to deliver workshops on sexual assault to 3,000 girls and boys.

Today, let us solidify our commitment to protecting and empowering girls and young women against all forms of violence.

* * *

[Translation]

FARM FAMILY OF THE YEAR

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, on December 2, the family of Robert Fortier and Marie-Paule Provencher from Saint-Pierre-Baptiste in the Érable region were named farm family of the year by the Fondation de la famille terrienne as part of the 86th UPA conference.

This award is given out each year to a family that, from generation to generation, has preserved and inspired values unique to farming in Quebec.

Robert Fortier and Marie-Paule Provencher have been married for 67 years and have 15 children, all of whom have helped with the work on the farm. The couple's sons started farms on neighbouring land and the seven family farms now cover 1,950 acres and have 9,700 maple taps, 360 beef cows, 121 dairy cows and some horses. Approximately 4,300 hogs are also raised each year. Working in a spirit of co-operation, the family members share the labour and machinery to ensure that their respective farms operate smoothly.

I would like to sincerely congratulate the family of Robert Fortier and Marie-Paule Provencher for their remarkable contribution to the development and sustainability of Quebec agriculture.

* * *

● (1415)

[English]

STATUS OF WOMEN

Hon. Maria Minna (Beaches—East York, Lib.): Mr. Speaker, 40 years ago today, the historic Royal Commission on the Status of Women paved the way for greater equality for Canadian women with the tabling of its groundbreaking recommendations on everything from pay equity to prohibiting gender and marital status as grounds for discrimination by employers.

Formed by former Liberal Prime Minister Lester B. Pearson, the commission played a major role in defining the status of women as a legitimate social issue. Most of the 167 recommendations tabled under the Trudeau government have been implemented.

[Translation]

Today, despite the progress made by women over the past decades, there are still significant barriers to equality in Canada.

Unfortunately, women's equality has taken a step back under the Conservative government's regressive policies, which have led to a growing gender gap in this country.

[English]

Equality will only be achieved when we all, including the Conservative government, uphold our responsibilities to the women of Canada.

*Oral Questions***TRADE WITH TURKEY**

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): Mr. Speaker, we are a trading nation. Our prosperity depends on our ability to sell our goods to other countries. That is why our government is pursuing an ambitious trade agenda to expand trade, open doors for Canadian exporters, encourage economic growth and create jobs for Canadians.

This week, the Minister of International Trade is on a trade mission with Canadian business to Turkey. While in Turkey, the minister has opened a new office of Free Breeze, a Canadian wind energy company, as well as a promotional office for Centennial College to recruit students from Turkey to study in Canada. As a sign of Canada's continued efforts to engage Turkey in a productive commercial relationship, the minister also opened a new Canadian consulate in Istanbul.

Turkey represents an important market for Canada, with trade between our two countries at over \$1.5 billion in 2009.

As chair of the Canada-Turkey parliamentary friendship group, I encourage all members of this place to support our Canadian businesses as they engage with Turkey. I applaud the minister's efforts in these days.

ORAL QUESTIONS

[*Translation*]

GOVERNMENT PRIORITIES

Hon. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, in Canadian households, three-quarters of family caregivers are women. It is women who take care of sick children and women who take care of aging parents.

These women have a question for the Prime Minister: why spend billions of dollars on prisons, fighter jets and corporate handouts, but nothing on family caregivers?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, women, like all Canadians, benefit from this government's policies. We are not spending only in the areas mentioned by the Leader of the Opposition; we are also spending on health and education. We are also spending to reduce taxes and to provide benefits to families. All of these programs are important to Canadian women.

Hon. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, but there is nothing for family caregivers.

[*English*]

What we are hearing across the country is that emergency rooms are jammed, hospital waiting lists are growing longer and families cannot get care in the home. Home care can relieve the pressure on hospital waiting lists, but instead of acting, the government is investing in prisons, planes and corporate tax breaks.

Why does the Prime Minister not understand that these priorities are actively hurting the Canadian health care system?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, nothing could be further from the truth. Having a strong

criminal justice system and a strong national defence certainly does not hurt the health care system.

What hurts the health care system and what hurt the health care system historically was the deep cuts made to health care transfers to the provinces by the previous Liberal government. That is why, as this government has looked at its budgetary priorities, maintaining the growth of those transfers for our health care system has been the number one priority of this government.

• (1420)

Hon. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, if we want to help Canadian families, they need help with home care. The Liberal home care plan would provide home care for 600,000 Canadian families. It would reduce pressure on hospital waiting lists. Instead, the government's priorities are clear: prisons, planes and corporate tax breaks.

Why can the government not understand that these priorities are not the priorities of Canadian families?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the priorities of this government, beyond national defence and criminal justice, are pretty obvious. It is preserving jobs; it is making sure Canadian families do not pay taxes that are too high; and it is making sure that we fully fund transfers for health and education to the provinces, so that unlike in the previous government, the health care system of this country can move forward.

* * *

[*Translation*]

THE ENVIRONMENT

Mrs. Lise Zarac (LaSalle—Émard, Lib.): Mr. Speaker, in Cancun, as in Copenhagen, there is no leadership from this government. The report by the Commissioner of the Environment and Sustainable Development confirms this: the Conservatives' environmental record is terrible. Meanwhile, the provinces are working proactively to repair the damage the Conservatives have done to our international reputation.

Why should Quebec and the other provinces have to do the federal government's work? Why are the Conservatives abandoning their role and holding Canada back, when the rest of the world is moving forward?

[*English*]

Hon. Chuck Strahl (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, of course, nothing could be further from the truth. In fact, we are working closely together across a whole of government approach on addressing environmental issues.

We welcome the commissioner's report. We of course are working to address those concerns that were raised. We welcome his suggestions. In fact, we are already taking action on preventing and preparing for environmental emergencies, which is something that he highlighted, as well as strengthening our water monitoring program and investing in climate change adaptation. Those recommendations are welcome and they are consistent with what the government is already doing.

Oral Questions

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, the government's measly words on climate change mean nothing. Its messaging is all to distract Canadians from a woeful lack of leadership. It is all part of a climate change con job.

Today the environment commissioner confirmed that the Conservatives have no plan. They weakened their emissions targets, but they have no plan to achieve even that. The part-time minister scolds other countries making real reductions, to hide that he has no plan.

Why is the Prime Minister trying to con Canadians? When will he stop the deceit on climate change?

Hon. Chuck Strahl (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I do not know where the member is coming from. In fact, it was our government that helped to negotiate the Copenhagen accord.

We have been working closely with the Obama administration. We have harmonized our targets with the United States. We have introduced continental tailpipe emission standards for vehicles. We have established biofuel content regulations. We have introduced national waste water regulations. We have introduced regulations to phase out coal-fired electrical plants. We have expanded our national parks, and yesterday we created the Lancaster Sound park.

We continue to work for the environment on behalf of all Canadians.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, Quebec announced that it had reduced greenhouse gas emissions to below 1990 levels, but the Canadian government is going in the opposite direction by speaking out against Kyoto renewal and doing whatever it can to interfere with international climate change initiatives.

Does the Prime Minister realize that, by refusing to recognize efforts made by Quebec and Quebec businesses, such as aluminum smelters, to reduce greenhouse gas emissions, Canada is penalizing Quebec and preventing it from moving forward?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I know that the Bloc likes the Kyoto protocol, but the truth is that two-thirds of global emissions are not covered by the Kyoto protocol. That is why we negotiated the Copenhagen agreement as a step toward our goal of having a binding greenhouse gas regulation system for all of the world's major emitters.

• (1425)

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the C.D. Howe Institute reached the same conclusion in a report stating that the government's wait-and-see attitude toward climate change will put us so far behind technologically that it will cost us dearly in the long run.

Does the Prime Minister realize that his single-minded focus on the interests of oil companies is preventing him from recognizing Quebec's and Canada's interests with respect to climate change?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, on the contrary, Canada's energy sector capacity—including all sources of energy—is important to our country in

terms of climate change. We believe this is a serious problem. That is why we are investing in technology. We are taking action with respect to technology and adaptation, and we are working with our international partners to reach an effective global agreement.

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, the Minister of Natural Resources seems to be unaware that it is possible to strike a balance between environmental protection and economic development. By going to Chicago to lobby for dirty oil from the oil sands, he has clearly shown that he is on the oil companies' side.

In light of Canada's poor performance in the battle against climate change, should the Minister of Natural Resources not be concentrating his efforts on reducing greenhouse gas emissions rather than on increasing the production and export of oil from the oil sands?

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, the member's allegations are completely false. We know that the oil sands are a strategic resource for our country. They are an economic engine. Approximately 120,000 jobs are associated with the development of this resource in our country.

There is one challenge in developing this resource: doing so responsibly by striking a balance between the environment and the economy. That is what we are doing with the different levels of government and the industry. Canadians can count on our government to protect our natural resources, our jobs and our regions.

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, does the Minister of Natural Resources, a member from Quebec, realize that he is going against Quebec's interests by acting as the lobbyist for the oil companies and sabotaging the efforts by Quebec industry to reduce greenhouse gas emissions?

Is he not ashamed to have been elected in Quebec and now to be defending the interests of Alberta oil companies at Quebec's expense? As we say back home, this minister is a turncoat.

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, that is completely irresponsible. The Bloc is using the energy file to pick a fight. We have listened to them ask questions about Old Harry. We have listened to them ask questions about the shale gas industry. They are either for or against everything when it suits them, just to stir up trouble in the federation. It is not true that our government will stomp on an industry, the fossil fuel industry, that can be operated cleanly and permit us to position ourselves as a world leader in energy security.

That is ridiculous.

Oral Questions

Mr. Thomas Mulcair (Outremont, NDP): Mr. Speaker, yesterday we learned that Canada is one of the worst countries in the world in terms of fighting climate change: 54th out of 57. For years, the academic/industrial consortium Ouranos has predicted that in eastern Canada, some of the worst effects of temperature change will be felt in the Gulf of St. Lawrence because of faster erosion due to new angles of the waves and their increased size. Over the past few days, Prince Edward Island and Sept-Îles have proven these predictions, which were based on scientific models.

What are they waiting for to act?

[*English*]

Hon. Chuck Strahl (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, we continue to act on both the GHG emissions and on pollution right across the country. Various programs wherever possible are being harmonized with the Obama administration in the United States in order to take effective continental measures.

We are dealing with the Copenhagen accord right now in Cancun to make sure that all major emitters sign on the dotted line. There is no use having an accord when the major emitters of the world are not signed on and doing their part. We want all world economies to be part of this program.

Mr. Thomas Mulcair (Outremont, NDP): Mr. Speaker, it is time for the government to get serious about climate change and to respect our obligations to our children and grandchildren.

It turns out that contrary to the government's claims, we are not harmonizing our climate policy with the U.S. The United States is now regulating greenhouse gas emissions from big industrial emitters whereas Canada still has no federal regulations, not even draft ones.

The commissioner said today, "The government has not established clear priorities for addressing the need to adapt to a changing climate".

Worse yet, the government has buried reports about the impact of climate change. It is not a theory. It is a reality.

When is the government going to stop denying the scientific truth?

• (1430)

Hon. Chuck Strahl (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, part and parcel of observing the scientific truth is to have a climate change adaptation framework. That is exactly what the environment minister is well on the way to producing. He should have that shortly for the House for examination.

We have already started with initiatives across the north, for example. As a result of a previous portfolio, I know something about the initiatives we have taken on adaptation. We not only have to have adaptation strategies and mitigation strategies, but we have to have worldwide strategies. All of the world's economies need to buy into the same program. We have to reduce those GHGs. It cannot be Canada's solution. It has to be a worldwide solution.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, 20 years ago the federal government recognized the need

for a national oil spill response strategy, but today the Commissioner of the Environment told us there is still no plan.

The Conservative motto must be "better lucky than good" when it comes to protecting our marine environment. There have been 4,200 spills in the last two years alone. The government does not know what equipment it has. It does not know if it even works. It has not even been trained to use it.

Tonight the Conservatives have a choice. Will they stand with New Democrats and the people of British Columbia, or will they once again side with their friends in the oil lobby?

Hon. Chuck Strahl (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, the motion tonight has to do with oil tanker traffic. It has nothing to do with anything the member raised.

With respect to oil tanker traffic, it is important to remember that there has been an exclusion zone off the west coast of British Columbia since 1988. That exclusion zone, which is closely monitored and strictly enforced, makes sure that no oil tanker traffic comes down the inside passage. What is more, oil tanker traffic cannot come within 25 to 80 miles off the west coast depending on where it is.

That exclusion zone is in place. It is going to stay in place. We are not going to change it.

* * *

[*Translation*]

PUBLIC SAFETY

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, yesterday we learned that the government ignored the calls from police associations, from victims and from women's groups to implement the firearms marking regulation. This regulation was passed by a Liberal government with the aim of truly supporting victims of crime.

When will this hypocritical Conservative government respect the democratic will of Parliament and Canadians and implement this regulation, which is necessary and important and will save lives?

[*English*]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, our government is committed to making our communities safer. We continue to support gun control measures that assist law enforcement officers in protecting themselves and the safety and security of the public.

Since being elected, we have consistently introduced new measures that would prevent and solve crimes, including improved screening of new firearm applicants and mandatory prison time for those who commit gun crimes, unlike the Liberals who consistently oppose measures to protect people on the streets and in their homes.

Oral Questions

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, even the Prime Minister's own Julian Fantino advocated in 2004 for the firearms tracing and enforcement program, saying that it was an invaluable aid in the investigation of certain gun crimes and must be sustained into the foreseeable future.

When will the government really stand up for victims and implement these important and life-saving regulations? After all, even Bush's Republicans implemented them in 2004.

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, since the member did mention the new member for Vaughan, Julian Fantino, we are so very pleased that we have another member from the law enforcement community joining us here in our caucus. It is police officers like Mr. Fantino and others who give us the perspective to ensure that we take all points of view into account, and our primary goal always is the protection of Canadian citizens in our streets and in their homes.

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ABORIGINAL AFFAIRS

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, the government's failure to call a public inquiry into the missing and murdered aboriginal women is a national disgrace.

Over 600 first nations, Inuit and Métis women have gone missing or have been murdered. That is 600. These women were mothers, aunts, daughters and sisters.

Will the Prime Minister today on the 40th anniversary of the Royal Commission on the Status of Women right this wrong and call a public inquiry?

• (1435)

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, we have a responsibility to protect the most vulnerable women in our society and we are doing just that by implementing a new program to address the issue of missing and murdered aboriginal women.

We have created a new RCMP centre for missing persons. We have improved our law enforcement databases to deal with investigating missing and murdered women. We have also created a national website for public tips to help locate missing women.

In fact, the Native Women's Association has said that this is a significant investment. Sue O'Sullivan, the Federal Ombudsman for Victims of Crimes, says that what we need is more initiatives just like this.

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, the facts are simple. This is a national crisis. There have been 600 missing and murdered aboriginal women and still no inquiry.

This is the real tough on crime issue. If the government wants to be tough on crime, then it should call an inquiry. If it wants to prevent violence against women, then it should call an inquiry.

How many more aboriginal women need to become victims before the Conservative government treats this issue like the crisis it is?

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, we have taken very concrete action to support the issue of murdered and missing aboriginal women, but one of the things that is most important for all of us in this chamber and in the country to do is to support women's fundamental basic human rights.

Right now before the House we have the opportunity to support matrimonial property rights, which would historically change the inequality between aboriginal women and non-aboriginal women.

I ask the member why she does not support it.

* * *

[Translation]

THE ENVIRONMENT

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Mr. Speaker, global warming is increasing the intensity of certain known meteorological events. This fall, the high tides caused millions of dollars in damage in eastern Quebec. Part of Highway 132, houses, cottages and patches of land were swept away by the sea. Hundreds of residents were evacuated from their homes as a preventative measure.

Does the federal government plan to respond favourably to any requests from the Quebec government to compensate the victims?

[English]

Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, the member well knows there has never been a government more committed to cleaning up the environment than this government.

The Liberals laugh but what a mess they created on the environment. That is why we are in Cancun working with our international partners to fight climate change.

[Translation]

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Mr. Speaker, the environment commissioner has criticized the government for having no plan to address the effects of climate change. The Bloc Québécois is calling for the creation of a compensation fund that would, for instance, fund measures to slow shoreline erosion caused by the high tides.

Will the government come up with a plan to address climate change, as called for by the Bloc Québécois and the environment commissioner?

[English]

Hon. Chuck Strahl (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, as I already mentioned, the environment minister is proposing a climate adaptation framework that would apply not only to Environment Canada's work, but to the government at large. It is important to have a whole of government response.

Oral Questions

I look forward to the hon. member's suggestions on this, but there are in place right now ways in which we can help the provinces to address a particular disaster situation. Those things are in place already.

* * *

[*Translation*]

INTERNATIONAL TRADE

Mr. Jean-Yves Laforest (Saint-Maurice—Champlain, BQ): Mr. Speaker, Panama's deputy minister of international trade negotiations said yesterday in the Standing Committee on International Trade that it was not in the economic interest of Panama to sign a tax information exchange agreement with Canada.

Will the government move forward with the free trade agreement with Panama, knowing in advance that this country does not want to sign a tax information exchange agreement?

• (1440)

[*English*]

Mr. Gerald Keddy (Parliamentary Secretary to the Minister of International Trade, CPC): Mr. Speaker, our government's aggressive free trade agenda is opening strategic markets in the Americas, including Panama.

Canada and Panama recognize that creating jobs and opportunity depends upon free enterprise and free trade. This free trade agreement will help business and workers expand market opportunities and promote prosperity and job creation in both countries.

[*Translation*]

Mr. Jean-Yves Laforest (Saint-Maurice—Champlain, BQ): Mr. Speaker, according to other witnesses the committee heard, a free trade agreement with Panama without any exchange of tax information will make Canada complicit in shady tax dealings by the international mafia in that country.

What is more, the Global Forum on Transparency and Exchange of Information for Tax Purposes has just decided to keep Panama on the grey list of countries that do not comply with the G20 rules.

How can the Conservative government propose a free trade agreement with a tax haven that refuses to co-operate?

[*English*]

Mr. Gerald Keddy (Parliamentary Secretary to the Minister of International Trade, CPC): Mr. Speaker, the Minister of Finance has written to his counterpart in Panama asking that they undertake their obligations. Indeed, the Government of Panama has made a commitment to undertake the obligations for tax information sharing within the OECD.

* * *

GOVERNMENT SPENDING

Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.): Mr. Speaker, how is it possible, when Canadians are out of work and more people are going to food banks, that ministers could overspend their office budgets so recklessly?

The finance minister is over by \$430,000. The citizenship minister is over by \$534,000. The defence minister is over by

\$395,000. A dozen so far are known to have exceeded Treasury Board guidelines.

I ask the the President of the Treasury Board to tell Canadians how much was overspent and by whom. Will the Minister of Finance get this reckless spending under control?

Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC): Mr. Speaker, the story is simply not true. All ministers spent within their allocated budgets. Every minister did.

As a matter of fact, my hon. colleague knows very well that we have gone beyond just the operational freeze of all operational spending across government for three years. When it comes to the ministers' budgets, they have been reduced by \$11.4 million.

Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.): Mr. Speaker, today we learned that Treasury Board has granted ministers extra funds. It did so secretly, covertly, anything but transparently.

Now there is a trend in the finance minister's office for overspending: 2006-07, over by \$261,000; 2007-08, over by \$375,000; and 2008-09, over by \$430,000.

I ask the President of the Treasury Board, how many ministerial offices has he granted a secret increase, which departments, and when was he going to tell Canadians?

Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC): Mr. Speaker, as I have said, all ministers spent within their allocation.

If I were asking a question of my hon. friend, I would say these secret figures, wherever they are from, cannot be too secret if she got hold of them. That is a little bit of a mystery to me.

In every single category, without fail, when we compare ministerial spending of this government to that of the former Liberal government, we spend significantly less. We reduced in every single area.

* * *

HEALTH

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, the Ontario auditor general reported that over 50,000 patients were kept in hospitals longer than necessary because there were no home care services. This is a national reality. In fact, 85% of home care is delivered by family caregivers, who spend almost half of their savings and give up a quarter of their incomes to do so.

*Oral Questions***HEALTH**

There is a desperate need for a family caregiver strategy, yet the Minister of Human Resources and Skills Development's callous response to this crisis is that caregivers should use their vacation time. When will the government stand up for working Canadians?

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, we continue to make health care a priority. We have increased transfers to the provinces by 6%, to an all-time high of \$25 billion this year. We are making additional investments in areas of pandemic planning with H1N1, medical research, food and product safety, wait times, and electronic health records.

The Liberal government, when times were tough, balanced its books on the backs of the provinces and territories. That is not the course we are going to pursue.

•(1445)

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, the minister should get her facts right.

The Ontario auditor general also said that insufficient home care services are responsible for major bottlenecks in hospitals, increasing wait times for acute care. The Canadian Cancer Society says this contributes to the rising costs and lack of sustainability of medicare.

This will only get worse as the population ages. It is not just a provincial problem; it is a national disgrace, yet the Minister of Health remains silent. Since she obviously has no ideas, will she at least endorse the Liberal family care plan?

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, again, our government will increase transfers to the provinces and territories by 6% until 2014. This year alone it is \$25 billion. Combined with targeted wait time funding, investments in electronic health records and health human resources, significant support continues to be provided to the jurisdictions of the provinces and territories that deliver health care to improve access to care.

* * *

[*Translation*]

QUÉBÉCOIS NETWORK OF RESISTANCE

Mr. Bernard Généreux (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, CPC): Mr. Speaker, the Réseau de Résistance du Québécois continues to make headlines. This is the same RRQ whose mission is to rehabilitate FLQ terrorists.

Could the Parliamentary Secretary to the Minister of Public Works tell us what the government's position is on the RRQ?

Mr. Jacques Gourde (Parliamentary Secretary to the Minister of Public Works and Government Services and to the Minister of National Revenue, CPC): Mr. Speaker, the Conservative government is strongly opposed to the RRQ, which wants to rehabilitate FLQ terrorists. But the real question is whether the Bloc Québécois leader will finally admit that the member for Brome—Missisquoi and the member for Sherbrooke participated in RRQ activities.

Can he confirm to the House that his chief of staff, François Leblanc, has strong ties to Félix-Antoine Dumais-Michaud, an activist who publicly defends the RRQ?

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, research has shown that hospital wait times are longer in a mixed health care system than in an exclusively public health care system. Unfortunately, privatization has made its way into Canada because of the federal government's failure to enforce the Canada Health Act. As a result, hospital wait times are increasing.

What is the minister waiting for? Why does she not enforce the act and reduce hospital wait times?

[*English*]

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, while the opposition may enjoy criticizing provinces and territories for their efforts in reducing wait times, our government believes in supporting them. This year alone our government will transfer \$25 billion to the provinces and territories so they can make key decisions for the delivery of health care to their citizens.

In addition, we have provided extra funding specifically for the reduction of identified surgical wait times. Recent surveys indicate three-quarters of Canadians rate the quality of medical care they receive as above the international average.

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, lengthy wait times are a huge problem for Canadians. Once they were also a priority for the government, but not any more.

There are solutions. Doctors and health professionals need to work as teams. We need more long-term care and home care options. We need to change the way that people access health care. However, what is really missing here is federal leadership on health care.

In 2014 there will be renegotiation of the Canada health accord. Where is the minister?

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, our government is committed to the universal public health care system, which represents the principles of the Canada Health Act. Provinces and territories are responsible to ensure the delivery of insured health services in compliance with the act. This government will be supporting that and will continue to support that. But they are responsible for investigating any infractions, and we will co-operate with the provinces and territories in compliance with the Canada Health Act.

Oral Questions

•(1450)

*[Translation]***LÉVIS CELEBRATIONS**

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, on November 18, the Minister of Canadian Heritage promised us that the City of Lévis would be entitled to the same treatment as Vancouver. I quote the minister: “The City of Lévis will receive \$1,750,000 for its celebrations next year.” And yet, yesterday, the minister changed his version of the facts and stated, “Lévis received \$1 million—and that is the maximum it will receive.”

How does the minister explain these two contradictory answers? Will Lévis receive the same treatment as Vancouver, yes or no?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, that is the maximum that the City of Lévis can receive from the fund in question. There have also been requests made for more money to other areas of my department. We are doing our homework. The applications have been received. We stand behind the City of Lévis, and there will be responses to the additional funding requests in the weeks to come. It is that simple.

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, here is another falsehood. The Minister stated that Lévis will receive less than Vancouver because “the cities are different sizes”. And yet, under his department’s rules “cultural capitals” with over 125,000 residents, such as Lévis—which has 133,000 residents—and Vancouver are entitled to a maximum of \$2 million.

What explanation can the minister give us as to why Vancouver is receiving \$1.75 million and Lévis is receiving three-quarters of a million dollars less? How can he justify this?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, the entire fund totals \$3.5 million. The maximum amount available to the City of Lévis is \$1 million, and that is what Lévis will receive. There are other applications for other projects being considered by my department.

I would like to stress that the only reason Quebec City has received the money that it has to date is because of the hard work by the Conservative member for Lévis—Bellechasse. The Bloc Québécois has done nothing on this issue. It is all thanks to one person: the hon. Stephen Blaney.

* * *

*[English]***CENSUS**

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, yesterday at committee the Minister of Citizenship and Immigration testified that his department is able to assess people’s economic progress by linking tax data with specific immigration programs.

Could the minister inform this House where on the tax form it actually asks for specific immigration programs in which people came to Canada? Will he confirm that the government is either linking data across government departments, a gross violation of the privacy of Canadians, or misleading Canadians about the serious negative impacts of cancelling the mandatory long form census to be able to serve new and multicultural Canadians?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, what the hon. member should be replying to is the fact that she and her party consistently try to abridge the rights of Canadians when there are other alternatives available where Canadians can voluntarily give useful data for the census, for the questionnaires. That is our position. It is a balanced, fair and reasonable position.

The hon. member should answer this question to Canadians: Why does the hon. member want to threaten Canadians with jail time or fines to fill out a government form?

[Translation]

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): Mr. Speaker, the decision to eliminate the long form census will have a major effect on crucial issues for women. We are hearing from all over Canada that these changes will negatively affect the ability of the government and civil society to make good decisions. There will no longer be reliable data on family care, low-income families, single-parent families, women in need, or the number of women managing small businesses.

Does the government realize what harm this idiotic decision will do?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, as I already said, we have a reasonable, balanced position that will both protect the rights of Canadians and create a process for collecting useful information for our agency and the private sector.

[English]

That is our position. The hon. member should again stand in her place and describe to Canadians why she is in favour of having another system where they are threatened with jail time or fines to deliver this—

The Speaker: The hon. member for Acadie—Bathurst.

* * *

EMPLOYMENT INSURANCE

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, an important EI pilot project for the people in areas of high unemployment ended Saturday. Reducing the hours needed to qualify for benefits can be the difference between going to the food bank and going to the grocery store. The economy is stalling. The private sector is cutting jobs. Most new jobs are part-time, leaving people short of hours if they lose their jobs.

Will the government acknowledge that many regions in Canada are still facing a job crisis and extend the important EI pilot project?

•(1455)

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, this was a pilot project, an idea we decided to try out. That is why we try pilot projects, to see if they work or if they do not. This one did not. It did not achieve its goals and it was extremely expensive, not in the best interests of taxpayers’ dollars.

We are focusing on helping people get back to work. That is our goal because we believe that people, when they get the training they need for the jobs of tomorrow, will get the jobs of tomorrow so they can look after their families.

[Translation]

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, it is disgraceful. What an answer.

Recent employment figures show that the private sector is cutting thousands of jobs while it is mainly part-time jobs that are being created. Under these circumstances, it is essential to extend the pilot project that enables people living in regions with high unemployment to qualify with 840 hours instead of 910.

Does the government realize that this project is needed by communities that depend on manufacturing, the fishery or major industrial sectors that are experiencing difficulties, or does the government just not care?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, we want to help people find jobs so that they can support their families. The best way to do that is to provide training so that they can develop the skills they need. What I find disappointing is that the NDP will not support our efforts to provide training for people. That is the disgrace.

* * *

[English]

THE ECONOMY

Mrs. Tilly O'Neill-Gordon (Miramichi, CPC): Mr. Speaker, the House of Commons tonight will vote on third reading of an important part of Canada's economic action plan, the strengthening Canada's economic recovery act. Tonight all parties will have an opportunity to support jobs, growth and opportunity in Canada.

Could the Minister of Finance tell the House why it is so critical that we pass this important legislation?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, Canada's economic recovery remains our government's number one priority. We must stay the course and pass Bill C-47 in order to ensure that we sustain Canada's economic recovery.

This is a recovery that has been the envy of the world, with over 440,000 jobs created and five continuous quarters of economic growth. What is the opposition's plan? Higher taxes and to kill 400,000 jobs.

* * *

VETERANS AFFAIRS

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Speaker, first the Prime Minister broke his promise that he would compensate every Agent Orange victim. Then he arbitrarily denied compensation to the families of victims who died before 2006.

For the third time I will ask the same question: Will every cent of the promised \$96 million go to the victims and their families?

[Translation]

Hon. Jean-Pierre Blackburn (Minister of Veterans Affairs and Minister of State (Agriculture), CPC): Mr. Speaker, insofar as

agent orange is concerned, I want to remind the House that while people suffered, the government that preceded us never did anything to help them. When we took power, we decided to provide a \$20,000 ex gratia payment to some 3,137 people. That being said, yes, the program has ended now, but we are busy looking at various things to see whether we could do more for these people.

* * *

COPYRIGHT

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, copyright expert and president of the Association littéraire et artistique internationale, Ysolde Gendreau, told members of the legislative committee that Bill C-32 violates the international treaties signed by Canada. According to this leading academic, the bill introduces three exceptions that do not comply with the treaties: the education exemption, the YouTube exception and the reproduction for private purposes exception.

Does the Minister of Canadian Heritage and Official Languages understand that those are three more good reasons to significantly amend Bill C-32 so that creators are not only protected, but also compensated?

● (1500)

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, the government's primary responsibility with respect to copyright is to ensure that piracy is illegal here in Canada. That is what we are proposing with Bill C-32. On the one hand, we have an obligation to protect our creative communities, and on the other hand, we have an obligation to protect the interests of consumers. That is why we are saying no to a new tax on consumers, a new tax on iPods, a new tax that affects everyone: creators and consumers. Our Bill C-32 is responsible and fair and it meets the needs of all Canadians.

* * *

[English]

GOVERNMENT SPENDING

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, the Conservatives cannot get their stories straight on travel and hospitality expenses.

Since 2006, officials at INAC have spent an astounding \$67 million on overseas travel. Under the Conservatives, staff have visited exotic destinations such as the Falkland Islands, Senegal and Taiwan.

Before the minister recklessly freezes capital budgets, cuts services to communities or sunsets much-needed programs, will he first take some responsibility for his department's spending on overseas junkets?

Mrs. Shelly Glover (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, CPC): Mr. Speaker, we have to get the facts straight here.

Government Orders

Departmental employees are required to travel for a variety of reasons, including appearances before international bodies such as the United Nations, circumpolar meetings and international meetings on indigenous and northern issues. All employees travelling on government business are required to follow the Treasury Board directives.

* * *

AIR INDIA

Mr. Terence Young (Oakville, CPC): Mr. Speaker, the bombing of Air India flight 182 is a stark reminder that Canada is not immune to the threat of terrorism.

One of the first acts of our Conservative government was to commission an inquiry into the Air India bombing. Would the minister please update the House as to what actions were announced today to respond further to Justice Major's report?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, today we are delivering on our response to that report with the Air India inquiry action plan.

We thank the families of the victims, who have worked and consulted on this action plan, and we commit to their continued involvement and consultation throughout our ongoing action.

The plan responds to the Major report with six key areas of action to help prevent such a horrific terrorist attack from happening again.

* * *

VETERANS AFFAIRS

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Speaker, it is the third time and still no answer.

Some victims were refused an Agent Orange *ex gratia* payment because their spouse died before 2006. Others were refused because they were diagnosed with an ailment too late.

The government claims it cares about veterans and their families. Why, then, does it fight them on Agent Orange? Why does it nickel and dime those who have served our country?

[Translation]

Hon. Jean-Pierre Blackburn (Minister of Veterans Affairs and Minister of State (Agriculture), CPC): Mr. Speaker, as I said earlier, 3,137 people received an *ex gratia* payment to help them with the difficulties they encountered after the spraying of agent orange near Gagetown.

When the government creates a program like that one, it eventually comes to an end. And when it does, it is time to do an assessment and look at what problems still need to be addressed. That is what I am working on.

[English]

The Speaker: That will conclude question period for today.

[Translation]

The hon. member for Joliette on a point of order.

POINTS OF ORDER

ORAL QUESTIONS

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, in response to a question from the hon. member for Québec the Minister of Canadian Heritage and Official Languages referred to the hon. member for Lévis—Bellechasse by name, which is against the rules of the House.

Furthermore, he got the name of the city wrong: he talked about Quebec City instead of Lévis. I would point out that he is not the only one who does not know his geography. The Minister of Transport, Infrastructure and Communities seems to think the current conference is being held in Copenhagen, not Cancun.

The Speaker: Does the hon. Minister of Canadian Heritage and Official Languages also have a point of order?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, it is awful, I know, but I simply wanted to take this opportunity to emphasize the fact that it is because of the excellent work done by the hon. member for Lévis—Bellechasse that they will receive new funding to pay for next year's celebrations.

● (1505)

The Speaker: Does the hon. member for Joliette wish to clarify something?

Mr. Pierre Paquette: Mr. Speaker, I want to make sure that the minister understands that he must not repeat the mistake. Furthermore, we understand very well that if Lévis does not receive its fair share, the member for Lévis—Bellechasse is to blame.

The Speaker: I think that is really more of a disagreement over the facts, and not a point of order.

GOVERNMENT ORDERS

[English]

PROTECTING VICTIMS FROM SEX OFFENDERS ACT

The House resumed consideration of the motion that Bill S-2, An Act to amend the Criminal Code and other Acts, be read the third time and passed.

The Speaker: When the bill was last before the House, the hon. member for Scarborough—Rouge River had the floor. There are 13 minutes remaining in the time allotted for the hon. member's remarks. I therefore call upon the hon. member for Scarborough—Rouge River.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I am pleased to resume debate on this bill. When my remarks were interrupted just prior to question period, I was dealing with clause 2 of the bill, which would create a new section.

Government Orders

As we had discussed earlier, throughout the debate, this bill is about the sex offender registry. It is not clear to me why clause 2 was inserted into the bill. As I was pointing out, the bill would rewrite a section of the Criminal Code that deals with the criminal act of exposing one's genitals to a person under 14 years of age; that is, subsection 173(2). I just did not quite understand the relevance of clause 2 in this particular bill that we are dealing with. We have rewritten the section, or at least part of it, to say it is an offence for a person in any place, for any sexual purpose, to do that to a person under the age of 16. It is just merely the exposure, not any other sexual act.

The way the section was written previously, it applied to individuals under 14 years of age.

This would include 14- and 15-year-olds. It just seems to me quite odd that in the year 2010 we would criminalize 14- or 15-year-olds for the simple act of exposing genitals.

I am only guessing, but a provision such as this had to have been written by someone who was a little bit older. I cannot imagine that a young person would regard this as a serious criminal act, yet that is what this section would do.

In the end, I am probably going to end up voting in favour of the larger bill, but I am flagging this particular issue because it would criminalize the conduct as between two 15-year-olds that I am not so sure all Canadians would think was criminal. However, somebody, in writing this bill, decided that it would be criminal. In the particular case of two 15-year-olds, they would be dealt with under the Youth Criminal Justice Act; they would be dealt with as young offenders.

My point is that this would criminalize something and would probably insert it into the bill that we are dealing with here. Let me just say that although it is a numbered section in the bill, it seems to me that it would make an amendment to the Criminal Code by stealth. The bill was written for an entirely different purpose, that of dealing with the sexual offender registry.

In any event, I have made the point and I regret that it was included. However, I am sure there are Canadians who would disagree with me.

The next thing I want to talk about is the category of mental disorder.

This particular bill would include, in those who are made part of the sex offender registry, those who are not criminally responsible because of a mental disorder. That is fine. There are two ways to look at this and both are valid.

One way of looking at this is that, because someone has a mental disorder, he or she absolutely should be recorded in the registry. There is some sense in that. If someone has a mental disorder that may predispose him or her to the commission of a crime of this nature, then it does make sense.

Another way of looking at it is that, should persons with a mental disorder for a short period of time in their life become implicated in the act, should they have this type of difficulty, the act would actually, in many cases, put them into the sex offender registry and they might up staying on it for their lifetime.

●(1510)

It is not clear to me that in every case someone who has a mental disorder at a certain point in his or her life, being subjected to the virtually automatic procedures under the bill, should be placed in the registry indefinitely. It could be said that there are provisions in the act to either terminate or exempt the registration, but for individuals who are not rich, who are poor or without means, in many cases they may just drift through life and stay on the registry when they do not pose a risk. I wanted to ensure the record was clear on that.

I want the record to show just how comprehensive the legislation is. I will not read every section of it, but only the sections of the code that require someone to be included in the registry automatically. There are offences in relation to children, sexual interference, invitation to sexual touching, sexual exploitation, compelling the commission of other sexual offences, a parent or guardian involved in this activity, child luring, stupefying or overpowering for the purpose, living off the avails of prostitution and obtaining prostitution of a person under the age of 18.

In relation to those latter sections, the person who is accused and convicted is a person who might not even be involved in a sexual offence. Therefore, one might ask this. What risk of committing a sexual offence do those people pose and why should they be on the registry? I will leave that question unanswered.

The committee has reviewed the bill and has seen fit to include that section. My colleagues in the House believe there is a risk posed. I do not see it quite as clearly as they do. The linkage could be drawn between someone who lives off the avails of prostitution, but it is not exactly clear how he or she would be a risk to commit a sexual offence later on. I understand the human rights and the issue involving people who are subjected to the criminal and other subjugation of people of that nature.

The statute fortunately retains procedures for deleting, exempting and terminating the registry. However, in every case, it requires a court application. I regret the removal from the Criminal Code of a section which, in my view, was balanced, proper and guided these provisions in all of the years since they were first enacted in the 1990s. The last amendment to these sections occurred in 2007 under the Conservative government. It is not clear why it has decided to revisit it. I can see the general purpose, but three years later, it is not clear to me what the motivator is at this time.

●(1515)

I want to point out the section that was dropped, which states:

The court is not required to make an order under this section if it is satisfied that the person has established that, if the order were made, the impact on them, including on their privacy or liberty, would be grossly disproportionate to the public interest in protecting society through the effective investigation of crimes of a sexual nature, to be achieved by the registration of information relating to sex offenders under the Sex Offender Information Registration Act.

That provided the court with the opportunity, before a person's name was included in the registry, of saying no. In this case, the circumstances, the position of the victim and the offender were such that there would not appear to be any public purpose served by including the convicted offender in the sex offender registry. The facts might have simply been a one-off, a bad day, a family situation that was corrected, any number of explanations.

Government Orders

I regret that provision is gone and that our judges will not have the ability to balance the positions of the offenders and victims and the needs of future law enforcement. At least if this bill passes, it will be gone.

I want to refer to a concept that other members have called the automatic inclusion of people in the sex offender registry. What the government has put forward is a huge list of crimes, some of which I referred to earlier in my remarks. We are holding out that it is those offences that cause the inclusion in the registry. At the end of the day, people are being included in the registry, not offences. The statute seems to forget that we are dealing with people and not offences. I call it a meat chart approach.

I have not been able to determine if any offences of this nature have been left off the list. It simply says everything having to do with sexual offences are going on the list, everybody convicted a first or second time is going to be going on the list and has to provide DNA, and that is how it is going to be done. That meat chart approach, which varies from the judicial override that I described a little earlier, runs the risk of including in our registry a whole lot of names and DNA that will not be helpful to police enforcement.

I will confirm that my party will support the bill, notwithstanding the warts and flaws. I wish it could be otherwise but that is the nature of passing legislation.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, in looking at the earlier debates on Bill S-2, one of the observations was that the condition of Ontario's sex offender registry was consulted four times more than the national registry. I am a bit surprised, but it probably is reflective of the need to update the National Sex Offender Registry.

The hon. member closed by saying that we are adding all these details. Have we identified the reasons why the registry has not been as effective as it was intended to be? Will the changes proposed in Bill S-2 lead us to some resolution of that?

• (1520)

Mr. Derek Lee: Mr. Speaker, the member for Mississauga South asked a very good question. The short answer is the bill really does try to make the system work better.

One of the key elements of a system like this is enabling police officers to obtain the information they need in relation to possible sex offenders and to obtain it quickly. This statute has buried within it procedures that enable police forces to access that. Up until now there were complaints that it took too long, that it was too cumbersome and that the federal registry just did not hit the nail on the head for those whose job it was to investigate a matter, find a missing person or investigate an offence. Procedurally, some of those difficulties and obstructions in moving information around have been identified, and this bill deals with that.

On the other hand, as I pointed out, there is the meat chart approach of incorporating a whole bunch of offences and automatically everybody who has been convicted of them. That raises the issue of clutter and volume. Does it really reflect the risk that police officers look for or does it create a bureaucratic unmanageable list that is less helpful because it has so much data on it?

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, one of the provisions of the bill that I have not heard spoken of very often is the issue of expanding the registry to include those convicted of sexual offences outside of Canada. Also, there is the provision to allow the police to notify authorities and other foreign or Canadian jurisdictions when a registered sex offender will be travelling to their area. I know the member is lawyer, but I am curious as to the mechanics of how these provisions would be delivered.

How are we supposed to know if a person is convicted of sexual offences outside of Canada if the country he or she is in does not report back? It would be easy if it were the United States or a country like that, but there are a lot of countries in the world and I am sure we do not have treaties with all of them.

Also, on having the police notify authorities in other foreign countries when the offender will be travelling to their area, how in the world are we going to be able to determine the itinerary of the offender? Who are we supposed to be notifying? Who would be doing the notifying and who would they be notifying in the other country? Would they phone a border guard somewhere halfway around the world to say that so and so is arriving? Then we have all the language problems as well.

I am sure the member has some observations about this.

Mr. Derek Lee: Mr. Speaker, there are two parts to the question. There is the incoming person and the outgoing person. The incoming person, as I understand it, is a person who comes back into Canada under the International Transfer of Offenders Act. That person has already applied to come back in, and I think most Canadians would see it as natural.

If the person had been convicted of one of these, and it is almost every sexual offence now, it would be recorded back here so that the person would be on the same footing as anyone who was convicted in Canada. That part is fairly straightforward, although it is sometimes difficult to compare offences committed in Canada with offences from other countries. However, do our best and we try to do it fairly.

The other part involves outgoing people, individuals who have been convicted here and who are on the sex offender registry and are going to other countries. I am actually a little nervous about that. On one side there is the possibility of the policeman in charge of the registry here sending all kinds of telegrams, notices and emails out, informing people of the individual to be visiting. I am quite sure it will not be run that way.

There may be requests from another jurisdiction, after the fact, in investigating a crime. Some guy from some city in Canada is visiting some place in the U.S.A. and there is a rumour so the authorities contact the Canadian police to ask if there is anybody like that around there who has a record like this. There is a place for that in police investigations.

Government Orders

I am a little bit nervous about having the police following every convicted sex offender around. I wish that the police could have followed Clifford Olson around. However, we need to have a balance between protecting the public and our individual freedoms.

I hope, as the bill is implemented, it will be implemented properly and fairly.

• (1525)

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, I want to follow up with the hon. member on the aspect of the Ontario regime that has existed since 2000.

If we look at the timeline, in 2000 the Ontario government enacted Christopher's Law (Sex Offender Registry) and it seems to be working fantastically well.

In 2004, the federal Liberal government enacted the current regime. The hiccup seems to be that the police officers need reasonable suspicion that a sexual crime is being committed, is about to be committed or a reasonable suspicion of someone.

However, with the Ontario registry and the registry that is planned here, it is much less onerous. Does the member feel that is the only reason that the Ontario law, rather than the federal law, is preferred by police officers in Ontario or are there other reasons?

Mr. Derek Lee: Mr. Speaker, it was always my impression that the federal law lagged in some respects in terms of its ability to bite down and really hit the nail on the head.

There are reasons for that. When Ontario as a province created its registry, it did it as a province looking after its citizens in its own jurisdiction, not as a criminal law jurisdiction. It was able to go directly to the public purpose intended and describe things with great precision and make the thing work.

In Ottawa, federally, when we passed our legislation, we had to pass it under the screen of the Charter of Rights and Freedoms and the evolution of our criminal law. We needed, in every case where we constrained an individual liberty or freedom, to make a case, a justification for it. In some cases, the law was not procedurally robust enough.

The province has kind of had a bit of an edge. It did not have to worry about the court review of the legislation and the charter scrutiny in quite the same way that the federal government did. That is why we are on our third rewrite of this legislation, whereas the province saw what the problem was, legislated it and put something in place that the police community was comfortable with. As far as I can see, there has not been any abuse.

Hopefully, the federal legislation has caught up to where it should be, it will work and there will not be any abuse.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, it is a pleasure to speak to Bill S-2, which is a very important bill but, as previous members have indicated, it follows on the good footsteps and foundation of steps provincially in Ontario and nationally by a former Liberal government in 2004. In that sense, it is trying to make existing law better.

Why do we need to make the existing law better? We could argue that in Ontario, Christopher's Law (Sex Offender Registry) is

working quite well, which is probably very good for people in Ontario, but there are nine other provinces and three territories where Christopher's Law is not in place. Therefore, it is really important for us as parliamentarians for all the country to get it right.

In places outside of Ontario where the federal legislation is not working as well as the Ontario legislation and where in many provinces there is no registry provincially, we need to ask ourselves what the goal is here.

I am quoting from statistics in this regard when I say that the police have indicated that the present legislative framework does not allow them to prevent crimes of a sexual nature. Response times in the investigation of those crimes are critically important, especially in cases involving child abduction. Can we as a parent, a grandmother, a grandfather, an aunt, an uncle or just a member of a community imagine something more horrifying than having our child abducted or having a child in our community abducted?

All members of Parliament have either experienced that in their community and know people who have experienced it in their communities who react with shock and horror at even the prospect of this happening. As parents we all have those dreams and nightmares that we are at the mall or the hockey rink and one of our three to five children is gone because we turned away for a second.

Why is that response time so important after an abduction? Here are the statistics. Rapid response is so important because 44% of child victims are dead 1 hour after abduction, 74% are dead 3 hours after abduction and 91% of children abducted are dead 24 hours after abduction. This is not to say that every abduction is a sexual offence or a sex offender related offence but, sadly, most of them are.

I want to refer to some of the debate that has been taking place with respect to why the Ontario legislation is so much broader and so much better. It reminds me of a debate that we had recently with respect to protecting children from sexual Internet exploitation and there was a requirement to have Internet service providers report incidents of child exploitation or child pornography.

What we learned in that case is that the federal government of any stripe, as my friend from Scarborough—Rouge River indicated, operates on a much narrower principle of constitutional law with respect to our Criminal Code provisions and the acts that we enact here and that is the criminal law.

In the reporting of child pornography law, which we just studied, it was clear that the federal government felt that its criminal law power was not as broad as the provincial power under the family and child services act to protect children. Therefore, we saw across the country, in two instances, in Manitoba and Nova Scotia, where legislation has been passed protecting children from Internet pornography in a broader way by making it a positive duty on anyone who sees child pornography or child victimization to so report. That is because the child power resides with the provinces under our Constitution and we are enacting laws from the broader criminal provisions.

Government Orders

That is interesting because it has raised its head in this debate that perhaps the Department of Justice, in preparing the legislation in 2004, used the more narrow criminal law power and did not get as pervasive as the Ontario legislation in 2000 which was meant to protect all of the community no matter whether it was criminal in nature. I use that as a backdrop to say that Canadians may wonder why Ontario has the legislation and why federal legislation has been less effective.

• (1530)

It is my pleasure to indicate that we support the legislation which is meant to deal with the sensitive subject of sexual offenders. Members of Parliament, however, have a duty to deal with the crime in a serious way and to give the bill serious and thoughtful review. We would have liked to have seen Bill S-2 in its previous incarnation as Bill C-34 passed. The government knows there is no opposition to strengthening measures to protect Canadians from sexual offences, so I wonder why we did not get Bill C-34 through.

Bill S-2 aims to strengthen the current national sex offenders registry under the Sex Offender Information Registration Act that was enacted by the government of the day in 2004. The current framework is a national registry comprising mandatory information entered, such as address, telephone number, physical distinguishing marks, the offences and the characteristics of the victims, and it is information only available to police officers. Amendments were later made to the National Defence Act to bring it into sync with civilian laws.

As of April 2009, 19,000 offenders were registered in the national registry. It is important to say that the 2004 legislation had the effect of seeing to the registration of 19,000 sexual offenders. Only 50% of those offenders not criminally responsible, as in the mentally ill or youth, are under order to register.

The public safety committee heard witnesses who testified about the problems with the recent bill and possible improvements.

The Ontario registry system, as I mentioned, is used a lot more than the national database. The national sex offender registry is used, and I get to the real numbers of my comparison, 165 times a year, while the Ontario registry is used about 475 times a day. That is quite a difference. It is imminently clear that the Ontario registry is being used more often to prevent crime and to crack down on the crime the moment that it occurs, especially in the case of an abduction.

The reason for this much higher usage of the Ontario registry is thought to be that it could be used more preventively, something that cannot be done with the national registry as it exists. The national registry can be used only when police officers have reasonable grounds to suspect that the crimes investigated are sexual in nature. Police organizations have complained that this framework is hampering their work as police officers since the exact nature of a crime is not always known during an investigation.

While we all recognize the difficulty of the fight against sexual offenders, we also want to take a closer look at the morality behind the use of past offences to create reasonable doubt for the existence of a crime.

Our duty as legislators is to find a correct balance between the right to be presumed innocent, which is in our charter under section

11(d), and our duty to protect victims of sexual abuse, which no doubt comes from the override provisions in section 1 of the charter.

We cannot presume to have a suspect in hand for every crime because he has offended before. On the other hand, in crimes of sexual exploitation and in crimes of a sexual nature, compelling statistics suggest that there is a high degree of recidivism, so there may be a public duty that is higher and outweighs that of the presumption of innocence in this case.

At committee, the British Columbia Civil Liberties Association was concerned about the provisions that grant the police additional powers to cross-reference the registry when they find someone acting suspiciously near a school. I have cited the statistics with respect to abduction and I suggest that the Ontario model is being used so much more and with such more efficacy that it ought to be adopted in these changes to this law.

The major effects on our legislative scheme would be several-fold. Bill S-2 has 65 clauses. Clause 19 adds 15 new sections to the Criminal Code. This is not an inconsequential bill.

• (1535)

I do not want to go through the 65 clauses and 15 new sections, but the main provisions of the bill in general are: to amend the purpose of the registry and give broader authority to consult, which seems very reasonable; to make registration automatic, which also seems reasonable based on the Ontario experience; and to make offences of a sexual nature designated offences for which DNA samples may be taken.

A lot has happened with respect to the use of DNA evidence in the courts. That is to be reflected in the changes to the Criminal Code, which is, after all, organic and needs to be updated.

There will be obligations for sex offenders convicted in Canada and outside Canada to register and provide information. There will be consequences for failure to comply with the order to register.

Members have talked about the aspect of persons outside Canada committing an offence and either returning to Canada or coming to live in Canada. They have a positive obligation to register. Our system of international crime statistic gathering makes it unlikely they would be here without the police knowing of their prior record, and therefore it would make our streets safer by having mandatory registration.

• (1540)

[*Translation*]

As I said, Bill S-2 provides for a regime. Fifteen new sections are added to the Criminal Code. For example, under clause 9 of the bill, the court may terminate an order if it is satisfied that the person has established that the impact on him or her of continuing an order or obligation, including on personal privacy or liberty, would be grossly disproportionate to the public interest in protecting society through the effective prevention or investigation of crimes of a sexual nature, to be achieved by the registration of information relating to sex offenders under the Sex Offender Information Registration Act.

Government Orders

And subclause 21(1) of the bill provides for the creation of a new offence for sex offenders who fail to comply with their obligations or an order made under the Criminal Code.

According to this bill, these new offences would carry maximum prison terms of two years and maximum fines of \$10,000 or a summary conviction.

In general, I believe that this bill makes a number of worthwhile improvements to the law created by the Liberals in 2004. It is a new registration regime. There will surely be more room for improvement as the police learn to use this new tool. However, we have some concerns about the treatment of those found not criminally responsible on account of a mental disorder.

[*English*]

That is where I would conclude with the whole area of whether the net we cast by supporting this bill is too wide. We say we want to protect the public and make the federal legislation as wide as the Ontario legislation. We want to make sure our police forces are using the data bank of sexual offenders across the country to protect the public. We say that with some conviction. I think everyone in the House believes that.

We have to imagine a particular case where a person committed a sexual offence in his or her past. The person did it before being diagnosed with a mental ailment that caused the person to act improperly, criminally, and as a shock to the ethics and morals of the community in which the person lived. Perhaps since that time, the person has received medication and treatment and is no longer the same person as when the person committed the crime. That person may find himself or herself moving from community to community and being outed as a person who is on the registry of sexual offenders.

While that is within the aim of protecting society, this is where the rubber hits the road on the application of the law by the enforcement officials. This is where we have to put faith in our law enforcement officials, our crown prosecutors, and our judges to make the justice system work. This is where we hope that upon investigating someone who is registered in the circumstances just laid out, the person is treated fairly and with the good common sense that a cop on the beat would have in his or her community, to suggest the person is not the same person that he or she was before, this is not a person who presents a danger to the community in terms of recidivism, of performing acts such as those performed years ago by the person.

That is the non-legal aspect of this bill and all the bills we bring forward in the criminal justice area. We hope the players in the system use the discretion they have to investigate, to lay charges, to arrest, to defend, or to convict. Along the line of the criminal justice system, every player has some discretion. I have been in this House for five years and from day one I have been very adamant in suggesting to our friends across the way that they not poke sticks in the eyes of judges with respect to discretionary powers. They would not do it to police officers or to prosecutors, so why early on were they attacking judicial discretion?

I am pleased to report that we on this side have had some effect on the other side; not enough, and probably we never will, which is why

we have elections. However, recent bills from the Minister of Justice have shown a willingness on occasion to restore and keep in place judicial discretion. That is what will make the difference between the laws we enact here being good for society or not being good for society.

I thank my colleagues who serve on the public safety committee. The committee report was replete with changes to the sex offender information registration act. Certainly the work of the committee was worthy. The greatest compliment is the imitation of one's work. The government, looking at the date on the calendar and realizing it had not done anything in this regard in five years, had to bring this legislation forward to replace Bill C-34. It looked at the work done by the committee and chose to do it. This is good. This means the committee was doing its work, in pushing the government toward a piece of legislation, with the caveat I mentioned about the Charter of Rights and Freedoms application at the federal level, but generally good legislation which we will support. It is primarily due to the good work of all parliamentarians who serve on a multi-party committee.

This is an example of how Parliament can work.

● (1545)

It has to be said that it is now 2010. The law was enacted in 2004. The Ontario law was there in 2000, and was working well. I am very firm in saying that as early as 2006, when various notable police officers appeared in Ottawa, to use a legal term, it was certainly reasonable for the players on the other side in the justice department to know that this needed to be updated. It is now 2010. The message is that we should get on with this law, but it should have been done four years ago.

With that I conclude. We will be supporting this piece of legislation. We hope it will make the streets and communities not just of Ontario but all of Canada safer.

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, there has been a theme to the questions that have been asked of the parliamentary secretary who led off the debate on the bill and others with regard to whether or not this is reflective of the government's propensity to put on a show to elucidate the feeling that it is getting tough on crime. It is doing it in a haphazard manner. The government is throwing all of these offences in the bill. It is calling for DNA sampling. It concerns me with all of these pieces of legislation that there is no integrated approach to dealing with crime and addressing the needs of victims.

The question for the member is whether or not we will be able to administer all of these laws with all of these tentacles and loose ends which do not seem to link together in a cohesive strategy to address crime.

● (1550)

Mr. Brian Murphy: Madam Speaker, that is a very good question. I am reminded of Monday night football. Last night the coaches of the two teams, the New York Jets and the New England Patriots, did not want the other side to know what they were doing.

Government Orders

In Parliament I really do wish that we dealt with criminal justice issues almost in camera. When we come to debate the issues, fine, but we all come together as a team to fight the other side, which is actually not the Conservatives or the other parties here, but it is crime and the people who commit crimes. They are the other side. We have a big song and dance about what we will do. It is pretty obvious, if we are on the other side, what we are not doing.

It is to the detriment of the Canadian public that laws are not passed as quickly as they should be. There is probably enough blame to go all around, but really, I wish, for the good of this community that we call Canada, there were a great depoliticization of criminal justice issues. That is my wish for Christmas.

Mr. Alan Tonks (York South—Weston, Lib.): Madam Speaker, the member gave an excellent overview with respect to the exploitation for sexual purposes of those who are under the age of 16. One of our colleagues from Scarborough has indicated some of his concerns with respect to that.

One of the concerns of Chief Blair, who was interviewed last week, was on the perversions associated with Internet solicitation, and in particular, the manner in which it is targeting young people. His concern is that the resources are simply not available with respect to the technology interface that law enforcement agencies can mobilize to deal with that particular aspect.

Could my colleague give an overview as to whether the bill broaches into that area and whether the law enforcement agencies can be mobilized to deal with it?

Mr. Brian Murphy: Madam Speaker, the new remedies and new inputs to the system can be described as the kitchen sink, probably more modern than the Ontario legislation. The member has vast experience in municipal affairs and communities. He was chairman of Metro Toronto and he understands, and his late father was the mayor of his community. The member knows that, as Tip O'Neill would say, "All politics is local", but all community policing is local by nature. We have to know our communities.

With the new tools, the registry allows police officials, and therefore elected officials, and the people in roles of responsibility, at the YMCA or the boys' club, to know who is in their community. I hope, and the member will understand, that the cop on the beat and the prosecutor at the court house understand the nuance that just because people are in the registry does not mean they are about to commit a crime. It is just a way of keeping the community aware of the possibility and to be prudent and vigilant.

We are not just talking now about people on the street, as the member asked. It is people who are predators in the ether, and the bill goes a lot further toward making communities safer in that regard.

• (1555)

Mr. Dave MacKenzie (Parliamentary Secretary to the Minister of Public Safety, CPC): Madam Speaker, I certainly appreciate the fact that my colleague is going to support this. My colleague from Scarborough talked about something that never occurred, about a parliamentary secretary answering to certain things, but I will leave him to his own devices.

I am wondering if my friend is aware of the new legislation dealing with the electronic interception of communications that is now going forward. It probably addresses the issues that Chief Blair spoke of, whereas perhaps my friend can explain that this legislation has to do with the physical things in communities as opposed to the electronic intercept.

Mr. Brian Murphy: Madam Speaker, it is probably my fault because my speech veered into a piece of legislation we were talking about previously with respect to the reporting of child pornography. I think that is where the discussion got into the electronic aspect.

The bill clearly is to make people in the community aware of who is in their community. My community is policed by the Codiac Regional RCMP and as of last night there was a vote to renew that contract. Sadly, in our community we are not going to be certain that any of this legislation is going to be enforced by the Codiac RCMP, Canada's national police force, because the government has not given an answer on whether communities will receive a 10% contract contribution. So while we are in here talking about laws, it is the enforcement of them that counts.

The hon. parliamentary secretary knows that the people of Moncton are waiting for an answer as to why they are one of two communities in all of Canada who do not receive this 10% contract contribution. The mayor himself said it was vastly unfair and wants the government to take action.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, I would like to ask the member about the cost of the implementation of this legislation. We are aware that in Ontario the costs run around \$4 million for its system. The national registry costs around \$400,000. Surely the government has some statistics of what the implementation and roll-out costs are going to be, or is it a case where it is simply going to download the costs on the provinces, because that is what seems to be happening with a number of other crime bills?

Mr. Brian Murphy: Madam Speaker, I do not have any information on costing, but it is not something unique for the government to propose a bill that says we will incarcerate people longer and there will be increased costs to this. Everyone thinks that is a federal cost. The Conservatives largely make up numbers in their budget documents anyway, so we all expect that. But they do forget the important aspect that my friend from Manitoba knows, that in the criminal justice system there are many sentences that are served in provincial institutions that cost provinces more.

In my province of New Brunswick, it looks as if it will be an awful year in budgetary terms. The last thing the new premier of New Brunswick wants to know is that he is going to have to pay more for the criminal justice storefront package that the federal Conservatives are trying to get credit for. It is as if the federal Conservatives are putting all the nice things in the window, but in the back rooms the little premiers are cleaning up all the mess. It is déjà vu all over again.

The Acting Speaker (Ms. Denise Savoie): Is the House ready for the question?

Business of the House

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, bill read the third time and passed)

* * *

• (1600)

BUSINESS OF THE HOUSE

Hon. Gordon O'Connor (Minister of State and Chief Government Whip, CPC): Madam Speaker, there have been consultations among all parties, and if you seek it, I believe you will find there is unanimous consent for the following motion:

That, notwithstanding any Standing Order or usual practice of the House, the deferred recorded division on the motion for second reading of C-568, An Act to amend the Statistics Act (mandatory long-form census), currently scheduled to be held immediately before the time provided for Private Members' Business on December 8, 2010, be held instead at the conclusion of oral questions on December 8, 2010; and that any further recorded divisions deferred to Wednesday, December 8, 2010, pursuant to Standing Orders 66(2), 93(1), 97.1 or 98(4) be held instead at the conclusion of oral questions on the said Wednesday; and that the time used for the taking of the deferred recorded divisions be added to the time provided for Government Orders that day.

The Acting Speaker (Ms. Denise Savoie): Does the chief government whip have the unanimous consent of the House to propose this motion?

Some hon. members: Agreed.

The Acting Speaker (Ms. Denise Savoie): The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

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SAFER RAILWAYS ACT

Hon. Rob Merrifield (for the Minister of Transport, Infrastructure and Communities) moved that Bill C-33, An Act to amend the Railway Safety Act and to make consequential amendments to the Canada Transportation Act, be read the second time and referred to a committee.

He said: Madam Speaker, indeed it is a privilege for me to stand and speak on Bill C-33, an act to be able to deal with some of the amendments to the Railway Safety Act.

Railways in this country hold a tremendous amount of opportunity for Canadians. There are 73,000 kilometres of rail, 33,000 locomotives, 700 trains per day and 72 million passengers per year, just to give an idea of how important they are. That represents the delivery of over two-thirds of our freight across the country. Therefore they do play a tremendous role.

It is very important that as a government we make sure that they are reliable, that they are safe, they are economically viable and that they deal with passengers in as safe a way as they possibly can.

The amendments proposed in the bill would increase public safety for Canadians. They would enhance the safety of our communities and would contribute to a stronger economy, modern infrastructure and a cleaner environment.

A safer railway system would provide economic benefits also for the industry. It is not just those who ride or ship. Immediately and for the long term, it will decrease the likelihood of costly accidents and delays. A safer rail system will also benefit external stakeholders such as the provinces, municipalities, shippers and the travelling public.

The proposed amendments to the Railway Safety Act, which were tabled in the House of Commons on June 4, 2010, are largely coming from the Standing Committee on Transport, Infrastructure and Communities as well as the Railway Safety Act review. I think everyone in the House needs to understand this.

These two studies made recommendations to government and we are acting on those recommendations.

Both of these initiatives took place from 2006 to 2008. They were very consultative in nature. They asked for input from a large group of stakeholders, both public and private.

The proposed amendments support the government's safer communities strategy to protect the safety and security of Canadians. They will also demonstrate effective economic leadership, as a strong and safe rail transportation system is vital to Canada's economic well-being.

We are putting our money where our mouth is with regard to the funding of this as well. In the 2009 budget we provided \$72 million over five years to Transport Canada for rail safety initiatives.

This includes \$44 million to enhance regulatory oversight and enforcement capacity, conduct research and develop projects to advance new safety technologies. As well, there is \$28 million to improve grade crossings.

With that being said, it is pretty clear that our government is committed to making our railways the safest railways in the world.

The proposed amendments to the Railway Safety Act will encourage rail companies to create and maintain a culture of safety as well as have penalties for rule breakers by enabling the government to crack down on the rule breakers with tough new administrative and judicial fines, require each railway to have an executive that is legally responsible for safety, and create whistleblower protection for employees who raise safety concerns.

Business of the House

Furthermore, these legislative amendments would improve Transport Canada's capacity for oversight and for enforcement. More specifically the amendments, one, improve Transport Canada's oversight capacity by requiring railway companies to obtain a railway operating certificate after meeting the regulatory requirements; two, strengthen Transport Canada's enforcement powers by introducing administrative monetary penalties and increasing existing judicial penalties; three, emphasize the importance of safety management systems and include provisions requiring rail companies to appoint an accountable executive for safety and introduce a system for non-punitive reporting by employees; four, expand the act's current provisions for the review of enforcement actions by the Transportation Appeal Tribunal of Canada; and five, clarify and enhance the authority and responsibilities of the minister and expand regulation making authorities of the government generally and specifically in the areas of railway engineering and environmental protection.

● (1605)

To expand on that, the requirement for a railway operating certificate will apply to all railways under federal jurisdiction. Existing companies will have a period of two years from the coming into force of the amendments to meet the requirements for their certificates.

The amendments will strengthen Transport Canada's enforcement capacity through the introduction of administrative monetary penalties as an additional enforcement tool to improve rail safety. Maximum levels for administrative monetary penalties would be \$50,000 for an individual and \$250,000 for a corporation.

The amendments will also strengthen Transport Canada's enforcement powers by increasing judicial fines to levels consistent with other modes of transportation. Maximum fines for convictions on indictment for a contravention of the act would be \$1 million for a corporation and \$50,000 for an individual. Maximum fines on summary conviction for contravention of the act would be \$500,000 for corporations and \$25,000 for an individual for each day of non-compliance.

The legislative amendments will also improve rail safety by reflecting the central importance of safety management systems.

A safety management system is a formal framework for integrating safety into the day-to-day railway operations and includes safety goals and performance targets, risk assessments, responsibilities and authorities, rules and procedures, and monitoring and evaluation processes.

Also included in the bill are amendments to clarify the authority and responsibilities of the minister in respect of railway matters. For example, the amendments will clarify that the act applies in respect of all railway matters within the legislative authority of Parliament. This will ensure that all companies operating on federal tracks are subject to the same high level of safety requirements.

The amendments will also clarify that railway safety inspectors exercise their powers under the authority of the minister and that the minister may enter into agreements with the provinces on matters relating to railway safety, railway security and the protection of the environment.

These proposed legislative amendments are backed by Canada's economic action plan, as I mentioned earlier, which committed \$72 million for rail safety, including \$44 million over five years for additional inspections, safety management system audits and enforcement action in cases of non-compliance.

It is no secret that our government has worked hard towards the goal of having one of the safest railway systems in the world. Our government continues to pursue a strong working relationship with the industry to strengthen the act.

It is also important to highlight other railway safety initiatives and funding in order to further illustrate my point.

In the opinion of the government, and as I have stated many times, one accident is one accident too many. Accidents are very costly, and we have made improvements. Through Canada's economic action plan, we announced close to \$11 million to improve up to 155 new high-priority rail grade crossings.

We also renewed our funding of over \$1.7 million over five years for Operation Lifesaver, which educates people in rural and urban areas on how to be safe around railways.

There are very few times when an MP can come into the House and relate an incident that has happened in his or her own backyard. As members of Parliament, we can bring forward legislation that deals with the problems at hand. That is the case here.

I was a first-hand observer of the incident in Alberta at Wabamun Lake. Many members may remember it. Other incidents have occurred in British Columbia and Quebec. These incidents have led us to where we are today with these proposed rail safety amendments. These incidents are not cheap. They harm the environment, they harm industry, and they harm shippers.

I remember vividly the incident in Wabamun. A room full of very hostile people were upset because their lake had just been polluted by an oil leak from the railway. The railway had lied to them. An older gentleman asked why we did not just slow the train down. The railway representative stood up and said it was because the railway did not have to. At that time I knew that something had to be done with regard to changing these rules.

That is why it is a great privilege for me to introduce these legislative amendments to the House. Members have worked on them very hard, as have the stakeholders, and we have come to a consensus.

● (1610)

In terms of the greater Toronto area, I was talking to the Mayor of Pickering, of the region of Durham, and he told me how important this absolutely was.

Business of the House

I want to thank my hon. colleague and every member in making certain that they deal with this. Their support is needed.

Mr. Dennis Bevington (Western Arctic, NDP): Madam Speaker, I want to thank my colleague for putting forward this legislation on behalf of the government. It is legislation that I am sure will get hearty debate in committee if it gets to that point.

I would like my colleague to give us an answer as to how many enforcement actions have taken place in the past decade against the rail companies because of their lack of preparedness or their complicity in accidents.

Hon. Rob Merrifield: Madam Speaker, I do not know all of them. I can tell members about the one that I talked about in my speech with regard to my first-hand experience. It cost CN \$130 million to deal with the Wabamun mess, because of fines and actual costs of making certain that those who were impacted negatively were reimbursed appropriately.

What we see here, though, is that the actual fines under this piece of legislation would go up considerably.

However, I believe the most important part of this legislation is not necessarily the fines; it is the culture of safety that would change. Every one of those corporations would have to have a legal entity, an executive who is responsibly solely for the purpose of ensuring that there is safety and that the culture of safety is adhered to by that corporation, and they would be legally bound. I believe that would change the culture and would make the greatest improvements with regard to the safety of our railways and the people of Canada.

Mr. Alan Tonks (York South—Weston, Lib.): Madam Speaker, this morning at the agricultural committee, it came out that as a result of the tragic listeriosis events there had been a major report calling for an audit with respect to the regime in place to guarantee that inspectors would have the tools to do the job where there were serious infractions taking place.

It was pointed out that while a review had taken place, the actual audit had not been done in a comprehensive manner in order to determine exactly the role of the inspectors and what the consequences would be once it had been discovered that there were violations taking place.

Under this bill, could we guarantee and could we assuage the concerns of the public that in fact the resources with respect to inspections would be taking place and that there would be an accountable implementation, through Transport Canada, with respect to ensuring that the analysis is done before an accident would occur and after—

• (1615)

The Acting Speaker (Ms. Denise Savoie): Order, please. I will have to give the hon. Minister of State time to respond.

Hon. Rob Merrifield: Madam Speaker, my hon. colleague is absolutely right. There is no point in having legislation if we are not trying to prevent an accident from happening and then ensuring that we have the enforcement there.

We have put \$72 million into that, of which \$44 million actually goes to making certain that the inspectors are inspecting so that we would stop an accident from happening, that we would ensure that

the railways are dealing with those issues that are potential accidents, prior to them occurring.

We have also put \$28 million into rail crossing improvements. That is certainly going a long way and is very well received by municipalities and provinces as they realize that safety is becoming a lot better as we implement this program.

So we are not just saying we are going to do it; we have actually done it. We have put the money there. This piece of legislation would actually help us accomplish what we are trying to do.

Mr. Alan Tonks (York South—Weston, Lib.): Madam Speaker, the Minister of State has given an overview with respect to the relevance of Bill C-33 in terms of railway safety. I would suggest that while he has done a good job of that, he has really only scratched the surface. I mean that as a compliment in the sense that the bill is so compelling against the change that is taking place throughout the country in relation to rail and in relation to transport generally.

The whole issue with respect to competitiveness, the ability to move people and dealing with our environmental issues, health and safety through to pollution, is becoming more and more a fundamental problem that we have to address.

As we think of the changing nature of the forestry industry and the dependence on the movement of goods, as well as the changing nature of urban communities in terms of commuters, we realize more and more that rail is fundamentally positioned to offer a large degree of strategic compensation against the huge indemnity that we might face if it were not for having a rail service from sea to sea to sea that has served us historically.

Reference was made to the Mayor of Pickering in the region of Durham. I would just like to expand a little bit as a case in point that the greater Toronto area is choking on congestion. The ability to move people, and through people, services is being impeded by the fact that road construction has lagged far behind the capacity to meet the needs of transporting people from their origin to their point of destination, from where they live to where they work. Those commuting distances have become longer and longer, and the result is that the pollution created from the congestion is a health and safety issue.

When it comes to the movement of goods, the capacity of the road system to accommodate the trucks that are hauling and distributing goods is becoming more and more impeded. So rail, whether in terms of freight or urban commuting, offers a huge opportunity to make a difference with respect to the strategic response that we in government make to our environmental prerequisites and to our economic prerequisites.

In keeping with that sort of clinical analogy and the analysis that we must continue to use more of our rail capacity comes the prognosis of how to convince people that in those major rail corridors we can do it safely and we can do it in a manner that will not impede their quality of life, particularly those who live close to the rail rights of way.

Business of the House

The bill comes at a time when those questions are being asked. In fact, in the greater Toronto area, members who are on the Georgetown corridor in the Weston subdivision will know that there are huge plans to expand GO Transit to meet the needs of that broadening population and geo-economic area in the GTA, and to also expand service up to Barrie and over to Bradford.

The City of Barrie years ago acquired part of the old VIA right-of-way that would have been abandoned, in order to protect the opportunity to move people up and down that corridor, as is the case with Bradford at this time. As we speak, the city is negotiating with respect to protecting a rail right-of-way.

• (1620)

We know that some of these rail rights of way have gone for short line service, which has served the economy of local communities. Be that as it may, it is to the benefit of our populations that these rights of way are protected.

However, it must be done in a manner wherein the safety, health, responsibility and accountability for operating rail within federal jurisdictions must be absolute. We must absolutely close the loop so there is no question in the minds of the public that we are dedicated to not only using the rights of way, but using them in a sustainable way and in a manner that is going to protect the public.

As my colleague has said, the bill follows up on the Railway Safety Act that was approved in 1989 and updated in 1999. However, against the background of what I have said, the environment has changed immensely.

In 2008 the Standing Committee on Transport, Infrastructure and Communities made 14 specific recommendations, which, with a bit of editing, provided the Minister of Transport, Infrastructure and Communities the necessary tools, as the Minister of State for Transport has said, to regulate railways and ensure their compliance.

The nature of that compliance in monetary terms is considerable. A maximum fine of \$50,000 on an individual found to be negligent, as a result of an inquiry or quasi-judicial process, and a fine of \$250,000 on a corporation are within very minimal violations of the Canada Transportation Act.

We have heard that for major violations, individual judgments can vary from \$1 million to \$50 million on a railway that is operated in a manner not in the interest of public safety. These are not minimal parts of the legislation calling for major monetary retribution against railway operators that do not act in the public interest.

The whole notion is the minister is given the authority to review, grant and monitor railway operating certificates and the terms and conditions over which certificates are provided. The minister also has the power to set the conditions by which the railway operates. In my particular area and I am sure in those of my colleagues who also have rail expansion this is something we can take to our constituents. We can say that in keeping with the changes and requests we are making in the interests of the higher community that need to use our rail corridors, this is where safety and health standards are going to be accountably applied through the minister.

I will not get into the question of the administrative monetary policy regime to the extent that the Minister of State for Transport

did, but I learned this morning that commensurate with the industry being held accountable, there has to be the ability to inspect and take action on violations and violators.

When people say they have experienced with their departments violations that they are very concerned about, it means protecting the people who are loosely described as whistleblowers. However, they are acting in the public interest. When they come forward, their actions should be taken and responded to in a positive way.

I hope I have given a little clarification and provided some comfort to those who may be watching. With the changes in rail and the projected role of rail, we are bringing in a regime that is going to operate in the higher public interest in terms of air quality, safety and the return that goes back to the public in Canada.

• (1625)

[*Translation*]

The Acting Speaker (Ms. Denise Savoie): Before moving on to questions and comments, it is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Madawaska—Restigouche, Employment Insurance; the hon. member for Nipissing—Timiskaming, Census.

The hon. member for Chambly—Borduas.

Mr. Yves Lessard (Chambly—Borduas, BQ): Madam Speaker, I would like to preface my question to my colleague by saying that I am sure he will agree that the best way to ensure rail safety is, as in anything else, prevention. My colleague may remember that about a year ago, there was a major tank car spill in Manitoba—near Dugald, to be precise—involving 51,500 litres of flammable liquid propylene.

Apparently, there was a problem with the stub sill, which is part of the frame that connects the tank cars. The stub sill was faulty and it broke. Of the 41,000 cars equipped with this device, 35,000 are used to transport flammable or dangerous goods.

Does my colleague know whether specific measures have been taken to fix the faulty stub sill on those 35,000 rail cars?

[*English*]

Mr. Alan Tonks: Madam Speaker, that is an excellent question and extremely relevant. It is amazing how the relevance goes from the rail to air safety. Just yesterday we saw the implications with respect to the Concorde crash and the finding of liability on the part of Continental Airlines. The liability was not only with respect to the Continental Airlines generally, but with respect to the individual mechanic who was charged with responsibility. Through professional oversight, he or she did not see a problem that could have been disastrous.

Business of the House

The member has related to what the minister of state has said in a way, that the legislation also has fines for individuals who see a functional problem with equipment and who do not take action. To answer the member's question, in that case, I do not know whether the accountability loop has been closed. However, the legislation with respect to that tanker spill would in fact be instrumental in continuing the investigation, finding fault and then taking whatever remedial action required.

• (1630)

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, I was surprised by the Teamsters Canada press release of June 2. It indicates that there have been, over the last 10 years, 10,000 train collisions and derailments, an average of 3 a day. I was certainly not aware of that.

In terms of loss of life in railway accidents, the largest loss of life was the Dugald accident in Manitoba in 1947. I think most people here would be familiar with the Hinton, Alberta train crash which killed 23 people.

This is a long-standing problem. We have been aware of it for quite some time. Other countries in the world are running high-speed trains. Imagine the money that would have to be put into our railway system to upgrade to the level of the Japanese railway system, where trains run at 200 or 300 miles per hour.

Even in our lifetime, we have seen the speed of the trains increase a lot. There are no cabooses. There are mile-long trains. We have seen the results of a poor roadbed and poor track system.

Mr. Alan Tonks: Mr. Speaker, in my experience, in Europe and Japan the dedicated rights of way for passenger traffic and the transport of goods are separated. For the most part, we have integrated systems where the sharing of the subdivisions is an implicating factor with respect to how careful we have to be on safety. There are different safety standards for tunnelling with respect to the transfer of chemicals and goods as opposed to transporting people. In other countries they have separated those functions.

The safety factor only gets worse, but we are very fortunate we are now starting to address these issues and building our railways accordingly.

[Translation]

Mr. Yves Lessard (Chambly—Borduas, BQ): Madam Speaker, I understand that I will have 10 rather than 20 minutes. I will try and squeeze my remarks into the time allowed. There is much to say about rail safety, however.

Bill C-33 is very important, in our view, and we will soon vote on it at second reading. The bill will then be considered in committee, amended and improved, despite having an already solid foundation.

Everyone wants rail safety improved, but it is also important to talk about disturbances caused by trains and railways. As it happens, there are often hazards lurking behind these disturbances. I will speak about noise, particularly rattling of the railways, vibrations, obstruction of inbound municipal tracks and the speed of trains.

This legislation was enacted in 1989 and amended in 1998. It was improved somewhat on each occasion, but the time has come to take into account the work done by the Standing Committee on

Transport, Infrastructure and Communities, which has made a number of observations and recommendations.

After considering the work done by the individuals and organizations that appeared before the committee, we can conclude that rail companies, such as VIA Rail and Canadian Pacific, are doing quite well when it comes to hazard management. It is CN's conduct in this area, however, that warrants particular attention.

On the heels of this introduction, and right from the outset, I would like to indicate that the Bloc Québécois intends to put forward a number of proposals in the House.

The Bloc Québécois would first like to see the safety management systems of all rail companies enhanced to make them more effective and fail-proof.

The Bloc also believes that safety management systems cannot replace inspections and suggests that there be increased monitoring by Transport Canada.

Furthermore, Transport Canada must improve the inspection system for land occupied by rail tracks and also obtain the financial and human resources that are required.

The Bloc Québécois also recommends that railway companies appoint heads of safety who, on behalf of their respective companies, would be required, for the reasons that I outlined a little earlier, to report annually to Transport Canada regarding safety management. I will come back to this.

The Bloc Québécois recommends adding provisions to encourage railway company staff to voluntarily share their safety concerns without fear of prosecution and disciplinary measures.

Those are five measures we would like to see in this bill.

I indicated earlier that some behaviour is unacceptable. If the behaviour is repeated, this means there is a lack of monitoring and a lack of means to do that monitoring. In a question I asked my colleague earlier, I announced the examples I was going to give.

One of those examples happened less than a year ago in Dugald, Manitoba. A tank car containing 51,500 litres of flammable liquid propylene separated from the rest of the train before coming to a stop. The problem was a faulty stub sill.

• (1635)

A stub sill is part of the frame which connects the tank cars. There was a problem. The other thing the Transportation Safety Board indicated is that approximately 41,000 cars within the North American tank car fleet are equipped with this model of stub sills, and approximately 35,000 of them are in dangerous goods service. There is still cause to take action in order to prevent the worst from happening.

Business of the House

I would like to remind hon. members that in my own riding of Chambly—Borduas, more specifically in Mont-Saint-Hilaire, on December 30, 1999, a train derailed. Roughly 2.7 million litres of hydrocarbons burned; 350 families were temporarily evacuated. If that had happened in Saint-Basile, which has a population of 16,000, then almost the entire town would have been evacuated. It is a neighbouring town, barely 6 km away, with a train track running through it from one end to the other. On one side there are schools and family developments nearby. Over time, urban settlements have developed near railroads, which means that we cannot look at safety the way we used to. Trains used to approach the stations only and therefore stayed fairly far away from densely populated areas.

So we have to look at this differently now. We have to pay more attention to the towns and the citizens too—the people who are directly affected by the emerging danger. The towns in my riding of Chambly—Borduas are experiencing a lot of nuisance problems that point as well to the emerging danger. The MRC and a number of towns, including Mont-Saint-Hilaire, McMasterville, Otterburn Park, and Saint-Basile-le-Grand, have gone so far as to make representations to CN and VIA Rail to try to find out what is making the new noises we did not used to hear. They are coming from somewhere. Why is it that two or three years ago, these noises did not exist? There are new sounds now and vibrations that are very disturbing because they cause houses and the furniture in them to shake. People are awakened by the shaking of their beds, and not because of something they were doing. That is what we are being told.

There is the blockage as well. The trains are so long that when they stop, they block both entrances to the town of Saint-Basile-le-Grand. Sometimes they wait 30 to 45 minutes or even an hour to allow other trains to pass.

There is something new going on here. The railway companies say that if there are vibrations, it is because of the clay soil. This soil is a relic of the old Champlain Sea and has always been there. Why did it not used to shake but it does now? The answer is in a statement made by Mr. Bob Robinson of the Transportation Safety Board. He says that, in addition to these risks, there is the fact that trains are longer and heavier than ever and therefore harder to manage.

We need to remember that.

•(1640)

Not more than three months ago, CN was telling our municipal officials, through one of its representatives, Ms. Julie Sénécal, that the maintenance of the tracks was up to standard and the length and weight of the trains had not changed over the last few years. That is totally false according to what the Transportation Safety Board of Canada is telling us.

I would have more to say, but—

The Acting Speaker (Ms. Denise Savoie): Questions and comments. The hon. member for York South—Weston.

[*English*]

Mr. Alan Tonks (York South—Weston, Lib.): Madam Speaker, I have a question for my colleague. He actually talked about some of the same issues that are facing residents in my constituency of York South—Weston where the Georgetown corridor will be expanded with not only new traffic with respect to serving the airport, but also

with the GO Transit expansion. The same kinds of concerns have been coming back through my office.

My question is related to the safety aspects. He wanted to know whether there would be a closing of the accountability loop where there are malfunctions, switching issues or whatever. This bill is designed to try to close that accountability loop. He has described his community. Does he feel more convinced that rail is an answer and does this bill help to assuage some of the concerns that people might have with respect to noise, safety, air pollution and those kinds of issues?

•(1645)

[*Translation*]

Mr. Yves Lessard: Madam Speaker, I would like to thank my fellow member for his question. We believe that it is possible as long as we designate authorities who are in a position to take action. They must also be given the means to do so or, in other words, they must be given a budget and competent employees. Every report of a potential risk must be looked into.

The people who are in the best position to inform us of potential risks are the employees. When employees report dangerous situations, they are often reprimanded and even punished by the company they work for, which is completely illogical. We have to protect these people and give the authority to a competent organization such as the Transportation Safety Board of Canada.

[*English*]

Mr. Dennis Bevington (Western Arctic, NDP): Madam Speaker, I noted what my colleague said about the change in the way that the municipalities have developed around railway lines. I am very interested in his reaction to how those municipalities are dealing with the issues surrounding trespassing and whether there is an effort made through those communities to fence off the railway lines so they are safer for people generally. Is that something that is taking place in the communities that he represents? Is that going ahead in a good fashion?

[*Translation*]

Mr. Yves Lessard: Madam Speaker, the question is extremely relevant. It is very concrete and practical. For example, there are very long fences near the railway tracks in Mont-Saint-Hilaire, Saint-Basile-le-Grand and McMasterville. In Mont-Saint-Hilaire in particular, the fence is so long and there are so few places to cross on foot or by bicycle that people have been breaking the fence to get through. Some will say that this is not good and that people should not do such things but, at the same time, it shows that we did not adapt the new reality to the needs of the people living close to railways. Why was construction allowed in these areas?

As soon as the regulations permit, all necessary accommodations must be made so that the trains can run without putting people at risk or making things more complicated for them.

ROUTINE PROCEEDINGS

[English]

NUCLEAR NON-PROLIFERATION

Mr. Bill Siksay (Burnaby—Douglas, NDP): Madam Speaker, there have been consultations among all the parties and I believe that if you seek it, you will find unanimous consent for the following motion. I move:

That the House of Commons:

- (a) recognize the danger posed by the proliferation of nuclear materials and technology to peace and security;
- (b) endorse the statement, signed by 500 members, officers and companions of the Order of Canada, underlining the importance of addressing the challenge of more intense nuclear proliferation and the progress of and opportunity for nuclear disarmament;
- (c) endorse the 2008 five point plan for nuclear disarmament of Mr. Ban Ki-Moon, Secretary-General of the United Nations and encourage the Government of Canada to engage in negotiations for a nuclear weapons convention as proposed by the United Nations Secretary-General;
- (d) support the initiatives for nuclear disarmament of President Obama of the United States of America;
- (e) commend the decision of the Government of Canada to participate in the landmark Nuclear Security Summit and encourage the Government of Canada to deploy a major world-wide Canadian diplomatic initiative in support of preventing nuclear proliferation and increasing the rate of nuclear disarmament.

• (1650)

The Acting Speaker (Ms. Denise Savoie): Does the hon. member have the consent of the House to move the motion?

Some hon. members: Agreed.

The Acting Speaker (Ms. Denise Savoie): The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

GOVERNMENT ORDERS

[English]

SAFER RAILWAYS ACT

The House resumed consideration of the motion that Bill C-33, An Act to amend the Railway Safety Act and to make consequential amendments to the Canada Transportation Act, be read the second time and referred to a committee.

Mr. Dennis Bevington (Western Arctic, NDP): Madam Speaker, I am very pleased to have an opportunity to speak to Bill C-33, Safer Railways Act, which has been brought forward today by the government. It represents the government's thinking on moving forward with railway safety in this country.

I certainly agree with most of the speakers here that the railway system in this country is one that is under pressure. We need to ensure that it is operated in the safest and most complete fashion for all those who live near it or are involved in it.

There are some deficiencies in the current safety act that are in need of fixing, but I think this bill takes on some elements that are

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perhaps redundant. These may not move so much forward on safety but rather increase the bureaucracy around the railways.

This bill corrects some minor errors that have been identified in existing acts and creates a certification process for railroads to show that they are safe. Also, it creates a ticketing process for enforcement and tweaks certain elements within the safety management system for railways. That is all good and proper.

However, there are problems, such as using a ticket system of fines for enforcement. The U.S. has a system of tickets but now uses it only in the most serious and egregious violations. The U.S. has learned that tickets do not actually work to improve safety. There are reports throughout the United States that the tickets were sometimes paid by the railways rather than go ahead with required improvements and fix-ups. In some cases, the U.S. Federal Railroad Administration prefers to issue compliance orders, special notices for repair, disqualification orders, injunctions, and emergency orders so that things actually are done on the system. If there is a point in the system where problems are occurring, they get fixed with these types of orders.

We can talk about the certification process, but once a railway starts operating, it has already complied with the Railway Safety Act. By starting up it goes through a process of ensuring that its system is well set up and within the rules that it is guided by. Therefore, the extra process of certification is something that we would like to understand better. Perhaps at committee we will see how this certification process would improve safety. That is something we must leave to witnesses and those people who will know about that in committee.

What Bill C-33 does not do is dramatically increase railway safety. According to "Stronger Ties", the 2007 review of the Railway Safety Act, the major cause of death comes from accidents at level crossings and trespassing.

Since 2001, an average of 84 people have been killed or seriously injured annually as a result of crossing accidents and an average of 79 people have been killed or seriously injured due to trespassing. These are very large numbers. These are real issues of concern when we talk about railway safety. Many Canadians are dying around our railways. In 2006, 142 people were killed or seriously injured as a result of crossing and trespassing accidents. The railway industry considers these collisions to be a major problem. The greater tragedy is that perhaps many of these incidents could have been avoided.

Rail collisions are in fact one of the most predictable of all transportation hazards. Trains and motor vehicles are alike in that both travel on hundreds of thousands of kilometres of rail or highway and urban road networks. Similarly, aircraft have millions of kilometres of airspace in which to fly.

• (1655)

However, a highway railway crossing has a precise location. The intersection of the highway and the railway track is where a collision between a motor vehicle and a train is most likely to occur. We have a very defined area within the rail system where these accidents are occurring.

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Investigation reports reveal that in most circumstances motorists are responsible for these collisions. They disregard the horn and bell warnings of approaching trains. They ignore light and bell warnings at crossings and sometimes they even drive around lowered gates. There is nothing in the bill that will decrease those numbers.

How could we do this? Perhaps we could begin a larger, federal, education campaign. Working in partnership with the Railway Association, Transport Canada could lead the effort to bring together people who can deal with the education required for motorists to better deal with rail crossings, to not be impatient when the gates go down, and to be observant.

There are about 43,000 federally and provincially regulated public and private level crossings in Canada, so when the minister talks about the dollars that the government has invested over the past number of years on railways crossings, he is not talking about a huge sum of money in comparison to the issues before us.

In “Stronger Ties”, the railway safety advisory panel recommended the government develop a program to identify which crossings can be closed, limit the number of new crossings, and improve the safety at existing crossings.

Many of the European countries do different things with rail or level crossings that allow high-speed trains to move through rail crossings with a great degree of safety. They have automated systems that detect metal in the level crossing and stop the train on an automatic basis. We have to train Canadians to wait for this to occur, because if we stop a train because somebody is in the level crossing, we have to close the crossing earlier for that to occur.

We know that trespassing accidents can never be completely eliminated, but what about the requirement for fencing? Where can we do better on that particular requirement so that we reduce the number of incidents of trespassing and reduce the number of deaths that are occurring? These are serious problems with railway safety, problems that need to be addressed, and perhaps as we take this bill forward to committee, we could look at some things there. Once again, the bill is directed in a more bureaucratic fashion to deal with penalties and to deal with other issues, but really we need to look at some of the basic precepts of railway safety.

Another area would be to have regulations that ensure that trains respect signals. In many countries, if there is a red signal, the train automatically slows down or stops. In Canada that is not the case. We do not have those fail-safe systems and that can lead to more accidents. Once again, the issues are sometimes technical in nature, but they are also things that this federal government has a responsibility to legislate.

Actions do not come from nothing. It is not a simple job to improve railway safety. It is an investment. It is regulations. It is certainly enforcement, but it certainly speaks to the need for more than what is in the bill here today. The bill may do something, but we really need to look at the overall picture of railway safety and fix the things that need to be fixed to ensure the Canadian public is protected.

We need to ensure that our standards for some of the problems we have are raised to the point that they match up to other countries and the rest of the world.

● (1700)

Mr. Pat Martin (Winnipeg Centre, NDP): Madam Speaker, my question for the member for Western Arctic, and through him to the government, is in the context of studying rail safety. Is it not a good time to study the larger issue of rail relocation altogether?

In many cities, especially in western Canada, in the 1880s the rail ran right down the main drag of these cities and, in many cases, like in the city of Winnipeg, it cut the city in half. The great thundering marshalling yards of the CPR created a tale of two cities in terms of north Winnipeg and south Winnipeg. Our whole social development has been affected by that intrusion into the city of Winnipeg.

I raise that in the context of safety because there have been explosions, chemical spills, oil spills and ongoing degradation of the environment by virtue of the rails running through the city.

The Railway Relocation and Crossing Act used to pay for 50% of the rail relocation if a municipality applied to the federal government saying that it did not want the railway in its municipality anymore. Does the member not believe, in the context of rail safety, that the federal government must recommit to the Railway Relocation and Crossing Act?

Mr. Dennis Bevington: Madam Speaker, after listening to the hon. member for Winnipeg Centre, I do not really want to respond because he raised some excellent points that should be addressed in this particular discussion that we will be having going forward, perhaps in committee where we can see some of these issues brought out. We can bring witnesses forward to talk about this particular aspect of railway safety.

It is commendable that the member has raised this issue now and I will certainly carry that message forward.

Mr. Claude Gravelle (Nickel Belt, NDP): Mr. Speaker, I have several communities in my riding where there are problems with the length of trains today. The trains are so long that if an accident were to occur in a community it could be landlocked.

I have a CNR community in my riding called Capreol. If a serious accident were to happen at the right place, this community would be landlocked possibly for days. I am just wondering if this bill, when it goes to committee, would look after a situation like this?

Mr. Dennis Bevington: Mr. Speaker, I would say once again that these issues are part of what will need to be examined at committee. I think the bill opens up a number of doors that people want to see into in terms of railway safety. However, there is not one simple answer.

To understand whether this bill would actually improve railway safety in this country would be to understand how some of those questions will be answered by the regulations and the changes to the safety act that have been put in place.

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• (1705)

[*Translation*]

Mr. Thomas Mulcair (Outremont, NDP): Mr. Speaker, I would like to thank my friend and colleague from Western Arctic for having defended so well his proposals with respect to railway safety in Canada.

I will be using my speaking time on this matter to say that the City of Montreal is not an exception to the rule described earlier by my colleague, the transportation critic, and by my colleague from Winnipeg Centre. The City of Montreal, one of the oldest in Canada, has had the same experience: what was once very important now cuts through the city from one end to the other. We absolutely have to do two things: ensure that there is communication with the various areas of the city that are sometimes in the midst of repair and reconstruction work and also establish communication with the people responsible for the railways to ensure, for example, that there are safe crossings.

In this regard, I would like to point out that Luc Ferrandez, mayor of the borough of Plateau Mont-Royal, Alex Norris, councillor for the Mile End district of the borough, and his colleague Richard Ryan, Mile End councillor, cannot fathom that the City of Montreal to date has not even received a response to a letter sent at their request, because the city and the boroughs obviously must work together. Louis Roquet, as we all know, is the city manager, and he wrote to Denyse Nepveu, Director of Government Affairs for Canadian Pacific Railway, on August 20, 2010, regarding a railway interface and urban redevelopment project for the Saint-Viateur Est and Bellechasse sectors and the construction of a level crossing for pedestrians and cyclists. I will quote a portion of his letter.

Some steps have been taken informally by various departments of the city and boroughs to inform you of the main development projects on the outskirts of Plateau Mont-Royal and Rosemont—La Petite-Patrie as well as the challenges related to railway crossings. I hereby wish to confirm the importance of these development projects for the City of Montreal and also take the opportunity to continue discussions in order to find innovative solutions that will improve the interface.

They tried to explain to the railway company involved that there were 4,500 people living on one side of the railway tracks with their workplace on the other, as well as the metro station that their tax dollars paid for. These situations are always very complicated. Sometimes land will be freed up. The railways are moved. Outremont's railway yard is a good example. Construction will soon start on a group of buildings for the Université de Montréal's science and biosciences sector on this large site. It is being decontaminated. After a lot of hard work was done to convince the Conservatives that it was their responsibility to subsidize the decontamination because it was a rail site, the money came. Announcements are being made. However, it is an integral part of what is happening in Montreal. Whole sections of the city are working again. Good jobs with innovative businesses are being brought in, and problems from the 19th century are being dealt with.

Those in charge of the railways did not even bother to provide a response when called on by the public, by representatives of the borough and, as I just demonstrated, even by Montreal's city manager. Ms. Nepveu received this letter in August. It is now mid-December and there has still been no response. That is sad. How are these dynamic forces supposed to help their city move forward? If this antiquated equipment is useful for certain sectors of the city,

then adaptation is key and the public needs to be given the means to cope with that. That is what today's bill is about.

We are putting certain important aspects of rail safety back on the table. My hon. colleague from Winnipeg Centre reminded us that relocating these railways can be good for some cities. His city, Winnipeg, is a little like Montreal. It dates back to another time when the railway was connecting all of Canada. It only made sense to have the railway go right through the middle of town. However, what was once a blessing and a positive thing has in many cases become a nuisance today. Now we must deal with that.

• (1710)

It would be impossible to do the same thing immediately in every city. Yet this issue concerns every one of us here today. I am talking about the level crossing that should be our number one priority in Canada, because it would open up one of the most densely populated neighbourhoods in Canada: Mile End in Plateau-Mont-Royal, with its industrial park with 4,500 employees on one side and a metro station on the other.

The only thing preventing the 4,500 industrial park employees and the residents of Mile End from enjoying the full benefits of a metro station, which, as I said, was paid for using their tax dollars, is CP's obstinacy. The status quo is not safe. We are talking about safety around railways. The only legal pedestrian walkways available to get from one neighbourhood to the other are unsafe sidewalks that go under the tracks and are poorly lit, too narrow and really unpleasant, where there is excrement, graffiti and so on. Not many people use these walkways, and it is considered unsafe to walk there alone, especially for women.

According to a study carried out by the borough of Plateau-Mont-Royal, several hundred people a day illegally cross the railway between the two boroughs. During a peak period of just two hours, some 400 people were counted illegally crossing the railway between the two boroughs. This is extremely dangerous and these people could receive big fines if they were caught.

The number of these illegal crossings will only increase, because both sides of the railway are currently being redeveloped. In Mile End, 300,000 square metres of industrial space traditionally used by the clothing industry are being replaced by commercial and residential sites. There is a similar development in the Bellechasse de Rosemont sector.

Government Orders

So we can see that the urban fabric—no pun intended, since we are talking about the clothing industry—is starting to change. They want people to come live in the industrial sectors that never used to be attractive. They want to attract interesting businesses that would bring in a clientele that will support restaurants and businesses and that will buy and live in the neighbourhood. If the railway companies do not co-operate to provide safe crossings that can be used correctly by these people, railways will increasingly be seen as a hindrance to the harmonious future development of urban centres.

Like my colleague from Western Arctic who spoke earlier, I would very much be in favour of studying this bill for a number of reasons, and the main one is the ability to hear from Ms. Nepveu from Canadian Pacific Railway and from other officials. They do not even respond when they are questioned by cities like the city of Montreal.

[*English*]

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I thank the member for Outremont for being generous in his treatment of this bill by recognizing the challenges that my city shares with his city of Montreal in terms of rail safety. In both of our cases, the railway was put through the very heart of our cities back when it was a logical and reasonable thing to do in 1882 or 1885. Now, in the context of rail safety, a real safety liability exists in both of our cities.

I note that many American cities are taking proactive steps to get the rail marshalling yards well out of the city for two reasons. First, as the freight has been forced from the rail onto trucks, often the most dangerous freight is still on the rails, that is chemicals, oil, et cetera. Spills do happen in the inner city of Montreal and the inner city of Winnipeg. Explosions do occur in both cities.

Would my colleague encourage the government to consider revitalizing the Railway Relocation and Crossing Act, which exists as legislation but which has been dormant for 15 or 20 years. The federal government used to pay 50% of the cost of rail relocation if a municipality applied to the federal government for assistance.

Would the member agree that we need to tear up the tracks in inner cities? Does he agree that the federal government should revitalize the Railway Relocation and Crossing Act?

• (1715)

Mr. Thomas Mulcair: Mr. Speaker, one need only look at the problem that I have just explained with regard to the city of Montreal to understand that the Railway Relocation and Crossing Act is a good idea. It should be revitalized and made a factor to which we can actually refer. As my colleague has explained, it is relatively dormant right now.

What is not dormant are the problems that are caused by the current situation of the tracks in a city like Montreal. Unfortunately, it often leads to people being killed. There was another case very recently of three young people killed on the tracks in the heart of Montreal. We have to deal with this.

A lot of companies are being served within the limits of that city right now that are having very toxic products brought to them through the centre of town. I hate the expression, but it seems to be applicable in this case. It is an accident looking for a place to happen.

That place should be somewhere else other than in the centre of the most populous neighbourhoods.

[*Translation*]

Mr. Claude Gravelle (Nickel Belt, NDP): Mr. Speaker, I would like to thank my colleague from Outremont.

My riding of Nickel Belt is mainly a rural area and, since the railway line crosses roads that do not have barriers, accidents occur frequently. I use the term “accidents” because these incidents are exactly that—accidents.

Does my colleague agree that, when a railway line crosses a road, lights and rail barriers should be mandatory at the level crossing?

Mr. Thomas Mulcair: Mr. Speaker, throughout Canada, there are some railway crossings in rural areas that are not marked at all. This is not safe. This is exactly the type of situation that could be covered by the legislation we are discussing. I completely agree with my friend and colleague from Nickel Belt. This type of situation should not be allowed to continue.

This is of concern to us as legislators because, even though it has become common to congratulate ourselves on the role the railway played in the establishment of Canada, we must understand that most of the communities were there well before the railway. It is therefore our responsibility to ensure that the railway companies implement the necessary resources. They will not do so unless we make them.

A fellow member recently tabled a bill for repairing the Quebec Bridge, a bridge that carries the railway. At one time, an agreement was reached with CN, which was supposed to be responsible for repairing the bridge; however CN did not respect the contract. I find this regrettable. This is not the first time we have witnessed such behaviour by the railway companies. If no one makes them take action, they will continue to get away with doing nothing.

[*English*]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I am pleased to speak to Bill C-33 at second reading. The legislation is very important, given the history of accidents and safety concerns over the last large number of years in Canada. In fact, it has not only the support of the government but it also has the support of the Teamsters Canada union, representing workers in the railway industry.

The proposed amendments to the Railway Safety Act will encourage the rail companies to create and maintain a culture of safety and penalize rule-breakers by enabling the Government of Canada to do several things. One is to crack down on the rule-breakers with tough new monetary penalties and increased judicial penalties, and those have been indicated by some of the previous speakers. I believe it is a maximum fine of \$1 million for a corporation and \$500,000 for an individual. Other summary fines are \$50,000 for an individual and \$250,000 for a corporation. It is good to see there are some increased and fairly tough penalties.

Government Orders

Also there is a strengthening of the safety requirements for railway companies. I had indicated in the question earlier that there had been 10,000 train collisions and derailments over the last decade, which is an average of 3 a day. I found it astounding that it would be that high, but it has been documented so it must be true. On that basis alone, we need strengthened safety requirements for these railway companies.

It also creates whistleblower protection for employees who raise safety concerns. We are starting to see whistleblower protection emerge in a lot of areas nowadays. It is very important to protect information that should become public. In the past it never became public because employees were afraid to lose their jobs if they gave information out.

In addition, there is a requirement that each railway have an executive who is legally responsible for safety, a position in the railway to deal with safety issues.

The Railway Safety Act came into force in 1989. It gave Transport Canada the responsibility to oversee railway safety in Canada. In addition, it strengthened Transport Canada's regulatory oversight and enforcement capacities. These proposed amendments are consistent with the legislative framework of other transportation modes.

In terms of funding for this, the new amendments are supposed to be funded, for a total of \$44 million over 5 years, to cover a national rail safety program based on detailed inspections, safety management system audits and enforcement action in cases of non-compliance.

As I had indicated, Teamsters Canada represents 4,000 rail workers at CP Rail. Those employees are involved in inspecting, monitoring and repairing tracks, bridges and structures on the network. The employees and their union are in support of the legislation. They sent out a press release earlier this year, indicating that it was time to plug the loopholes that allowed railways to put profit ahead of public safety. They are clearly on the side of the legislation, and that is always a good sign.

The proposed legislation calls for a tightening of rules, hiring more safety inspectors at Transport Canada. I also indicated the penalties involved. However, it is always a good sign when the government actually does consult on its legislative initiatives and presents a bill in the House, while taking into account the concerns of the union and of the workers who work at the enterprise. I commend it for doing that.

● (1720)

It has been mentioned that some of the derailments in the railway industry over the last number of years have involved explosions. I pulled information regarding the Mississauga situation a number of years ago, but I was particularly interested in the cases of train railway accidents involving loss of life.

The accident that caused the most loss of life in Canada was in my home province of Manitoba, the Dugald collision of 1947 that killed 35 people. The second biggest railway accident involving loss of life was the Hinton train collision on February 8, 1986, when 23 people were killed. I think many people remember the Hinton situation, which caused a lot of initiative into looking into the problem.

As one of the government members mentioned earlier, subsequent disasters have caused people to start to look at the whole issue of collisions.

It is possible for anyone who knows about railways to have foreseen this happening. In the 1960s, and the member for Winnipeg Centre will know this too, the roadbeds were not up to standard. There was a big push in those days to improve the roadbeds and put in ribbon steel as opposed to the short railway rails that were there before. Coupled with that was faster and longer trains. Then there was the move to take the cabooses from the trains.

We were running trains at much higher speeds through some areas where we had muskeg and so on. It was hard to maintain the roadbed and something had to give at the end of the day.

People in my party are very interested in seeing Canada invest in railways. We look to best practices elsewhere, for example in Japan and Europe, where trains are running at 200 miles an hour, which is a little faster than I would like to ride in a train, but I have ridden in them. They are even looking at 300 miles an hour.

How in the world will we be able to do something like that in Canada when we cannot even keep our trains on the track at the speeds they go right now, not to mention the issue that my friend from Winnipeg Centre has mentioned about relocating railway yards? That causes a lot of problems in his area and in my area of Elmwood—Transcona as well, with traffic being shut down for long periods of time, especially during the rush hour periods.

Before I finish I want to talk about my constituency. While the member for Winnipeg Centre has railway yards in his area, Transcona exists because of the railway industry.

On April 6, 1912, Transcona received its charter. In those days it was a heady period for Winnipeggers because the city had visions that it would become a second Chicago, Chicago of the north. The town of Transcona was named for the Transcontinental Railroad and cona for Lord Strathcona. It is one of the few places in Manitoba that does not owe its origins to agriculture, but to the railway. In 1907, 800 acres were acquired for the railway shops.

I want to mention that 2,000 people found jobs in the facility that planned to employ 5,000 people. There was work for trainmen, machinists, blacksmiths, boilermakers, electricians, pipefitters and upholsters. Over the years Transcona has had its ups and downs. Lately the numbers have fallen, unfortunately, to a low of perhaps only 700 people working in the Transcona area.

It is very shocking but this has all happened just in the last 20 to 30 years. It is a moving—

● (1725)

The Deputy Speaker: Order, please. I will have to stop the hon. member there. I think we can accommodate a very brief question or comment and similarly timed response.

The hon. member for Nickel Belt.

Mr. Claude Gravelle (Nickel Belt, NDP): Mr. Speaker, I know that the hon. member from Winnipeg's community is cut in half by railway tracks just like my community of Sudbury.

Government Orders

So, I would ask the hon. member if he believes that the government should help fund the removal of those tracks from downtown municipalities that want to have them moved.

Mr. Jim Maloway: Mr. Speaker, of course every situation is different. In the case of the member for Winnipeg Centre, it certainly seems like a very positive thing to do. I know he has talked about it before. This is not the first day that he came up with this idea. He has talked about it for many years now and has received a lot of support within the city of Winnipeg for it.

However, relocating the railway lines has to be done in conjunction with a lot of different things; that is, the construction of new types of roadbeds, faster trains, maybe electric-type trains and high-speed transportation, all the things that the transportation committee has been looking at for the last number of years and should continue—

* * *

SUSTAINING CANADA'S ECONOMIC RECOVERY ACT

The House resumed from December 2 consideration of the motion that Bill C-47, A second Act to implement certain provisions of the budget tabled in Parliament on March 4, 2010 and other measures, be read the third time and passed.

The Deputy Speaker: Order, please. It being 5:30 p.m., pursuant to order made Thursday, December 2, the House will now proceed to the taking of the deferred recorded division on the motion at the third reading stage of Bill C-47.

Call in the members.

● (1810)

[*Translation*]

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

(*Division No. 138*)

YEAS

Members

Abbott	Ablonczy
Aglukkaq	Albrecht
Allen (Tobique—Mactaquac)	Allison
Ambrose	Anders
Anderson	André
Armstrong	Arthur
Ashfield	Beaudin
Bellavance	Benoit
Bernier	Bezan
Blackburn	Blais
Blaney	Block
Bonsant	Bouchard
Boucher	Boughen
Bourgeois	Braid
Breitkreuz	Brown (Leeds—Grenville)
Brown (Newmarket—Aurora)	Brown (Barrie)
Bruinooog	Brunelle
Cadman	Calandra
Cannan (Kelowna—Lake Country)	Cannon (Pontiac)
Cardin	Carrie
Carrier	Casson
Chong	Clarke
Clement	Cummins
Davidson	Day
DeBellefeuille	Dechert
Del Mastro	Demers
Deschamps	Desnoyers
Devolin	Dorion

Dreeshen	Duceppe
Dufour	Dykstra
Faïlle	Fast
Finley	Flaherty
Fletcher	Freeman
Gagnon	Galipeau
Gallant	Gaudet
Généreux	Glover
Goldring	Goodyear
Gourde	Grewal
Guay	Guergis
Harper	Harris (Cariboo—Prince George)
Hawn	Hiebert
Hoback	Hoepfner
Holder	Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Kent
Kerr	Komarnicki
Kramp (Prince Edward—Hastings)	Laforest
Laframboise	Lake
Lauzon	Lavallée
Lebel	Lemay
Lemieux	Lessard
Lévesque	Lobb
Lukiwski	Lunn
Lunney	MacKay (Central Nova)
MacKenzie	Malo
Mayes	McColeman
McLeod	Ménard
Menzies	Merrifield
Miller	Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)	Mourani
Nadeau	Nicholson
Norlock	O'Connor
O'Neill-Gordon	Obhrai
Oda	Ouellet
Paillé (Hochelaga)	Paillé (Louis-Hébert)
Paquette	Paradis
Petit	Plamondon
Poillievre	Pomerleau
Preston	Raït
Rajotte	Rathgeber
Reid	Richards
Richardson	Rickford
Ritz	Saxton
Scheer	Schellenberger
Shea	Shipley
Shory	Smith
Sorenson	St-Cyr
Stanton	Storseth
Strahl	Sweet
Thi Lac	Thompson
Tilson	Toews
Trost	Tweed
Uppal	Van Kesteren
Vellacott	Verner
Vincent	Wallace
Warawa	Warkentin
Watson	Weston (West Vancouver—Sunshine Coast—Sea to
Sky Country)	Wong
Weston (Saint John)	Yelich
Woodworth	
Young— 179	

NAYS

Members

Andrews
Ashton
Bagnell
Bélanger
Bevington
Byrne
Chow
Coady
Comartin
Crombie
Cullen
D'Amours
Davies (Vancouver East)
Dhaliwal
Donnelly
Dryden

Business of Supply

Duncan (Etobicoke North)
 Eyking
 Foote
 Garneau
 Goodale
 Guarnieri
 Harris (St. John's East)
 Hughes
 Jennings
 Kania
 LeBlanc
 Leslie
 Malhi
 Marston
 Martin (Winnipeg Centre)
 Masse
 McGuinty
 McTeague
 Minna
 Murphy (Moncton—Riverview—Dieppe)
 Murray
 Oliphant
 Patry
 Proulx
 Rafferty
 Regan
 Rota
 Savage
 Scarpaleggia
 Siksay
 Simson
 Thibeault
 Trudeau
 Volpe
 Wrzesnewskyj

Easter
 Folco
 Fry
 Godin
 Gravelle
 Hall Findlay
 Holland
 Ignatieff
 Julian
 Layton
 Lee
 MacAulay
 Maloway
 Martin (Esquimalt—Juan de Fuca)
 Martin (Sault Ste. Marie)
 Mathysen
 McKay (Scarborough—Guildwood)
 Mendes
 Mulcair
 Murphy (Charlottetown)
 Neville
 Pacetti
 Pearson
 Rae
 Ratansi
 Rodriguez
 Russell
 Savoie
 Sgro
 Simms
 Szabo
 Tonks
 Valeriotte
 Wilfert
 Zarac— 102

PAIRED

Members

Asselin
 Baird
 Calkins
 Guimond (Rimouski-Neigette—Témiscouata—Les Basques)
 Guimond (Montmorency—Charlevoix—Haute-Côte-Nord)
 Payne

Bachand
 Bigras
 Duncan (Vancouver Island North)
 Van Loan— 10

The Speaker: I declare the motion carried.

(Bill read the third time and passed)

* * *

BUSINESS OF SUPPLY

OPPOSITION MOTION—WEST COAST OIL TANKER TRAFFIC

The House resumed from December 2 consideration of the motion.

The Speaker: The House will now proceed to the taking of the deferred recorded division on the New Democratic Party motion.

● (1815)

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

(Division No. 139)

YEAS

Members

Allen (Welland)
 Andrews
 Ashton
 Bagnell
 Beaudin
 Bellavance
 Bevington
 Bonsant
 Bourgeois

André
 Angus
 Atamanenko
 Bains
 Bélanger
 Bennett
 Blais
 Bouchard
 Brisson

Brunelle
 Cardin
 Charlton
 Christopherson
 Coderre
 Cotler
 Crowder
 Cuzner
 Davies (Vancouver Kingsway)
 DeBellefeuille
 Deschamps
 Dewar
 Dhalla
 Dorion
 Dryden
 Dufour
 Easter
 Faillé
 Foote
 Fry
 Garneau
 Godin
 Gravelle
 Guay
 Harris (St. John's East)
 Hughes
 Jennings
 Kania
 Laframboise
 Layton
 Lee
 Leslie
 Lévesque
 Malhi
 Maloway
 Martin (Esquimalt—Juan de Fuca)
 Martin (Sault Ste. Marie)
 Mathysen
 McKay (Scarborough—Guildwood)
 Ménard
 Minna
 Mulcair
 Murphy (Charlottetown)
 Nadeau
 Oliphant
 Pacetti
 Paillé (Louis-Hébert)
 Patry
 Plamondon
 Proulx
 Rafferty
 Regan
 Rota
 Savage
 Scarpaleggia
 Siksay
 Simson
 Szabo
 Thibeault
 Trudeau
 Vincent
 Wilfert
 Zarac— 143

Byrne
 Carrier
 Chow
 Coady
 Comartin
 Crombie
 Cullen
 D'Amours
 Davies (Vancouver East)
 Demers
 Desnoyers
 Dhaliwal
 Donnelly
 Dosanjh
 Duceppe
 Duncan (Etobicoke North)
 Eyking
 Folco
 Freeman
 Gagnon
 Gaudet
 Goodale
 Guarnieri
 Hall Findlay
 Holland
 Ignatieff
 Julian
 Laforest
 Lavallée
 LeBlanc
 Lemay
 Lessard
 MacAulay
 Malo
 Marston
 Martin (Winnipeg Centre)
 Masse
 McGuinty
 McTeague
 Mendes
 Mourani
 Murphy (Moncton—Riverview—Dieppe)
 Murray
 Neville
 Ouellet
 Paillé (Hochelaga)
 Paquette
 Pearson
 Pomerleau
 Rae
 Ratansi
 Rodriguez
 Russell
 Savoie
 Sgro
 Simms
 St-Cyr
 Thi Lac
 Tonks
 Valeriotte
 Volpe
 Wrzesnewskyj

NAYS

Members

Abbott
 Aglukkaq
 Allen (Tobique—Mactaquac)
 Ambrose
 Anderson
 Arthur
 Benoit
 Bezan
 Blaney
 Boucher
 Braid
 Brown (Leeds—Grenville)
 Brown (Barrie)
 Cadman
 Cannan (Kelowna—Lake Country)
 Carrie

Ablonczy
 Albrecht
 Allison
 Anders
 Armstrong
 Ashfield
 Bernier
 Blackburn
 Block
 Boughen
 Breitreuz
 Brown (Newmarket—Aurora)
 Bruinooge
 Calandra
 Cannon (Pontiac)
 Casson

Adjournment Proceedings

Chong	Clarke
Clement	Cummins
Davidson	Day
Dechert	Del Mastro
Devolin	Dreeshen
Dykstra	Fast
Finley	Flaherty
Fletcher	Galipeau
Gallant	Généreux
Glover	Goldring
Goodyear	Gourde
Grewal	Guergis
Harper	Harris (Cariboo—Prince George)
Hawn	Hiebert
Hoback	Hoepfner
Holder	Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Kent
Kerr	Komarnicki
Kramp (Prince Edward—Hastings)	Lake
Lauzon	Lebel
Lemieux	Lobb
Lukiwski	Lunn
Lunney	MacKay (Central Nova)
MacKenzie	Mayes
McColeman	McLeod
Menzies	Merrifield
Miller	Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)	Nicholson
Norlock	O'Connor
O'Neill-Gordon	Obhrai
Oda	Paradis
Petit	Poilievre
Preston	Raït
Rajotte	Rathgeber
Reid	Richards
Richardson	Rickford
Ritz	Saxton
Scheer	Schellenberger
Shea	Shiple
Shory	Smith
Sorenson	Stanton
Storseth	Strahl
Sweet	Thompson
Tilson	Toews
Trost	Tweed
Uppal	Van Kesteren
Vellacott	Verner
Wallace	Warawa
Warkentin	Watson
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)	
Weston (Saint John)	
Wong	Woodworth
Yelich	Young — 138

PAIRED

Members

Asselin	Bachand
Baird	Bigras
Calkins	Duncan (Vancouver Island North)
Guimond (Rimouski-Neigette—Témiscouata—Les Basques)	
Guimond (Montmorency—Charlevoix—Haute-Côte-Nord)	
Payne	Van Loan — 10

The Speaker: I declare the motion carried.

[English]

It being 6:20 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

● (1820)

[English]

CANADIAN HUMAN RIGHTS ACT

The House proceeded to the consideration of Bill C-389, An Act to amend the Canadian Human Rights Act and the Criminal Code (gender identity and gender expression), as reported (without amendment) from the committee.

The Deputy Speaker: There being no motions at report stage, the House will now proceed without debate to the putting of the question on the motion to concur in the bill at report stage.

Mr. Bill Siksay (Burnaby—Douglas, NDP) moved that the bill be concurred in.

[Translation]

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 nays have it.

And five or more members having risen:

[English]

The Deputy Speaker: Pursuant to an order made earlier today, the recorded division stands deferred until Wednesday, December 8, 2010 immediately after oral questions.

Mr. Kevin Sorenson: Mr. Speaker, I believe you will find agreement to see the clock as 6:30 p.m.

The Deputy Speaker: Shall I 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.

[Translation]

EMPLOYMENT INSURANCE

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Speaker, I am pleased to speak during the late show this evening regarding a question I asked about employment insurance.

Adjournment Proceedings

We know that in recent years, the Conservatives have never been very eager to help with employment insurance or the issue of pilot projects. It is clear that if we want to ensure that the regions, and particularly rural regions, have a chance to continue to prosper, we must appreciate them and give them the tools they need so that people can continue to live and raise their families.

This is what is going on with the Conservatives. Let us take the example of the best 14 weeks for employment insurance. We know what happened in September. The Prime Minister announced in the media that the pilot project for the best 14 weeks would come to an end. This was a reality and a shock to all those living in rural regions in this country. They realized that all of a sudden, a few weeks before the holiday season, employment insurance benefits would decrease for all those applying after September 17, 2010. Then, all of a sudden, the Conservative government changed its mind and decided to temporarily extend this measure because of the crisis this country is experiencing. That is just one example.

The second issue was the fact that people could earn more money while they were receiving employment insurance benefits. Those were two extremely important aspects in helping families and people in rural areas. But of course, those aspects could also affect many people across the country.

The reality today is that the Conservatives decided to extend it for only eight weeks. Their first mistake was not making it permanent. That would have put an end to the debate and would have made sure that workers in rural areas and in seasonal jobs could continue benefiting from it and continued receiving benefits without having to struggle month after month and year after year. Since the Conservatives came to power, the only thing we have seen are little handouts here and there, such as employment insurance pilot projects. Why do they do that? Because they are afraid. They are afraid of the crisis and how the public will react.

In the case of the two pilot projects I mentioned, the government announced that it would extend them for eight months. As of today, there are six months left. That is all fine, but I am convinced that the parliamentary secretary will tell us today that he has extended them for another eight months and that we should be pleased. The reality is that we are getting tired of always having to fight for extensions. Initially, programs were extended for a little more than one year. Then they were extended for one year and now we are talking about eight months. Today, there are only six months left.

When seasonal workers employed in the winter season will lose their jobs, due to seasonal constraints, I am sure it will happen at the very end of the six months remaining, at exactly the same time the 14 best weeks pilot project will expire. People who apply at that point will no longer enjoy the advantages of the 14 best weeks program.

I have always considered this program and pilot project to be an incentive to work. It provided incentives to people by stating that the government would stop penalizing workers—members will remember that it was the previous Liberal government that put it in place—and that instead of taking the most recent short weeks, the 14 best weeks of the entire preceding year would be taken. That really encouraged people to work. That also gave families and workers the

tools to move forward and to ensure that they could support their families.

Therefore, I hope that the parliamentary secretary will not be spouting rhetoric today, but will give us something tangible. I hope he will tell us that the Conservatives will no longer set up pilot projects and that they will make these programs permanent.

• (1825)

[*English*]

Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, as I listened to what the hon. member had to say, I would only mention that he needs to put all of this into context. It can hardly be said that we are not devoted to helping those on EI. The fact is that we have done a number of things and they are not just tiny things.

As a government, we are focused on what matters to Canadians: job growth, expanding the economy, investing in skills training and helping those hardest hit by the global recession. We have also worked to ensure that the EI system remains responsive to the needs of Canadians by taking prudent and reasonable action on which, in many cases, the opposition is opposed.

With respect to the EI pilot projects, on October 12, our government announced that it was extending two EI pilot projects for eight months. First, we extended the best 14 weeks pilot project for eight months. Second, we extended the working while on claim pilot project for eight months. We also announced that we were re-introducing the extended EI benefits pilot project for up to two years. That will be available for two years until September 15, 2012 or earlier if we experience sustained economy recovery. The extensions will provide additional information on labour market impacts of those pilot projects through a period of economic recovery.

We have taken many actions to help hundreds of thousands of Canadians through our improvements to the EI system and those were just a few. We have done much more. We have made timely improvements to help Canadians by providing five extra weeks of EI benefits to all Canadians on EI during the global recession. Over one million Canadians have received additional weeks of benefits, thanks to those five extra weeks of benefits included in our economic action plan.

The jobs of more than 260,000 Canadians have been protected by expanded work-sharing agreements all across Canada. These workers are being retained by companies and their skills are staying up-to-date. This is a big help to businesses across Canada and it is not a small step.

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Our government is also focused on helping Canadians get back to work so they can provide for their families. We made unprecedented investments in training to this end and they were made available whether people qualified for EI or not. In 2009-10, we invested more than \$4 billion in training, helping over 1.2 million Canadians. We also froze EI premium rates for 2009-10 and kept the rate increase for 2011 to help employers maintain and create jobs so that many Canadians could keep more of their hard-earned money. This can hardly be called tinkering.

Career transition assistance is helping tens of thousands of long tenured workers who need additional support for retraining to find a new job. We passed Bill C-50 which is helping approximately 190,000 long tenured workers to receive between 5 to 20 extra weeks of EI while they search for new employment. We also introduced access to EI benefits for approximately 2.6 million self-employed Canadians on a voluntary basis. This was a first for Canada.

All of this is to say that we have done our part. We have acted strongly to help Canadians through the global recession and we have done so in a responsible and reasonable way.

• (1830)

[*Translation*]

Mr. Jean-Claude D'Amours: Mr. Speaker, I think that the parliamentary secretary and his Conservative government do not grasp the reality: all these pilot projects were not set up to deal with the economic crisis. All these pilot projects were set up by the previous Liberal government and the vast majority were set up after I was elected in 2004. They were implemented to help the rural regions that needed them because seasonal work was predominant.

Therefore they were not created because of the economic crisis, but because the need was there in those regions. The parliamentary secretary, his government and his Prime Minister should stop telling tales to the Canadian public and stop looking for excuses not to renew these pilot projects.

These projects were set up for one simple reason: the need was there. The need is still there. Whether there is a crisis or not, and even when the crisis subsides, these needs will still be there.

Accordingly, the parliamentary secretary should withdraw his comments immediately, this evening, and announce permanent support for these pilot projects. I am not just talking about the ones we are discussing today. I am also talking about those that have been extended for a few days or a few months, and those that have been cancelled.

[*English*]

Mr. Ed Komarnicki: Mr. Speaker, let us have a look at the record and at the facts.

The Liberal Party has a shameful record of voting against help for Canadian workers. It voted against the 5 to 20 additional weeks of EI for long tenured workers. It voted against extending the enhanced work-sharing program. It voted against additional funding to help youth gain valuable work experience, the apprenticeship incentive grant and tool tax credit.

The Liberal Party complains about EI premiums and yet it and its Bloc-NDP coalition partners support bills calling for huge spending and premium increases, like the costly and irresponsible 45-day work year. The coalition's EI plan would cost an estimated \$7 billion and result in an astronomical 35% permanent increase in premiums. The Liberal leader admits that it is fiscally irresponsible to do this but continues to support these ideas, as does his caucus. The Liberals are not responsible on this file.

* * *

CENSUS

Mr. Anthony Rota (Nipissing—Timiskaming, Lib.): Mr. Speaker, I rise today for results of the question that I asked on September 22 of the Minister of Industry. It had to do with the summer announcement that the Conservative government made that it would scrap the mandatory long form census. Its claim was that it was too intrusive into people's lives, that it wanted to free the citizens of having to answer those questions.

The three opposition parties, Statistics Canada, more than 350 associations and the majority of Canadians all opposed this move. They did not want the changes. They realized what was involved with good statistics. Even Munir Sheikh, who was the Chief Statistician at Statistics Canada, resigned in protest over the changes.

This is pretty serious stuff. It does not just happen. People just do not quit a job that they have done all their life and walk away for the heck of it. This was very serious. He realized what was going on.

The Liberal Party introduced an opposition day motion asking that the proposed changes be reversed. We had all three opposition parties in favour of reversing the changes. But the Conservative government decided that, no, it was not going to do anything; it was going to stick with it.

Many of the areas that we look at when we have the long form census are essential for people to make decisions.

The argument that the Conservatives came up with makes little sense. They are saying that it is intrusive, that people do not want to answer those questions. It really does not make any sense. Then they came up with the idea that people do not deserve to be thrown in jail for not answering this.

The minister was asked many times how often that had taken place. Never. Not once since the census was put in place has anyone been put in jail. The threat was there. One time in committee I myself asked the minister to just take off that penalty and we would still get the information we need and go on that way.

The minister would not change it. Instead, he left it and just got rid of the mandatory requirement completely.

What ended up happening was that the Conservatives decided to make it so that people could answer it if they wanted to. However, in order to do that, they thought they would put forward a campaign.

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Do members know how much that campaign cost? It cost \$30 million. There was \$30 million spent on propaganda telling people that they should fill out something that they would have normally filled out anyway and not paid much attention to. The argument that they make often is that thousands of people argued and thousands of people called and said they were not going to fill this in. It turns that there were not that many at all.

When I asked my question, I did not get an answer. I got some bantering back and forth.

Basically, why is this being done? Is it creating a crisis so that people will be afraid to go to jail? It is getting people excited for nothing.

It is really getting people on a bandwagon so that the Conservatives can create a crisis and then come across as the white knight who solves a problem that never existed.

● (1835)

Mr. Mike Lake (Parliamentary Secretary to the Minister of Industry, CPC): Mr. Speaker, I thank the hon. member for the opportunity to address some of his concerns. I will address those concerns one by one.

The hon. member talks about the long form being scrapped, and I will correct him in that. In fact, the long form has not been scrapped. It has been transitioned to a different format that is no longer mandatory and will no longer threaten Canadians with jail time and fines simply because they do not want to answer questions such as what their religion is or how much yardwork they did last week.

In fact, one of the common misconceptions, which the Liberals have done nothing to correct, is that the short form has been scrapped, that somehow the census has been scrapped. In fact, the short form census still exists. The census that most Canadians would equate with the word census still exists in the same form that has existed for decades. All Canadians will still have to answer questions about their age, where their houses are and how many people live in their houses and marital status. Those basic questions still exist in the census.

In terms of intrusion, the hon. member says that no one complained about this. That is interesting because he obviously has not talked to his Liberal colleague from Richmond Hill, who took the time to write on behalf of his constituents. He said:

They are primarily concerned with the great deal of personal information they are required to fill out and therefore potential invasions of privacy....I share this constituents concerns...

In regard to the threat of jail or the threats being faced by those who do not want to fill out the mandatory long form census, the hon. member downplays that.

However, let us talk about the reality of new Canadians, for example, who, for whatever reason, do not want to tell the government what their religion is. There may be many reasons. I do not know what the reason would be. If people tell the enumerator that they do not want the enumerator how much yardwork they did, or what their religion is or how many bedrooms are in their house, the enumerator, in the process of his or her job, has to fill out a total refusal form.

It interesting that at the top of this total refusal form, it instructs the enumerator that, "The information provided in the following sections may be used to support a legal prosecution". That sounds fairly threatening. Further on in the total refusal form the enumerator has to fill out, again keeping in mind that these are people who simply do not want to tell the government what their religion is or how much yardwork they did last week, the enumerator has to fill out a section which says, "Description of the person who refused (e. g. age, gender, height, weight, other physical details such as facial hair, tattoos, glasses, birthmarks, distinctive clothing, etc.)".

That does sound threatening. It does sound a little over the top for a Canadian citizen who simply does not want to tell the government what his or her religion is or how many bedrooms are in his or her house.

● (1840)

Mr. Anthony Rota: Mr. Speaker, it is interesting because those questions are actually put together and run through the cabinet. Therefore, it is the Conservative cabinet that is asking those questions and putting them together, but I guess it does not really want to know the answers and it really does not concern it.

Let me go to something a little more substantial. When I asked my questions, I was asking about the mandatory census and how getting rid of the mandatory census and making it voluntary would affect people. One of the groups that came up was nurses. They were concerned about pandemic planning, something like the H1N1 virus. Stats are very important when planning for a pandemic. When the stats are not there, we cannot always plan and we cannot always do things with solid information. Solid stats allow us to move ahead and make the right decisions.

When we look at health researchers, some of the information that they were looking for was essential information—

The Deputy Speaker: The member's minute is up. We will go to the hon. parliamentary secretary.

Mr. Mike Lake: Mr. Speaker, when we were at the industry committee hearing on the census, we heard from several expert witnesses. One of those witnesses was Mr. Darrell Bricker, who is a statistician. He said, "it's not impossible to move to a voluntary census and generate very high quality data that would be as high a standard as anywhere in the world".

The difference between the Liberal Party and the Conservative Party, in its approach to the census, is that we on this side the House believe Canadians should be treated like adults. The other side is moving a Liberal-sponsored private member's bill that would re-enshrine the threat of \$500 fines for Canadians who do not want to tell the government what their religion is, how much yardwork they did last week, how much time they spend with their kids or how many bedrooms they have in their houses.

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This side of the House does not believe Canadians should be threatened to get that information.

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands

adjourned until tomorrow at 2 p.m. pursuant to Standing Order 24(1).

(The House adjourned at 6:42 p.m.)

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